

- 3) Potential implications:
- a) Processing every drop in real time involves considerable overhead to THECB and the institution.
 - b) The institution would be required to update the database
 - At the time of the drop.
 - For students who later withdraw from the institution.
 - Following an institution's determination that an original drop was "for cause".
- 4) Since this proposal calls for online, real time updating, there is no final certification of data and no point in time verification that the data is complete. It leaves a significant margin for error.

Option 3: CBM-00D – End of semester report solution:

Proposal:

1. THECB will create and maintain a CBM 00D database. The database will be updated by an End of Term CBM 00D report from each institution. The report will include information on students who dropped courses which must be included in the six drop limit.
 - a. The report would have the following approximate deadlines:
 - i. Fall Report: January 2
 - ii. Spring Report: May 31
 - iii. Summer Report: August 31
 - b. If the institution's end of term fell after the specified date, the reporting date becomes end of term plus a week. The intent is that there is reasonable expectation that the required information will be available and timely for the following term.
2. THECB will create and support two methods of *retrieving* student information by an institution:
 - a. A web interface requiring an institution login
 - i. The institution provides the student SSN, institutional identifier, or name and the number of drops requested by the student.
 1. If a record exists for the student, the system replies with the number of courses previously dropped (if allowed by FERPA) or
 2. A response indicating if drops are allowed for that student. or
 3. If the student has granted release to the institution, the system displays all the drop information.
 - b. An institution can provide THECB an electronic file of student id's (ssn). THECB will respond by providing the institution a file (in .csv format) of the drop information for those students.

3. Disputes over the number of drops are reviewed after the student submits the release allowing the institution to access the drop info.
4. **Content of CBM-00D Record**
 - i. Institution FICE
 - ii. Student SSN
 - iii. Last name
 - iv. First name
 - v. Middle initial
 - vi. Date of Birth
 - vii. Gender
 - viii. Student FERPA Release of information.
 - ix. Optional institutional assigned student ID
 - x. Semester and Year
 - xi. Date of drop
 - xii. Course information including subject, course number and section, as reported on the CBM004.

Discussion

1. The reporting requirement for this solution is fairly straightforward. Reporting this information once a semester does not inflict the overhead of the interactive reporting method.
2. Have we obtained a commitment from THECB that they can process these reports and have the information available to institutions in time for the census date or normal semesters? This would also require the cooperation of institutions in timely submission and certification of the report.
3. This option takes advantage of the CB reporting structure to insure accuracy and compliance from all institutions.
4. This option programmatically supports situations where a student attends one institution at a time. For most cases, the CBM 00D information will be available for the prior term by the census date of the current term. When this does not happen (perhaps in mini mesters, institutions could develop procedures to cover the exceptions.)
5. This option does not programmatically address the issue when student are enrolled at two institutions simultaneously. It is reasonable to expect that institutions can handle these cases procedurally. For example, an institution can indicate that the student must indicate concurrent enrollment status at the time of the drop and verify his/her drop status.
6. Uniform and timely access to THECB information by the student *and* the institution is critical. This requirement has an immediate effect on the student GPA and academic status.

7. An online solution to this issue requires a significant allocation of resources by the Coordinating Board.

Appendix A

Background Information for HB 116 - 80th Legislature

Provided by the Texas Association of Collegiate Registrars and Admissions Officers
<http://www.tacrao.org>

HB 116 - relating to limitations on the number of courses that students may drop under certain circumstances at public institutions of higher education

Existing State Regulations that deter drops and withdrawals

- The "three-peat" rule that eliminates state funding for the third time a student takes a state funded course gives institutions a big incentive to get students to complete courses or to pass on the lost funding cost to the non-completing student. So, the state has already made a strong statement in this regard. Some institutions are charging up to out-of-state tuition for those courses taken a third and more times.
- The 45hr/30hr rule is another "time to degree" rule that is already in place to encourage students to graduate in an efficient manner. It removes funding from institutions for any semester credit hours in excess of 30 hours (45 in some cases) above the number of hours required for the degree. It also enables institutions to charge resident students at out of state rates in these situations.

General Information on Adds, Drops, Withdrawals, and how they impact institutions and students...

- Drops occur before and after the census date
- Prior to the semester-
Students are allowed to register, add, and drop classes while deciding on their final schedule for the semester.
- 1st - 4th (or 5th) class days of fall or spring semesters-
After the semester begins, colleges allow a short window of enrollment generally referred to as "late registration" during which, students are allowed to continue adding and dropping. There is generally no financial impact to the institution or the student. There is no entry on the student's transcript for drops prior to the census date. This is a period of intense activity as the semester begins and students make final decisions pertaining to their schedule.
- 5 -12th class days of fall or spring semesters
Add activity is basically finished. Sound pedagogy dictates that late entry into classes diminishes the students' chance of success. Although most institutions allow some adds to occur it is on a restricted basis. Drop activity continues.
- Census date occurs. The census date for fall or spring semester is normally the 12th class day and the 4th class day in summer sessions. This date establishes:
 - The enrollment reported to the Coordinating Board for funding purposes
 - The courses that will be recorded on the student's transcript
- A drop that occurs after the census date for the semester is generally referred to as a "Q" drop, although different terminology is used in a significant number of institutions. These drops have the following characteristics:
 - The drop results in a grade on the student's transcript

- The drop has no impact on state funding for the institution because enrollment for funding was established at the time of the census date. The census date is a "snapshot in time" of the enrollment.
- Students have paid tuition for these courses and receive no refund for "Q" drops, **unless they are enrolled at a community college**, in which case a different scale applies, as noted in the section "For Public Community/Junior and Technical Colleges"

Note: Students and institutions try to avoid "Q" drops.

General Information on Withdrawals

- A withdrawal is different than a drop. A withdrawal means a student withdraws from all courses and the institution, while a drop means a student drops a course or courses. If a drop is the only course taken it is considered a withdrawal.
- A withdrawal can occur before or after the census date
- A withdrawal after the census date results in grades appearing on the transcript for all courses. The normal symbol used is a "W".
- A withdrawal after the census date does not impact funding for the institution.
- A withdrawal entitles a student to a refund of tuition according to a state regulated schedule as follows:

- **For Colleges and Universities:**

- Prior to the first class day 100%
- First five class days 80%
- Second five class days 70%
- Third five class days 50%
- Fourth five class days 25%
- After fourth five class days 0%

- **For Public Community/Junior and Technical Colleges**

Note: these rules entitle students to refunds for drops as well as withdrawals

- THECB rule 21.5 Refund of Tuition and Fees at Public Community/Junior and Technical Colleges says A community/junior or technical college, as soon as practicable, shall at a minimum refund mandatory fees and tuition in excess of the minimum tuition collected for courses from which the **students drop or withdraw**,
- Prior to the first class day 100% refund
- During first 15 class days 70% refund
- During 16th-20th class days 25% refund
- After 20th class day 0% refund

Institutional Practices on "Q" drops

The following information was collected via the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) List-serve on February 22-23, 2007. TACRAO membership includes almost all institutions of higher education in Texas, both public and private. Information on TACRAO is available at <http://www.tacrao.org>

Institutions with no policy restricting the number of "Q" drops

- University of North Texas
- Texas State University- San Marcos
- Texas A&M University at Texarkana
- Texas A&M University at Corpus Christi
- Texas A&M-Commerce
- Texas A&M Health Science Center in College Station
- University of Texas at Austin
- University of Texas Pan American

- University of Texas at El Paso
- University of Texas at Permian Basin
- University of Texas at Brownsville
- University of Texas at El Paso
- University of Texas at Arlington
- UT Health Science Center at San Antonio
- Midwestern State University
- Angelo State University
- Lamar State College - Port Arthur
- Lamar State College-Orange
- Texas Woman's University
- Houston Community College
- Austin Community College
- Blinn College
- Paris Junior College
- Midland College
- Navarro College
- Panola College
- Brazosport College
- College of the Mainland
- Texarkana College
- Kilgore College
- Lee College
- Wharton County Junior College
- Alvin CC
- Hardin-Simmons University
- Amarillo College
- Collin County Community College
- Weatherford College
- Vernon College
- Del Mar College
- South Plains College
- Coastal Bend College
- Northeast Texas Community College
- Grayson County College
- Clarendon College
- Dallas County Community College District

Institutions with a policy restricting the number of "Q" drops

- Tarleton State University (limit of 6)
- Texas A&M University - College Station (limit of 3)
- Texas Tech University - Lubbock (limit of 3 or 4 depending on mode of entry)
- Tyler Junior College - currently developing on a policy
- Sam Houston State University (limit of 5)

No effort was made to collect data from these institutions pertaining to the effectiveness of these policies. In the case of Texas Tech and Sam Houston, these policies were implemented in 2004.

