

EDUCATION CODE

TITLE 3. HIGHER EDUCATION

SUBTITLE B. STATE COORDINATION OF HIGHER EDUCATION

CHAPTER 61. TEXAS HIGHER EDUCATION COORDINATING BOARD

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 61.001. SHORT TITLE. This chapter may be cited as the Higher Education Coordinating Act of 1965.

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

Sec. 61.002. PURPOSE. (a) The purpose of this chapter is to establish in the field of public higher education in the State of Texas an agency to provide leadership and coordination for the Texas higher education system, institutions, and governing boards, to the end that the State of Texas may achieve excellence for college education of its youth through the efficient and effective utilization and concentration of all available resources and the elimination of costly duplication in program offerings, faculties, and physical plants.

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

(c) Postsecondary education for qualified Texans who desire to pursue such education is important to the welfare and security of this state and the nation and, consequently, is an important public purpose. The legislature finds and declares that the state can achieve its full economic and social potential only if every individual has the opportunity to contribute to the full extent of the individual's capabilities and only when financial barriers to the individual's economic, social, and educational goals are

removed. In order to facilitate the removal of those barriers, the board, in consultation with one or more nonprofit entities with experience providing the services on a statewide basis, may provide necessary and desirable services related to financial aid services, including cooperative awareness efforts with appropriate educational and civic associations designed to disseminate postsecondary education awareness information, including information regarding available grant and loan programs and the prevention of student loan default.

(d) The Texas Higher Education Coordinating Board has only the powers expressly provided by law or necessarily implied from an express grant of power. Any function or power not expressly granted to the board by this code or other law in regard to the administration, organization, control, management, jurisdiction, or governance of an institution of higher education is reserved to and shall be performed by the governing board of the institution, the applicable system administration, or the institution of higher education.

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 23, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 25, eff. September 1, 2013.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [530](#) and S.B. [1786](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.003. DEFINITIONS. In this chapter:

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

(2) "Public junior college" means any junior college listed as a public junior college in accordance with Section [61.063](#).

(3) "General academic teaching institution" means The University of Texas at Austin; The University of Texas at El Paso; The University of Texas of the Permian Basin; The University of Texas at Dallas; The University of Texas at San Antonio; Texas A&M University, Main University; The University of Texas at Arlington; Tarleton State University; Prairie View A&M University; Texas Maritime Academy; Texas Tech University; University of North Texas; Lamar University; Lamar State College--Orange; Lamar State College--Port Arthur; Texas A&M University--Kingsville; Texas A&M University--Corpus Christi; Texas Woman's University; Texas Southern University; Midwestern State University; University of Houston; The University of Texas Rio Grande Valley; Texas A&M University--Commerce; Sam Houston State University; Texas State University; West Texas A&M University; Stephen F. Austin State University; Sul Ross State University; Angelo State University; The University of Texas at Tyler; and any other college, university, or institution so classified as provided in this chapter or created and so classified, expressly or impliedly, by law.

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

(5) "Medical and dental unit" means The Texas A&M University System Health Science Center and its component institutions, agencies, and programs; the Texas Tech University Health Sciences Center; the Texas Tech University Health Sciences Center at El Paso; the University of Houston College of Medicine; the Sam Houston State University College of Osteopathic Medicine; The University of Texas Medical Branch at Galveston; The University of Texas Southwestern Medical Center; The University of Texas Medical School at San Antonio; The University of Texas Dental Branch at Houston; The University of Texas M. D. Anderson Cancer Center; The University of Texas Graduate School of Biomedical Sciences at Houston; The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; the Dell Medical School at The University of Texas at Austin; the School of Medicine at The University of Texas Rio Grande Valley; the nursing institutions of The Texas A&M University System and The University of Texas System; and The University of Texas School of

Public Health at Houston; and such other medical or dental schools as may be established by statute or as provided in this chapter.

(6) "Other agency of higher education" means The University of Texas System, System Administration; The University of Texas at El Paso Museum; Texas Epidemic Public Health Institute at The University of Texas Health Science Center at Houston; The Texas A&M University System, Administrative and General Offices; Texas A&M AgriLife Research; Texas A&M AgriLife Extension Service; Rodent and Predatory Animal Control Service (a part of the Texas A&M AgriLife Extension Service); Texas A&M Engineering Experiment Station (including the Texas A&M Transportation Institute); Texas A&M Engineering Extension Service; Texas A&M Forest Service; Texas Division of Emergency Management; Texas Tech University Museum; Texas State University System, System Administration; Sam Houston Memorial Museum; Panhandle-Plains Historical Museum; Cotton Research Committee of Texas; Texas Water Resources Institute; Texas A&M Veterinary Medical Diagnostic Laboratory; and any other unit, division, institution, or agency which shall be so designated by statute or which may be established to operate as a component part of any public senior college or university, or which may be so classified as provided in this chapter.