Appendix B

Representative Brown,

I write in reference to HB 116. I serve as the chair of the legislative issues committee for The Texas Association of Collegiate Registrars and Admissions Officers (TACRAO). <http://www.tacrao.org> We are in our 86th year as an organization and our membership includes virtually all institutions of higher education in Texas, whether they are public, private, community colleges, four year general academic institutions, medical schools or law schools. Our members are directly involved in administering higher education in terms of admissions, registration, and academic policy. And, we are on the front lines of this effort.

Our primary legislative activity is to serve as a resource to policy makers in the hopes of improving higher education in Texas. We do not have a policy agenda.

HB 116 contains a number of items that are of concern to a substantial proportion of our membership. These concerns were voiced in response to an inquiry posted to our list serve about HB 116: I have tried to summarize those concerns here and am willing to provide more detail if needed. Generally our concerns include the following points:

- Tracking drops across institutions is problematic
- Unintended consequences to students
- Limited impact on institutional revenues
- Limited impact on increased efficiency

Tracking drops across institutions is problematic.

Except as provided under rules adopted under Subsection (d), an institution of higher education may not permit a student to drop more than three courses, including any course a transfer student has dropped at another institution of higher education, under circumstances described by Subsection (b).

Although I understand the number of drops allowed may be amended to six, the wording of the bill implies that Texas higher education institutions will need to review transcripts for all courses that:

- Are from any institution of higher education, regardless of whether it is located in another state or country, or in Texas
- Make a determination about the grade symbol on the transcript as to whether or not it meets the criteria set forth in this bill including:
 - Determining whether the drop on the transcript was given as an exception to HB 116 rule and therefore should not be counted in the total number of drops allowed. This will be impossible to determine

from a transcript unless every institution in Texas modifies their grading system to reflect a drop given as an exception to HB 116.

- Was the course a drop and not a withdrawal (some institutions use the same symbol for both, the only difference being a withdrawal results in "W"s in all the courses for that semester. Dropping all courses sequentially would look no different on the transcript than withdrawing from all courses.
- Establish a means of maintaining a count of dropped courses that is constantly updated as students do summer work
- Modify automated transcript evaluation routines that ignore non grade symbols, such as "W" or "Q" so that they recognize these symbols, correctly interpret these symbols, and add them to a running total for the student. This is a significant software modification in view of the fact that most institutions use Student Information Systems that are purchased and therefore will require modifications by the vendor.
- Open admission schools admit and register students without transcripts from prior schools. These schools may receive transfer transcripts well after the student has enrolled and paid their tuition. In some cases, it could be after the semester is over. In this scenario, the proposed legislation could not be enforced.
- As noted below, there are some institutions in Texas that have policies in place to limit drops. However, these institutions have also voiced concern about tracking drops from other institutions and combining the information with their own to enforce a limit on drops.

Unintended Consequences to Students

Texas A&M and Texas Tech currently have policies that limit the number of drops and reports are that these policies work well at those institutions, although it is really too early to tell at Texas Tech since their policy was implemented in 2004. In addition, the University of Houston is in the process of modifying its' drop policy and advising program to advise students not to take courses unless they plan to complete them. In addition, there are some data from the Department of Education to support the basic premises that lowered drop rates improve graduation rates. See <http://www.ed.gov/rschstat/research/pubs/toolboxrevisit/index.html>)

Most institutions in Texas do not have a policy limiting drops after the census date of a semester. The diversity of missions, service populations, and character of institution dramatically impacts the performance and culture of each institution. Since more than half of all students in higher education in Texas are enrolled at community colleges, the potential impact of this bill on that population should be considered. One perspective of that impact was summarized in a passionate email posted to the TACRAO list-serve by one of our members who has worked at a large urban community college system for more than thirty years.

“It’s well past time for legislators (and others) to realize that huge numbers of students today are adults with many conflicting priorities. They recognize only 18-22 year olds

who leave high school for full-time, dormitory-based college studies. They don't seem to recognize that thousands are juggling jobs, families, community activities, and classes. Most often their drop has nothing to do with lack of effort or desire, with partying, or with sophomore malaise.

They have unexpected shift changes, over-time demands, the unanticipated need for second jobs, marital problems, family sickness, recalcitrant teenagers, civic projects and/or many other things that can throw a crowded schedule into turmoil. Some semesters go smoothly and they complete their one, two, or even more courses. Others can quite suddenly go awry leaving them with the choice of dropping or failing. College can't always be their first priority, but it is a priority and many of them persist and succeed.

Then, of course, there are those under-prepared students. Many are quite bright, but it often takes them longer to digest complex concepts. The first attempt at Physics or Accounting is a muddy mystery, but the second time gives them the edge needed to succeed, but this bill means three strikes and then they will fast slide toward academic suspension.

Unfortunately, non-traditional students have too many variables to fit into neat molds so it's easier to assume that they don't exist or that the impact of HB116 will be right for them too. Unfortunately, this bill will inordinately penalize them and, for many, it will mean giving up entirely. It's particularly interesting that the bill analysis notes that this effort is directed toward those colleges that offer open enrollment – the very ones of us who are expected to carry the torch to educate the most educationally and economically disadvantaged.

It's also interesting that in this era of Closing the Gaps, we are dealing with legislation that will make it even more difficult to change the lives of those who most need more education if they are ever to escape their under class heritage. Legislators prefer to think in terms traditional students; they are neater. They don't drop in and drop out. They don't have a good excuse to stretch their education over many, many years. They can be expected to graduate according to schedule or at least at the 1.5 rate. They respond well to simplistic solutions. Non-traditional student don't."

Limited Impact on Institutional Revenues

The policy analysis posted on the committee substitute of the bill indicated the following:

"Not only does the institution of higher education lose revenue due to the issuance of refunds, but countless students who could have successfully completed these courses miss out on the opportunity to do so due to a lack of available spots."

C.S.H.B. 116 provides that an institution of higher education may not permit an undergraduate student to drop more than three courses at that institution if the

student was able to drop the course without receiving a grade or incurring an academic penalty, and if the student's transcript indicates or will indicate that the student was enrolled in the course."

Based on this policy analysis, our membership is assuming that revenue loss to institutions is part of the reason for this bill. However, in the opinion of our membership, most drops that occur after the census date also occur after the refund period is over. Although a small portion of students drop a course early in the semester, our membership is almost unanimous in their opinion that this bill will not have much impact to the institution in terms of reducing refunds to students for dropped courses.

In the current environment of higher education, increasing the efficiency of our system is on the minds of taxpayers, legislators, administrators, and students. In view of the cost of higher education and the incentives that are already in place one wonders what kind of a difference HB 116 would make in getting people educated as efficiently as possible. The loss of tuition, the lack of academic progress, wasted effort are all consequences of dropping a course that would certainly appear to be greater incentives to students than a legislated requirement that says you simply can't drop more than x number of times. Assuming THCB established a set of rules that would allow exemptions that include medical conditions, students faced with fabricating a medical condition or receiving a failing grade would be tempted to fabricate a condition that met the exemption qualification. Our membership does not see a substantial increase of efficiency resulting from HB 116.

We hope you will consider these comments in the helpful spirit in which they were intended. We realize that you are motivated to improve our educational system and we applaud your efforts. If we can be of service in trying to solve problems please feel free to call on us or have your staff do so.

Mike Allen - Chairperson
TACRAO Legislative Issues Committee

Appendix C

S.B. No. 1231

AN ACT

relating to dropping courses and student withdrawals at institutions of higher education, including the refunding of tuition and mandatory fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.907 to read as follows:

Sec. 51.907. LIMITATIONS ON NUMBER OF COURSES THAT MAY BE DROPPED UNDER CERTAIN CIRCUMSTANCES. (a) In this section, "governing board" and "institution of higher education" have the meanings assigned by Section 61.003.

(b) This section applies only to an undergraduate student who drops a course at an institution of higher education and only if:

(1) the student was able to drop the course without receiving a grade or incurring an academic penalty;

(2) the student's transcript indicates or will indicate that the student was enrolled in the course; and

(3) the student is not dropping the course in order to withdraw from the institution.

(c) Except as provided under rules adopted under Subsection (d), an institution of higher education may not permit a student to drop more than six courses, including any course a transfer student has dropped at another institution of higher education, under circumstances described by Subsection (b).

(d) The governing board of an institution of higher education may adopt a policy under which the maximum number of courses a student is permitted to drop under circumstances described by Subsection (b) is less than the maximum number of courses that a student may drop under Subsection (c).

(e) The Texas Higher Education Coordinating Board shall adopt rules under which an institution of higher education shall permit a student to drop more courses under circumstances described by Subsection (b) than the number of courses permitted to be dropped under Subsection (c) or under a policy adopted under Subsection (d) if the student shows good cause for dropping more than that number, including a showing of:

(1) a severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;

(2) the student's responsibility for the care of a sick, injured, or needy person if the provision of care affects the student's ability to satisfactorily complete a course;

(3) the death of a person who:

(A) is considered to be a member of the student's family under a rule adopted under this subsection for purposes of this subdivision; or

(B) is otherwise considered to have a sufficiently close relationship to the student under a rule adopted under this subsection that the person's death is considered to be a showing of good cause; or

(4) the active duty service as a member of the Texas National Guard or the armed forces of the United States of:

(A) the student; or

(B) a person who is considered to be a member of the student's family under a rule adopted under this subsection for purposes of this subdivision.

(f) In determining the number of courses dropped by a student for purposes of this section, a course, such as a laboratory or discussion course, in which a student is enrolled concurrently with a lecture course is not considered to be a course separate from the lecture course if:

(1) concurrent enrollment in both courses is required; and

(2) in dropping the lecture course, the student would be required to drop the laboratory, discussion, or other course in which the student is concurrently enrolled.

SECTION 2. The heading to Section 54.006, Education Code, is amended to read as follows:

Sec. 54.006. REFUND OR ADJUSTMENT OF TUITION AND MANDATORY FEES FOR DROPPED COURSES AND STUDENT WITHDRAWALS.

SECTION 3. Section 54.006, Education Code, is amended by amending Subsections (a), (b), (c), and (e) and adding Subsections (a-1), (b-1), and (b-2) to read as follows:

(a) A general academic teaching institution or medical and dental unit, as soon as practicable, shall refund the amount of [~~fees and~~] tuition and mandatory fees [~~in excess of the minimum tuition~~] collected for courses from which students drop within the first 12 days of a fall or spring semester or a summer term of 10 weeks or longer, within the first four days of a [~~summer~~] term or session of more than five weeks but less than 10 weeks, or within the period specified by the institution for that purpose for a term or session of five weeks or less that is substantially proportional to the period specified by this subsection for a longer term or session. The institution or medical and dental unit may not delay a refund under this subsection on the grounds that the student may withdraw from the institution or unit later in the semester or term.

(a-1) An institution may assess a nonrefundable \$15 matriculation fee if the student withdraws from the institution before the first day of classes.

(b) Except as provided by Subsections (b-1) and (b-2), a [A] general academic teaching institution or medical and dental unit shall refund from the amount paid by [tø] a student withdrawing from the institution or unit an amount equal to the product of the amount of tuition and mandatory fees charged [~~collected~~] for each course in which the student is enrolled on the date the student withdraws multiplied by the applicable percentage derived from the following tables:

(1) if the student withdraws during a fall or spring semester or a summer term of 10 weeks or longer [~~or comparable trimester~~]:

(A) prior to the first class day	100 percent
(B) during the first five class days	80 percent
(C) during the second five class days	70 percent
(D) during the third five class days	50 percent
(E) during the fourth five class days	25 percent
(F) after the fourth five class days	None; [and]

(2) if the student withdraws during a [summer] term or session of more than five weeks but less than 10	weeks:
(A) prior to the first class day	100 percent
(B) during the first, second, or third class day	80 percent
(C) during the fourth, fifth, or sixth class day	50 percent
(D) seventh day of class and thereafter	None; and
(3) if the student withdraws from a term or session of five weeks or less:	
(A) prior to the first class day	100 percent
(B) during the first class day	80 percent
(C) during the second class day	50 percent
(D) during the third class day and thereafter	None.

(b-1) If a student has not paid the total amount of the tuition and mandatory fees charged to the student by the institution or unit for the courses in which the student is enrolled by the date the student withdraws from the institution or unit, instead of issuing the student a refund in the amount required under Subsection (b), the institution or unit may credit the amount to be refunded toward the payment of the outstanding tuition and mandatory fees owed by the student. The institution or unit shall issue a refund to the student if any portion of the amount to be refunded remains after the outstanding tuition and mandatory fees have been paid.

(b-2) A general academic teaching institution or medical and dental unit may provide to a student withdrawing from the institution or unit a refund of a portion of the tuition and mandatory fees charged to the student by the institution or unit for the courses in which the student is enrolled on the date the student withdraws in an amount greater than the amount required by Subsection (b). The institution or unit may apply the portion of the refund authorized by this subsection toward the payment of any outstanding tuition and fees as provided by Subsection (b-1), and may refund the remainder of that portion in the form of, as the institution or unit considers appropriate:

(1) a payment made directly to the student; or

(2) credit toward payment of tuition and mandatory fees for a subsequent semester or other academic term at the institution or unit.

(c) Separate withdrawal refund schedules may be established for optional fees [such as intercollegiate athletics, cultural entertainment, parking, and yearbooks].

(e) A general academic teaching institution or medical and dental unit may ~~shall~~ terminate a student's student services and privileges, including ~~such as~~ health services, library privileges, facilities and technology usage, and athletic and cultural entertainment tickets, when the ~~a~~ student withdraws from the institution.

SECTION 4. Subsection (g), Section 54.006, Education Code, is repealed.

SECTION 5. The Texas Higher Education Coordinating Board shall adopt the rules required by Subsection (e), Section 51.907, Education Code, as added by this Act, relating to permitting a student who shows good cause to drop more than a specified number of courses, as soon as practicable after this Act takes effect. For that purpose, the

coordinating board may adopt the initial rules in the manner provided by law for emergency rules.

SECTION 6. Section 51.907, Education Code, as added by this Act, applies only to the number of courses that may be dropped by a student who beginning with the 2007 fall semester enrolls in a public institution of higher education as a first-time freshman.