(7) "Public technical institute" means the Lamar Institute of Technology or the Texas State Technical College System.

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

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

(10) "University system" means the association of one or more public senior colleges or universities, medical or dental

units, or other agencies of higher education under the policy direction of a single governing board.

(11) "Degree program" means any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle the student to:

(A) a degree from a public senior college or university or a medical or dental unit; or

(B) an academic associate degree, as defined by board rule, or baccalaureate degree from a public junior college.

(12) "Certificate program" means a grouping of subject-matter courses which, when satisfactorily completed by a student, will entitle the student to:

(A) a certificate;

(B) an associate degree, other than an academic associate degree, as defined by board rule, from a technical institute or junior college; or

(C) documentary evidence, other than a degree, of completion of a course of study at the postsecondary level.

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

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

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

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

(B) exempt from taxation under Article VIII,

Section 2, of the Texas Constitution and Section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Section 501); and

(C) accredited by:

(i) the Commission on Colleges of the Southern Association of Colleges and Schools;

(ii) the Liaison Committee on Medical Education; or

(iii) the American Bar Association.

(16) "Public state college" means Lamar State College--Orange, Lamar State College--Port Arthur, or the Lamar Institute of Technology.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1657, ch. 601, Sec. 3, eff. June 15, 1973; Acts 1983, 68th Leg., p. 3054, ch. 524, Sec. 4, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 646, Sec. 1, eff. Aug. 26, 1985; Acts 1987, 70th Leg., ch. 180, Sec. 1, eff. Aug. 31, 1987; Acts 1987, 70th Leg., ch. 823, Sec. 1.03, eff. June 20, 1987; Acts 1987, 70th Leg., ch. 1070, Sec. 4, eff. May 15, 1988; Acts 1989, 71st Leg., ch. 644, Sec. 1, eff. June 14, 1989; Acts 1989, 71st Leg., ch. 1084, Sec. 1.32, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 287, Sec. 29, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 305, Sec. 2, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 516, Sec. 4, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 126, Sec. 2, eff. May 19, 1997; Acts 1997, 75th Leg., ch. 227, Sec. 4, eff. May 23, 1997; Acts 1999, 76th Leg., ch. 767, Sec. 5, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 1322, Sec. 1, eff. June 18, 1999; Acts 2003, 78th Leg., ch. 386, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 373 (S.B. 480), Sec. 1, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1341 (S.B. 98), Sec. 3, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1049 (S.B. 5), Sec. 8.02, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 30 (S.B. 974), Sec. 10, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 65 (S.B. 120), Sec. 11, eff.

May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 179 (H.B. [1844](#)), Sec. 6, eff.  
September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 8 (H.B. [826](#)), Sec. 5, eff. May  
1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 294 (H.B. [2867](#)), Sec. 5, eff.  
May 29, 2019.

Acts 2019, 86th Leg., R.S., Ch. 517 (S.B. [479](#)), Sec. 2, eff.  
June 7, 2019.

Acts 2019, 86th Leg., R.S., Ch. 602 (S.B. [799](#)), Sec. 1, eff.  
June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 852 (H.B. [2794](#)), Sec. 1, eff.  
June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 188 (S.B. [1467](#)), Sec. 6, eff.  
May 30, 2021.

Acts 2021, 87th Leg., R.S., Ch. 889 (S.B. [1780](#)), Sec. 1, eff.  
September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 165 (S.B. [1887](#)), Sec. 4, eff.  
May 23, 2023.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. [8](#)), Sec. 17, eff.  
September 1, 2023.

#### SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 61.021. ESTABLISHMENT OF COORDINATING BOARD:  
FUNCTIONS. (a) The Texas Higher Education Coordinating Board is an  
agency of the state. It shall have its office in Austin. It shall  
perform only the functions which are enumerated in this chapter and  
which the legislature may assign to it. Functions vested in the  
governing boards of the respective institutions of higher education  
not specifically delegated to the coordinating board shall be  
performed by the governing boards. The coordinating functions and  
other duties delegated to the board in this chapter shall apply to  
all public institutions of higher education.

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

Coordinating Board.

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

Sec. 61.0211. SUNSET PROVISION. The Texas Higher Education Coordinating Board is subject to Chapter [325](#), Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2029.

Added by Acts 1977, 65th Leg., p. 1853, ch. 735, Sec. 2.151, eff. Aug. 29, 1977. Amended by Acts 1985, 69th Leg., ch. 479, Sec. 200, eff. Sept. 1, 1985; Acts 1987, 70th Leg., ch. 823, Sec. 1.04, eff. June 20, 1987; Acts 1989, 71st Leg., ch. 1084, Sec. 1.01, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., 1st C.S., ch. 17, Sec. 6.01, eff. Nov. 12, 1991; Acts 2003, 78th Leg., ch. 820, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1232 (S.B. [652](#)), Sec. 1.02, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 26, eff. September 1, 2013.