SECTION 7. The change in law made by this Act applies to tuition and mandatory fees charged beginning with the fall 2007 semester.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1231 passed the Senate on April 19, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 25, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1231 passed the House, with amendments, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Appendix D

Meeting Summary for June 26, 2007 meeting at THECB

Subject: Implementation of SB 1231 – pertaining to limiting the number of drops for students

Present: THECB:
Roger Alford – Director, Instruction & Academic Affairs, AAR
Susan Brown – Assistant Commissioner for Planning and Accountability
Dominic Chavez – Assistant Director for State Relations, Office of Strategic Alliances
David Gardner – Deputy Commissioner
Catherine Parsonneault – Program Director, Instruction & Academic Affairs, AAR
Joe Stafford – Asst. Commissioner, Academic Affairs & Research

TACRAO:
Janie Neighbors – North Central Texas College
Lorri Morris – Angelo State University
Dennis Crowson – Blinn College
Cathie Jackson – Tarrant County Community College
Mike Allen – University of Texas at Austin

Agenda

- Review of Legislation:
 - Section 51.907 of the Texas Education Code (TEC) - Limitations on the number of courses that may be dropped under certain circumstances pertains to “institutions of higher education” as defined by 61.003 of the Texas Education Code. This means the statute:
 - applies to public institutions in the State of Texas
 - does not apply to in-state private institutions or out of state institutions
 - Section 51.907, Section 6, indicates that this applies only to the number of courses that may be dropped by a student who beginning with the 2007 fall semester enrolls in a public institution of higher education as a first-time freshman
 - The phrase "drop without receiving a grade" is interpreted as the student dropped after the census date of the semester and did not receive a grade of A,B,C,D, or F.
 - A total withdrawal from the institution is different than a drop of a single course and withdrawals are not to be counted in this statute
 - Subsection C of the statute limits the number of drops to six, including a course dropped at another institution, and provides a number of waivers for drops. These waivers are listed below and will be heard at THECB board meeting July 19, 2007.
- Review of the emergency rules posted in the Texas Register and scheduled to be heard at the July 19th meeting of THECB. These are Chapter 4 Rules Applying to Limitations on the Number of Courses that May Be Dropped under Certain Circumstances by Undergraduate Students. There will be a public comment period with final passage scheduled for the October THECB board meeting.

- Item 4.3 (11) of these rules adds a definition of a dropped course and reads - Dropped Course- a course in which an undergraduate student at an institution of higher education has enrolled for credit, but did not complete, under these conditions:
 - A. the student was able to drop the course without receiving a grade or incurring an academic penalty;
 - B. the student's transcript indicates or will indicate that the student was enrolled in the course past the deadline to add and drop prior to the census date; and
 - C. the student is not dropping the course in order to withdraw

- The suggestion was made during our meeting to modify the above definition to say "enrolled for credit in a certificate or degree program, but did not complete, under these conditions....."

- Item 4.10 of these rules - Limitations on the Number of Courses that May be Dropped under Certain Circumstances by Undergraduate Students
 - (a) Beginning with the fall 2007 academic term, and applying to students who enroll in higher education for the first time during the fall 2007 academic term or any term subsequent to the fall 2007 term, an institution of higher education may not permit an undergraduate student to drop a total of more than six courses, including any course a transfer student has dropped at another institution of higher education as defined for this section, unless:
 - (1) the institution has adopted a policy under which the maximum number of courses a student is permitted to drop is less than six: or
 - (2) the student can show good cause for dropping more than that number, including but not limited to a showing of:
 - (a) a severe illness or other debilitating condition that affects the student's ability to satisfactorily complete the course;
 - (b) the student's responsibility for the care of a sick, injured, or needy person if the provision of that care affects the student's ability to satisfactorily complete the course;
 - (c) the death of a person who is considered to be a member of the student's family who is otherwise considered to have a sufficiently close relationship to the student that the person's death is considered to be a showing of good cause;
 - (d) the active duty service as a member of the Texas national Guard or the armed forces of the United States of either the student or a person who is considered to be a member of the student's family or who is otherwise considered to have a sufficiently close relationship to the student that the person's active military service is considered to be a showing of good cause;
 - (e) the change of the student's work schedule that is beyond the control of the student, and that affects the student's ability to satisfactorily complete the course; or
 - (f) other good cause as determined by the institution of higher education.
 - (b) Each institution of higher education shall adopt a policy and procedure for determining a showing of good cause as specified in (a) and shall provide a copy of the policy to the Coordinating Board.

- (c) Each institution of higher education shall publish the policy adopted under this section in the catalogue and other print and internet-based publications as appropriate for the timely notification of students.
 - Discussion of implementation of SB 1231 **without tracking** drops across institutions
 - Tracking drops within an institution (excluding drops from other institutions)
 - Notification to students about the requirements of Section 51.907 - Limitations on number of courses that may be dropped under certain circumstances
 - Establishing a capacity to count the number of drops a student accumulates at that institution
 - Establish a procedure allowing a waiver drop under the specified conditions including:
 - Who within the institution has authority to grant the waiver
 - What documentation is required and who will maintain the documentation
 - What grade symbol will be recorded on academic record for a waiver drop
 - A drop symbol like any other drop
 - Maintain a "drop" counter for the institution that excludes the waivers given
 - Report each semester via the CBM reporting series how many drops the student has at the institution
 - THECB tracks the number of drops across institutions in a manner similar to the 30+ rule, and adds all the eligible institutions to the count
 - THECB reports the number of drops across institutions back to the institutions (FERPA issues)
 - What grade symbol will be reported on the transcript for a waiver drop?
 - A drop symbol like any other drop
 - A drop/waiver symbol such as an W& or &
 - Cost Implications for institutions
 - Software modification expenses can be substantial for institutions to develop automated drop procedures that check students drop total before allowing a drop to be processed. Most institutions use vendor software packages that will require customized features be developed.
 - Staffing costs for checking drop totals as part of the drop procedure will be substantial
 - Staffing costs for hearing waiver appeals will be substantial
- Discussion of implementation of SB 1231 **including tracking** drops across institutions. Included in the discussion were:
 - The cost of software modifications and procedural costs of dealing with other institutions transcripts to determine:
 - whether the drop on the transcript was given as an exception to HB 116 rule and therefore should not be counted in the total number of drops allowed.
 - If the course dropped was actually a drop under the definitions of the statute or was a withdrawal and therefore should not be included in the count. Some institutions use the same symbol for both, usually a "W". On a transcript, dropping all courses sequentially would look no different on the transcript than withdrawing from all courses. And, if some courses were dropped and then the student withdrew, it would be virtually impossible to tell the difference from the transcript.
 - The need to establish a means of maintaining a count of dropped courses that is constantly updated as students do summer work, often at different institutions than they normally attend

- Modify automated transcript evaluation routines that ignore non grade symbols, such as “W” or “Q” so that they recognize these symbols, correctly interpret these symbols, and add them to a running total for the student. This is a significant software modification in view of the fact that most institutions use Student Information Systems that are purchased and therefore will require modifications by the vendor.
- Open admission schools admit and register students without transcripts from prior schools. These schools may receive transfer transcripts well after the student has enrolled and paid their tuition. In some cases, it could be after the semester is over. In this scenario, the proposed legislation could not be enforced.
- Developmental courses dropped when the TSI objective is reached should not count in the students drop total
- Identifying courses on another institution's transcript that meet the following portion of the statute:
 - In determining the number of courses dropped by a student for purposes of this section, a course, such as a laboratory or discussion course, in which a student is enrolled concurrently with a lecture course is not considered to be a course separate from the lecture course if:
 - concurrent enrollment in both courses is required; and
 - in dropping the lecture course, the student would be required to drop the laboratory, discussion, or other course in which the student is concurrently enrolled.

Outcomes of the Meeting

Implementation Plan and Timeline - Given the fact that SB 1231 was passed by the legislature and signed by the Governor, it has the force of law and requires implementation. However given the difficulty and cost of implementation, it is advisable that the implementation be phased. After discussion, a three phase implementation plan consisting of the following was tentatively agreed upon, by the TACRAO representatives and members of THECB staff, as an acceptable starting point for full implementation.

- Phase I** - early July, 2007 - TACRAO recommends to the membership it publish information on SB 1231 that includes:
- Notification of the statute (applies to all students who are entering first-time-in-college for fall 2007 and beyond)
 - That institutional policies are being developed to implement the statute
 - The statute applies across institutions and procedures for implementation may vary between institutions

An example of such information would be:

- Under section 51.907 of the Texas Education Code, “an institution of higher education may not permit a student to drop more than six courses, including any course a transfer student has dropped at another institution of higher education.” This statute was enacted by the State of Texas in spring 2007 and applies to students who enroll in a public institution of higher education as first-time freshmen in fall 2007 or later. Any course that a student drops is counted toward the six-course limit if “(1) the student was able to drop the course without receiving a grade or incurring an academic penalty; (2) the student’s transcript indicates or will indicate that the student was enrolled in the course; and (3) the student is not dropping the course in order to withdraw from the institution.” Some exemptions for good cause could allow a student to drop a course without having it counted toward this limit, but it is the responsibility of the student to establish that good cause.

Contact the [Office of _____] for more information before you drop a course!

- Policies and procedures for implementation of this statute are being developed and will be published as soon as they are available.
- An ABC College student affected by this statute that has attended or plans to attend another institution of higher education should become familiar with that institution's policies on dropping courses.

Phase II - September 2007-February 2008

- A study will be conducted by TACRAO and THECB on the cost and benefits of various implementation strategies. The study is necessary to provide a coordinated state wide effort for implementation and avoid unnecessary costs and complications. Although the study is yet to be designed, preliminary thoughts about the content include the following possibilities:
 - The costs of implementation of a drop limit:
 - within institutions
 - How will institutions modify drop procedures to monitor the statutory requirements, implement waiver procedures, count drops and exclude waivers
 - What will it cost to do this?
 - across institutions
 - assuming use of the CBM reports and a THECB data base similar to that used in the 30hr plus rule to accumulate the drop count across institutions or:
 - assuming each institution had to implement measures to count drops across institutions without some sort of central data base or:
 - assuming each institution added a " SB 1231 drop count" to their transcript
 - If implementation of section 51.907 of the Texas Education Code will reduce drops and therefore save the state and taxpayers sufficient money to offset the implementation costs and ongoing costs of the statute.
 - How section 51.907 of the TEC will interact with other efficiency measures already in place such as the 30+ rule, the 3-peat rule, B on time incentives and tuition rebate?
 - How this statute will impact the Closing the Gaps effort, particularly at community colleges
 - If this statute will improve time to degree for students
 - To gather information about why students drop courses, with the intent of finding ways to reduce the number of drops. For example,
 - Data about drops from various institutions such as:
 - Why students drop courses
 - What percentage of drops would meet the waiver criteria of the statute and Chapter 4 rules
 - What percentage of currently enrolled students has more than six drops at a single institution?
 - What percentage of drops are in developmental courses when a student achieves the learning objective of the course
 - What students will do when they reach the drop limit?
 - What percentage of currently enrolled students have more than six drops at all institutions covered by this statute?
 - Estimate what percentage of students that would be impacted by this statute
 - How will this statute effect students transferring from Community Colleges to Senior Colleges

- What percentage of the decrease in semester credit hours reported on the CBM 004 and the CBM 006 for Fall 2006 semester (see the attached document) is attributed to:
 - Drops from courses
 - Withdrawals from all courses for the semester

Phase III - February 2008 - May 2008

TACRAO institutions and THECB will work together to develop the best implementation strategy available, given the findings of the study

- TACRAO has no authority or responsibility for determining institutional implementation but recognizes a need to facilitate a discussion of issues related to implementation at the institutional level. This need stems from the fact that unless institutions coordinate their efforts, it will compound the difficulty and expense of implementing this statute across institutions, as required by law. TACRAO will coordinate the discussion via the TACRAO list-serve, the TACRAO summer meetings in July, the TACRAO annual meeting in November, and additional meeting of work groups. The proposed timeline is:
 - July 19, 2007 THECB board meeting - SB 1231 rules are heard under emergency provisions.
 - -Public comment period (minimum of 30 days) will occur between July and October Board meetings, with adoption of the rules planned for October THECB board meeting. Draft rules recommended for adoption in October must be posted in the *Texas Register* before the comment period begins. THECB will notify TACRAO when the comment period goes into effect.
 - July 24-26, 2007 TACRAO Summer Workshops held in Austin. Various implementation options are discussed by those in attendance. Additional fact finding takes place.
 - October, 2007 - proposed THECB rules approved at the October board meeting.
 - September 2007 - February 2008 - conduct studies
 - November - TACRAO Annual Conference - TACRAO continues discussion concerning implementation of SB 1231
 - February 2008 - May 2008 - implementation strategy developed.

Appendix E

August 24, 2007

MEMORANDUM

To: Chancellors, Presidents, and Chief Academic Officers of all public institutions of higher education

From: Joseph H. Stafford

Subject: Important Information Regarding Senate Bill 1231, Course Drop Limitation for Undergraduates

This memo is to inform you about the recent adoption of emergency rules regarding Senate Bill (SB) 1231, which was passed by the 80th Texas Legislature. This bill provides that, except for several specific instances of good cause, undergraduate students enrolling as first-time freshmen at a public institution of higher education in fall 2007 or later will be limited to a total of six dropped courses during their entire undergraduate career.

SB 1231

The new law went into effect as soon as it was signed in June 2007. Beginning with entering first-time-in-college freshmen fall 2007, it affects all students at Texas public colleges and universities. The Coordinating Board was authorized to adopt “emergency” rules at the regular quarterly July Board meeting. Those rules establish exceptions to the new limitation on the number of courses that an institution of higher education may allow an undergraduate student to drop and add a definition for the term “dropped course.” These rules were treated as emergency rules in order to place them into effect prior to the beginning of the fall 2007 semester.

Implementation: Institutional Responsibilities

SB 1231 applies to courses dropped at public institutions of higher education in Texas, including community and technical colleges, health science centers that offer undergraduate programs, and universities.

Courses dropped at independent/private Texas institutions, or at colleges and universities in other states, should not be counted against the Texas public institution student’s 6-drop limit.

Courses with separate lecture and lab/discussion section components for which co-enrollment is required should be treated as a single course for purposes of the limitation.

All potentially affected students – those who are first-time-in-college this fall – must be alerted to the risks of dropping courses, even though full implementation will not be completed by the end of the fall 2007 semester. Each student is responsible for complying with the law, even though all implementation procedures have not yet been

fully developed. Having information about the new cumulative limitation on dropped courses may affect the registration choices some students will make as early as the current fall 2007 semester.

As part of the initial implementation of the law, the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) will help guide institutions regarding information for incoming fall 2007 freshmen about the new restriction on dropping courses, developing ongoing advising strategies for students with the potential to drop too many courses, and developing a sample statement to include in official publications and on-line resources explaining the new limitation.

Implementation: Statewide Considerations

Implementation of SB 1231 will involve continuing collaboration among colleges and universities, as well as with TACRAO. Registrars, admissions officers, and institutional technology staff will be able to make direct contributions to development and implementation of a tracking system for courses dropped at different institutions.