Acts 2023, 88th Leg., R.S., Ch. 941 (S.B. [1659](#)), Sec. 1.03, eff. June 18, 2023.

Sec. 61.022. MEMBERS OF BOARD; APPOINTMENT; TERMS OF OFFICE. (a) The board shall consist of nine members appointed by the governor so as to provide representation from all areas of the state with the advice and consent of the senate, and as the constitution provides. Members of the board serve staggered six-year terms. The terms of one-third of the members expire August 31 of each odd-numbered year.

(b) A board member may not be employed professionally for remuneration in the field of education during the member's term of office.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 2003, 78th Leg., ch. 1170, Sec. 18.01,



eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 820, Sec. 2, eff. Sept. 1, 2003.

Sec. 61.0221. DUTY IN MAKING OR CONFIRMING APPOINTMENTS.

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

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

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

Sec. 61.0222. RESTRICTIONS ON BOARD APPOINTMENT, MEMBERSHIP, AND EMPLOYMENT. (a) A member of the board must be a representative of the general public. A person is not eligible for appointment as a member of the board if the person or the person's spouse:

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

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

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

(b) A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of higher education; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of higher education.

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

(d) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.02, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 820, Sec. 3, eff. Sept. 1, 2003.

Sec. 61.0223. REMOVAL OF BOARD MEMBER. (a) It is a ground for removal from the board that a member:

(1) does not have at the time of taking office the qualifications required by Section 61.0222(a);

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

(3) is ineligible for membership under Section 61.022 or 61.0222;

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

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

(b) The validity of an action of the board is not affected by

the fact that it is taken when a ground for removal of a board member exists.

(c) If the commissioner of higher education has knowledge that a potential ground for removal exists, the commissioner shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the commissioner shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.03, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 820, Sec. 4, eff. Sept. 1, 2003.

Sec. 61.0224. TRAINING OF BOARD MEMBERS. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) the legislation that created the board;
- (2) the programs operated by the board;
- (3) the role and functions of the board;
- (4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;
- (5) the current budget for the board;
- (6) the results of the most recent formal audit of the board;
- (7) the requirements of:
  - (A) the open meetings law, Chapter [551](#), Government Code;
  - (B) the public information law, Chapter [552](#), Government Code;
  - (C) the administrative procedure law, Chapter [2001](#), Government Code; and

(D) other laws relating to public officials, including conflict-of-interest laws; and

(8) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Added by Acts 2003, 78th Leg., ch. 820, Sec. 5, eff. Sept. 1, 2003.

Sec. 61.0225. NONVOTING STUDENT REPRESENTATIVE. (a) In this section:

(1) "Board" means the Texas Higher Education Coordinating Board or its successor agency.

(2) "Student government" means the representative student organization directly elected by the student body of an institution of higher education.

(b) A student representative shall be appointed to the board. The student representative is not a state officer. Except as otherwise provided by this section, the appointment of a student representative to the board shall be made in the same manner as a student regent is appointed under Section 51.355(c). The student representative to the board serves a term that is the same as the term of a student regent appointed under Section 51.355.

(c) The board shall develop a uniform application form to be used by each institution of higher education to solicit applicants for the position of student representative to the board.

(d) For an institution of higher education that is not part of a university system, the president of the institution, from among the applicants selected as the student government's recommendations for the position of student representative to the board, shall select two or more applicants as the institution's recommendations for the position and send the applications of those applicants to the governor in accordance with the deadline established under Section 51.355(c) for a chancellor to send applications to the governor for a student regent.

(e) A student representative to the board must meet the minimum requirements prescribed by Section 51.355(d) for a student regent, as those requirements apply to an institution of higher education.

(f) The student representative has the same powers and duties as the members of the board, including the right to attend and participate in meetings of the board, except that the student representative:

(1) may not vote on any matter before the board or make or second any motion before the board; and

(2) is not counted in determining whether a quorum exists for a meeting of the board or in determining the outcome of any vote of the board.

(g) The student representative serves without pay but shall be reimbursed for the actual expenses incurred by the student representative in attending the meetings of the board or in attending to other work of the board when that work is approved by the chairman of the board.

(h) The student government of the institution of higher education at which a current student representative was enrolled at the time of the student representative's appointment may not solicit applicants for the position of student representative for the next regular term of the position.

(i) A vacancy in the position of student representative shall be filled for the unexpired term by appointment by the governor.

Added by Acts 2007, 80th Leg., R.S., Ch. 1311 (S.B. 1007), Sec. 1, eff. September 1, 2007.