To initiate the statewide implementation plan for SB 1231, Coordinating Board staff hosted a half-day meeting with TACRAO representatives on June 26, 2007. TACRAO is cooperating fully in the implementation, and the meeting resulted in a three-phase plan for implementation. Implementation of the inter-institutional tracking system presents a set of complex challenges, and will require careful planning if it is to be implemented effectively.

TACRAO and Coordinating Board staff have agreed to collaborate in conducting a study of the potential effects on institutions of implementing and maintaining a tracking system to ensure that all dropped courses on a student's undergraduate record are taken into consideration, especially for students who attend more than one public Texas institution of higher education. The study is likely to include a cost-benefit analysis of the provisions called for in SB 1231.

Some key questions already under consideration by TACRAO and CB staff include:

- the matter of administrative (institution-initiated) drops;
- whether dropped developmental courses would count against the 6-drop limit;
- whether dropped dual credit courses would count against the 6-drop limit;
- institutions with established course-drop policies that differ from the mandate;
- existing course-drop policies that have eliminated the "drop-failing" category;
- the development of institutional appeals policies and procedures;
- time limits for declaring good cause, and after-the-fact evaluation of previously dropped courses for potential good cause if a student appears to be approaching the 6-drop limit; and
- advisement and monitoring of dropped courses as a responsibility to be shared between institution and student.

Some of these concerns are addressed directly in the statute. The study will include recommendations regarding the full implementation of the statute, and is tentatively expected to be completed during the spring of 2008.

Coordinating Board staff believes that cooperation and collaboration with TACRAO is essential to the successful implementation of SB 1231. TACRAO is to be commended for its prompt and thoughtful insights in addressing the complex challenges presented by the implementation process.

Coordinating Board Rules and Public Comment Period

The rules will be brought back to the Board in October 2007 for consideration under regular procedures. They will be posted in the *Texas Register* on August 31, 2007. A public comment period will begin on August 31, 2007, and will conclude on October 1, 2007. During the public comment period, institutions, organizations, and individuals may offer comments regarding the proposed rules. Based on any comments received during that official comment period, modifications to the proposed rules may be made and reported at the October 25th Board meeting.

A copy of SB 1231 and a copy of the proposed rules are attached for your convenience. Note especially that Sections 1, 5, and 6 of SB 1231 are related to the limitation on the number of dropped courses, while Sections 2, 3, 4, 7, and 8 address a different matter that is not covered by this memo or the draft rules that will soon be available for public comment.

Comments may be sent to Dr. Catherine Parsonneault at catherine.parsonneault@thehb.state.tx.us, or mailed to her at: Dr. Catherine Parsonneault, Program Director, Division of Academic Affairs & Research, Texas Higher Education Coordinating Board, PO Box 12788, Austin, TX 78711.

Appendix F

TACRAO SB 1231 Committee

A committee was appointed by the TACRAO executive committee on September 14, 2007 to assist THECB in the implementation of SB 1231. Since then, there have been some additions and deletions to the committee. Here are the current members of the TACRAO SB 1231 Implementation Committee.

Mike Allen, Chair – University of Texas at Austin
Lorri Moore – TEC Ex-officio member
Lynn McCreary – University of North Texas
Steve Bazan – Texas State University
Venesa Flores – Texas A&M University
Debra Goode – UT HSC San Antonio
Jamie Templeton – Dallas CCC District
Wanda Simpson – San Jacinto College
Cathy Jackson – Tarrant College
Van Miller – Texarkana College
Dennis McMillan-UT Pan AM
Joe Hite - Vernon College

Charges to Subcommittees

1. Organize and word the TACRAO comments pertaining to the emergency rules passed by THECB.
 - Venesa Flores - Task leader
 - Mike Allen

2. Evaluate, articulate, and estimate costs on the use of a “SB 1231 drop counter” on institution transcripts*
 - Wanda Simpson - Task leader
 - Vanesa Flores
 - Dennis McMillan
 - Steve Bazan - To evaluate how this would be implemented on the electronic transcript

3. Evaluate, articulate, and estimate costs of creating a centralized database administered by THECB that utilizes the CBM reporting series to report drops and provides the information needed by institutions to track drops across institutions.*
 - Lynn McCreary - Task leader
 - Debra Goode

- Jamie Templeton
 - THECB liaison - Janet Beinke
4. Work with THECB staff to identify and resolve policy issues such as those listed in Joe Stafford's memo from THECB
 - Cathie Jackson - Task Leader
 - Van Miller
 - Dennis McMillian
 - THECB liaison - Catherine Parsonneault or Joe Stafford.
 5. Work with THECB staff to design a study/survey pertaining to drops that can be administered at a variety of institutions during the spring 2008 semester.
 - Mike Allen - Task Leader
 - Cathie Jackson
 - Joe Hite
 - THECB liaison - Catherine Parsonneault.
- * We will probably do a single survey of member institutions that calls for voluntary costs estimates of implementing the two different approaches. We will need to be able to articulate those two approaches before we can conduct a cost estimate.

Appendix G

Comments on Chapter 4 rules submitted on behalf of TACRAO

The following comments address the definition of a dropped course in section 4.3.11 as shown below.

Dropped Course – a course in which an undergraduate student at an institution of higher education has enrolled for credit, but did not complete, under these conditions:

(A) the student was able to drop the course without receiving a grade or incurring an academic penalty;

(B) the student’s transcript indicates or will indicate that the student was enrolled in the course past the deadline to add and drop prior to the census date; and

(C) the student is not dropping the course in order to withdraw from the institution.

- What is meant in 4.3.11 (a) by the phrase “without receiving a grade”? Since most institutions consider a grade symbol for a dropped course to be a grade, such as W or Q, we find this wording confusing. What is the definition of a grade in this context?
- What is intended in 4.3.11 (b)? If a student is enrolled in a course past the census date the student’s transcript will contain a reference to the course. If the student is not enrolled in the course on the census date, there will be no reference to the course on the transcript. Therefore, inclusion of the phrase “enrolled in the course past the deadline to add and drop prior to the census date” is confusing and raises questions about the intent of the statute.

The question raised with regard to intent is the possibility that this phrasing is aimed at reducing the phenomenon referred to as “shopping”. Shopping is when a student signs up for more courses than they intend to keep, stays enrolled past the normal add/drop period, then drops the course before the census date, effectively preventing other students from enrolling in that course for the semester, assuming the class was full.

If the intent of the statute is to reduce “shopping” then the statute is significantly flawed in its construction and needs to be reworked entirely. No institution currently tracks the number of courses dropped “past the deadline to add and drop prior to the census date” nor records any kind of grade on the transcript for courses dropped prior to the census date. We consider a clarification of intent to be critical and to have significant implications with respect to this statute.

The following comments seek to clarify section 4.10 (a), as shown below, with respect to what students are affected.

(a) Beginning with the fall 2007 academic term, and applying to students who enroll in higher education for the first time during the fall 2007 academic term or any term subsequent to the fall 2007 term, an institution of higher education may not permit an undergraduate student a total of more than six dropped courses, including any course a transfer student has dropped at another institution of higher education, unless:

- Section 6 of SB 1231 indicates the bill applies to "a student who beginning with the 2007 fall semester enrolls in a public institution of higher education as a first-time freshman." The language in 4.10 (a), by use of the term "students" broadens that definition and presents the possibility of including out-of-state transfers or transfers from in-state private institutions. These students would be enrolling in higher education in Texas for the first time but they would not be first-time-freshmen. What is intended?
- How does this apply to high school students who enroll in college courses before graduating from high school? For example, how is a fall 2007 freshman affected if they enrolled at an institution as a dual-credit student while in high school prior to the fall 2007?

The following comment addresses the definition of a "member of the student's family" in section 4.10 (b) as shown below.

(b) For purposes of this section, a "member of the student's family" is defined to be the student's father, mother, brother, sister, grandmother, grandfather, aunt, uncle, nephew, niece, first cousin, step-parent, or step-sibling; a "person who is otherwise considered to have a sufficiently close relationship to the student" is defined to include any other relative within the third degree of consanguinity, plus close friends, including but not limited to roommates, housemates, classmates, or other persons identified by the student for approval by the institution, on a case-by-case basis.

- We would like to suggest adding a student's spouse and children to this definition.

Appendix H

AGENDA ITEM VII-I

ADOPTION RULES PREAMBLE

Reasoned justification (restatement of factual basis, summary of comments, agree or disagree with comments)

The Texas Higher Education Coordinating Board adopts amendments to Section 4.3 and a new Section 4.10 of Board rules, concerning limitations on the number of courses that may be dropped under certain circumstances by undergraduate students without changes to the proposed text as published in the August 31, 2007 issue of the *Texas Register*, Volume 32, Number 35, Pages 5595-5597.

The amendment adds a definition of a “dropped course” and renumbers the existing definitions to accommodate the new definition in alphabetical order. The new Section 4.10 describes situations under which a student would be permitted to drop more than the six courses allowed by the provisions of Section 1 of SB 1231 (80th Regular Session, Texas Legislature), as part of the provisions of a new section of the Texas Education Code, Section 51.907.

Comments were received during a period from August 31, 2007 through October 1, 2007. These comments are summarized below.

Comment: Texas Woman’s University suggested that, given the high number of non-traditional students, “member of the student’s family” should also include the student’s spouse, child, or grandchild.

Response: Staff agrees with the comment. The draft rules were modified to include the student’s spouse, child or grandchild among “members of the student’s family.”

Comment: The Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) requested clarification to 4.3 (11) of proposed rules regarding the phrase “without receiving a grade.” TACRAO asked for a definition of a grade in the context of the proposed rules.

Response: Staff added a definition of a grade for purposes of this section of the rules.

Comment: TACRAO suggested modifying language in proposed section 4.3.11(b) to remove reference to the drop-add period, which is confusing and raises a question about the intent of the statute.

Response: Staff has modified the section to remove the reference.

Comment: TACRAO requests clarification of proposed section 4.10 (a) regarding which students are affected by the provisions of the statute. SB 1231 states that the provisions of the bill apply “only to the number of courses that may be dropped by a student who beginning with the fall 2007 semester enrolls in an institution of higher education as a first-time freshman.”

Response: Based upon the provision in SB 1231, staff interprets this provision to indicate that anyone who was enrolled as a post-secondary student anywhere prior to fall 2007 is not affected by the statute. A student who enrolls in an institution of higher education (i.e. a Texas public college or university, specified in the statute by reference to the definition in TEC 61.003) as a first time freshman beginning with fall 2007, and extending to subsequent semesters, is affected by the statute. A student who enrolls at any other college, university, or other post-secondary educational institution as a first-time freshman during fall 2007 or later is affected by the statute only upon transfer into a Texas public institution of higher education, and a course dropped during enrollment at an institution that does not fall under the definition of “institution of higher education” provided in TEC 61.003 should not be considered for purposes of this section. Because these interpretations are clear based upon the established definition of an “institution of higher education,” no change was made to the proposed rules as a result of this comment.

Comment: TACRAO asks for clarification regarding students who have enrolled in college courses prior to high school graduation, and whether such students are affected by the limitation on dropped courses.

Response: Students who are still enrolled in high school are not affected by the provisions of SB 1231 and any course a student drops while they are still enrolled in high school should not be counted toward the limitation on dropped courses under this section. No change was made to the proposed rules as a result of this comment.

Comment: TACRAO suggests that the definition of a “member of the student’s family” should include a student’s spouse and children.

Response: See the similar comment from Texas Woman’s University, and the staff response indicating a modification to the proposed rules.

Comment: North Harris Montgomery County College District submitted a number of comments regarding the statute itself, including comments regarding increased negative impact on student success; negative impact on *Closing the Gaps* goals; inequitable impact on students who transfer from independent or out-of-state institutions (that they would be less significantly affected than students who receive all their undergraduate education at Texas public colleges and universities); and significant cost implications for institutions for implementation of the statute. The comments also expressed concern for particular groups of students, including those enrolled in developmental education, ESL students, and first-time-in-college, low-income, minority students. No comments were directed specifically at the proposed rules and no suggestions for modifications of the proposed rules were offered.

Response: The proposed rules can be used by institutions to allow exemptions for good cause under the provisions of the statute. No change was made to the proposed rules as a result of this comment.

Comment: Austin Community College offered several comments regarding the proposed rules: (1) developmental courses should not count against the drop limit; (2) dual credit courses should not count against the drop limit; (3) institution-initiated (or “administrative”) drops should not count against the drop limit; (4) requesting clarification of TEC 51.907(b) “academic penalty;” (5) allow for the development of flexible “best practices” in implementation; (6) that a decision regarding an exempted course drop at one institution be immune from review and reclassification at a subsequent institution; (7) that standard exemptions be included for students serving on a jury for a period of time that would prevent completion of the course; incarceration of the student for a

period of time that would prevent the student from completing the course; a change in child care arrangements beyond the control of the student that would prevent the student from completing the course; and documented institutional error.

Response: These concerns can all be addressed through the development of local policies under the proposed rules. No change was made to the proposed rules as a result of these comments.

Restatement of statutory authority

The amendment and new section are adopted under the Texas Education Code, Section 51.907(e), which authorizes the Coordinating Board to adopt rules concerning limitations on the number of courses that may be dropped under certain circumstances by undergraduate students.

Certification by legal counsel

The Coordinating Board hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Appendix I

CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS Subchapter A. GENERAL PROVISIONS

Section

- 4.1. Purpose.
- 4.2. Authority.
- 4.3. Definitions.
- 4.4. Student Absences on Religious Holy Days.
- 4.5. Common Calendar.
- 4.6. Minimum Length of Courses and Limitation on the Amount of Credit that a Student May Earn in a Given Time Period.
- 4.7. Student Transcripts.
- 4.8. Expert Witnesses.
- 4.9. Excused Absence for a Person Called to Active Military Service.
- 4.10. Limitations on the Number of Courses that May Be Dropped under Certain Circumstances by Undergraduate Students.

4.1. – 4.2. No change

4.3. Definitions.

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

(1) Active military service--Active service in the armed forces of the United States or in the National Guard or the Texas State Guard.

(2) Associate of Science degree and the Associate of Arts degree--Collegiate degrees consisting of lower-division courses designed to prepare students for transfer to a bachelor's degree program.

(3) Associate of Applied Science degree and the Associate of Applied Arts degree--Technical certificates issued to students who complete workforce education curricula of collegiate level.

(4) Associate of Arts in Teaching degree--Board-approved collegiate degree programs consisting of lower-division courses intended for transfer to baccalaureate programs that lead to initial Texas teacher certification.

(5) Bachelor of General Studies degree--A program designed principally for mature students who seek a flexible degree program and who do not desire or may not meet prerequisites of a highly structured traditional degree program, and to permit students to plan, with advisement, an individualized program with access to a wide range of academic disciplines and fields of professional study.

(6) Bachelor of Applied Arts and Sciences degree--A program designed to provide a path to a bachelor's degree for students who have earned previous collegiate credit through workforce education curricula. The degree program combines general education requirements and a professional component designed to complement the student's technical or vocational competence.

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

(8) Commissioner--The Commissioner of Higher Education.

(9) Common calendar--Dates and information pertaining to the beginning and ending (and lengths) of academic semesters and sessions, applicable to all Texas public universities and community, technical and state colleges.

(10) Consulting or testifying expert witness--Any non-fact witness whose name must be disclosed during litigation as required by the Texas Rules of Civil Procedure.

(11) Dropped Course – a course in which an undergraduate student at an institution of higher education has enrolled for credit, but did not complete, under these conditions:

(A) the student was able to drop the course without receiving a grade or incurring an academic penalty;

(B) the student's transcript indicates or will indicate that the student was enrolled in the course past the census date; and

(C) the student is not dropping the course in order to withdraw from the institution.

(12) ~~{(11)}~~ Degree program--Any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle the student to a degree from an institution of higher education.

(13) ~~{(12)}~~ Faculty or professional staff of an institution of higher education--A non-classified, full-time employee who is a member of the faculty or staff and whose duties include teaching, research, administration or performing professional services, including professional library services.

(14) ~~{(13)}~~ Fiscal year--The State of Texas' fiscal year, September 1 through August 31.

(15) ~~{(14)}~~ Institution of higher education or institution--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 Texas Education Code, §61.003.

(16) ~~{(15)}~~ Interdisciplinary baccalaureate degrees--The Bachelor of General Studies degree (defined in paragraph (4) of this section) and such general degrees as liberal arts or humanities. These broad-based degrees vary in the amount of prescriptive

structure but share the characteristics of flexibility for the student and interdisciplinary course selection.

(17) ~~[(16)]~~ Non-classified--An employee whose position is not controlled by the institution's classified personnel system or a person employed in a similar position if the institution does not have a classified personnel system.

(18) ~~[(17)]~~ Religious holy day--A holy day observed by a religion whose places of worship are exempt from property taxation under the Texas Tax Code, §11.20.

4.4 - 4.9 No change.

4.10 Limitations on the Number of Courses that May Be Dropped under Certain Circumstances by Undergraduate Students.

(a) Beginning with the fall 2007 academic term, and applying to students who enroll in higher education for the first time during the fall 2007 academic term or any term subsequent to the fall 2007 term, an institution of higher education may not permit an undergraduate student a total of more than six dropped courses, including any course a transfer student has dropped at another institution of higher education, unless:

(1) the institution has adopted a policy under which the maximum number of courses a student is permitted to drop is less than six; or

(2) the student shows good cause for dropping more than that number, including but not limited to a showing of:

(A) a severe illness or other debilitating condition that affects the student's ability to satisfactorily complete the course;

(B) the student's responsibility for the care of a sick, injured, or needy person if the provision of that care affects the student's ability to satisfactorily complete the course;

(C) the death of a person who is considered to be a member of the student's family or who is otherwise considered to have a sufficiently close relationship to the student that the person's death is considered to be a showing of good cause;

(D) the active duty service as a member of the Texas National Guard or the armed forces of the United States of either the student or a person who is considered to be a member of the student's family or who is otherwise considered to have a sufficiently close relationship to the student that the person's active military service is considered to be a showing of good cause;

(E) the change of the student's work schedule that is beyond the control of the student, and that affects the student's ability to satisfactorily complete the course; or

(F) other good cause as determined by the institution of higher education.

(b) For purposes of this section, a “member of the student’s family” is defined to be the student’s spouse, child, grandchild, father, mother, brother, sister, grandmother, grandfather, aunt, uncle, nephew, niece, first cousin, step-parent, step-child, or step-sibling; a “person who is otherwise considered to have a sufficiently close relationship to the student” is defined to include any other relative within the third degree of consanguinity, plus close friends, including but not limited to roommates, housemates, classmates, or other persons identified by the student, for approval by the institution on a case-by-case basis.

(c) For purposes of this section, a “grade” is defined to be the indicator, usually a letter like A, B, C, D, or F, or P (for pass) assigned upon the student’s completion of a course. A “grade” indicates either that the student has earned and will be awarded credit, if the student has completed the course requirements successfully; or that the student remained enrolled in the course until the completion of the term or semester but failed to provide satisfactory performance required to be awarded credit. A “grade” under this definition does not include symbols to indicate that the course has been left incomplete, whether those symbols indicate a negotiated temporary suspension of the end-of-term deadline for completion of the course requirements commonly designated as “incomplete” status, a dropped course under the conditions designated for this section, or a withdrawal from the institution.

(d) Each institution of higher education shall adopt a policy and procedure for determining a showing of good cause as specified in (a) and shall provide a copy of the policy to the Coordinating Board.

(e) Each institution of higher education shall publish the policy adopted under this section in its catalogue and other print and Internet-based publications as appropriate for the timely notification of students.

Appendix J

Implementing TEC 51.907 in Electronic Transcripts

When legislation for TASP, Core Curriculum, and TSI mandated changes to Texas public college transcripts, much of the required code was placed in Requirement-Attribute-Proficiency (RAP) segments in the electronic version of the transcript. A document on SPEEDE Implementation Protocols (Texas Conventions) shows the agreed-upon protocols for TSI and Core Curriculum coding in section II.D, about halfway through the document. One may find this on the UT Austin SPEEDE web pages, under the DOCS link, URL: <http://registrar.utexas.edu/speede/docs/implementation.html>

Here are some representative TSI examples:

Complete exemption at another institution

RAP/9TX/TSIALL/R=ExemptOtherInst=3652/A//CM/19980901|

With

NTE/TSIALL exempted at Univ. of Houston|

A student with different results or reasons might have:

RAP/9TX/TSIMATH/C=Complete=TASP/R/Y/CM/199703|

RAP/9TX/TSIREAD/I=NotComplete/R/N/CM/199609|

RAP/9TX/TSIWRT/B=CompleteCoursework/R/Y/CM/199706|

End-of-Examples.

REVISED PROTOCOL, approved October, 2008.

Schools would send one of the following three segments in the header section of the SPEEDE transcript:

RAP!9TX!SB1231!DROPCOUNT=nn!A| (where nn would be a numeric value for the actual drop count)

OR

RAP!9TX!SB1231!EXEMPT=X!A| (if the student is exempt from SB1231)

OR

RAP!9TX!SB1231!NOTREADY=N!A| (if the institution is not ready to comply with SB1231 and report a count)

I would discuss with other members of the TACRAO Technology Committee and the TX SPEEDE community. Our recommendation would then be circulated via TX-SPEED and TACRAO listservs. Presumably, UT Austin would modify the documentation (above) to include this protocol.

Implementation would be similar to that for TASP, TSI, and Core Curriculum, and difficulty would vary based on SIS and EDI mapping software. Steps would include:

1. (Biggest). Computing a value to be sent. There are several possible approaches to this, with none very pretty, and each of which requires system changes.

A. Compute the value on the fly each time a transcript is printed. This adds processing time to each request, but requires no additional fields.

B. Compute the drop count and store the value. Then add logic to be invoked every time a course is dropped, to update the count field. This requires a data base field, plus extra logic in a complicated component of the add/drop transaction logic.

2. Change the program (or have the provider of their Student Information System change it) to add this field, properly coded SB1231RAP or something like that, to the flat file extracted from the SIS with transcript data.

3. Change the mapping program instructions (which take data from the flat file into the national format) to place the passed data into a RAP segment, and output it with the other RAP segments in the header area. (RAP segments can also occur with courses, but these dropped courses are often not included on the transcript, so an attribute RAP segment attached to courses is not an option).

4. Change receiving programs to watch for incoming Drop Count RAP segments and take the appropriate actions – update or report.

5. Test all the above.

We would hope that the SB1231 counter would go just on printed and electronic transcripts sent to Texas schools. It might confuse other recipients and detract from other information on the transcript, and even a legal drop count of 6 or less might create a negative impression to a potential employer or graduate program.

A wild guess is that this will take 100 hours or so, if those charged with making the changes are familiar with all the areas in steps 1-5. It could be more if changes need to be worked through an SIS provider.

This appendix was provided by Dave Stones, Registrar, Southwestern University, Chair, TACRAO Technology Committee. 10/18/07.