Sec. 61.023. BOARD OFFICERS. The governor shall designate a chairman and vice chairman of the board. The board shall appoint a secretary of the board whose duties may be prescribed by law and by the board.

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

Sec. 61.024. COMPENSATION AND EXPENSES OF MEMBERS. Members

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

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

Sec. 61.025. QUORUM; MEETINGS; AGENDA. (a) A majority of the membership of the board constitutes a quorum.

(b) Except as provided by Section [551.126](#), Government Code, the board shall hold regular quarterly meetings in the city of Austin, and other meetings at places and times scheduled by it in formal sessions and called by the chairman.

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

(d) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board, including a policy to specifically provide, as an item on the board's agenda at each meeting, an opportunity for public comment before the board makes a decision on any agenda item.

(e) The board may hold a meeting to consider a higher education impact statement, if a higher education impact statement by the board is to be provided under the rules of either the house of representatives or the senate. The meeting shall be called by the chair and the board shall provide notice of the meeting in accordance with Chapter [551](#), Government Code.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1989, 71st Leg., ch. 1084, Sec. 1.04, eff. Sept. 1, 1989; Acts 1997, 75th Leg., ch. 944, Sec. 2, eff. June 18, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 538 (S.B. [1046](#)), Sec. 1, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 27, eff. September 1, 2013.

Text of section as amended by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 28

For text of section as amended by Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. 2099), Sec. 2, see other Sec. 61.026.

Sec. 61.026. COMMITTEES AND ADVISORY COMMITTEES. (a) The chair may appoint committees from the board's membership as the chair or the board considers necessary.

(b) The board may appoint advisory committees from outside its membership as the board considers necessary. Chapter 2110, Government Code, applies to an advisory committee appointed by the chair or the board. The board shall adopt rules, in compliance with Chapter 2110, Government Code, regarding an advisory committee that primarily functions to advise the board, including rules governing an advisory committee's purpose, tasks, reporting requirements, and abolishment date. A board member may not serve on a board advisory committee.

(c) The board may adopt rules under this section regarding an advisory committee's:

- (1) size and quorum requirements;
- (2) qualifications for membership, including experience requirements and geographic representation;
- (3) appointment procedures;
- (4) terms of service; and
- (5) compliance with the requirements for open meetings under Chapter 551, Government Code.

(d) Each advisory committee must report its recommendations directly to the board.

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 28, eff. September 1, 2013.

Text of section as amended by Acts 2013, 83rd Leg., R.S., Ch. 983

For text of section as amended by Acts 2013, 83rd Leg., R.S., Ch.

1155 (S.B. 215), Sec. 28, see other Sec. 61.026.

Sec. 61.026. COMMITTEES AND ADVISORY COMMITTEES. (a) The chairman may appoint committees from the board's membership as the chairman or the board may find necessary from time to time. The board may appoint advisory committees from outside its membership as it may deem necessary.

(b) If the board directs an advisory committee to assist the board in exercising its authority under Section 61.051(j) regarding an off-campus course in nursing education, including clinical coursework, the board shall require the advisory committee to include or consult with one or more private postsecondary educational institutions or private career schools and colleges in this state that offer degree programs.

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. 2099), Sec. 2, eff. September 1, 2013.

Sec. 61.027. RULES OF PROCEDURE; HEARINGS; NOTICE; MINUTES. The board shall adopt and publish rules and regulations in accordance with and under the conditions applied to other agencies by Chapter 2001, Government Code to effectuate the provisions of this chapter. The board shall grant any institution of higher education a hearing upon request and after reasonable notice. Minutes of all meetings shall be available in the board's office for public inspection.

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

Sec. 61.028. COMMISSIONER OF HIGHER EDUCATION; PERSONNEL; CONSULTANTS. (a) The board shall appoint a commissioner of higher education, who shall select and supervise the board's staff and



perform other duties delegated to him by the board. The commissioner shall serve at the pleasure of the board.

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

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

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

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

(f) The commissioner or the commissioner's designee shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the board to avoid the unlawful employment practices described by Chapter [21](#), Labor Code; and

(2) an analysis of the extent to which the composition of the board's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(g) The policy statement must:

(1) be updated annually;

(2) be reviewed by the state Commission on Human Rights for compliance with Subsection (f)(1); and

(3) be filed with the governor's office.

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

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

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1989, 71st Leg., ch. 1084, Sec. 1.05, eff. Sept. 1, 1989; Acts 2003, 78th Leg., ch. 820, Sec. 6, eff. Sept. 1, 2003.

Sec. 61.029. INTERNAL AUDITOR. (a) The board shall appoint an internal auditor for the board.

(b) The internal auditor shall report directly to the board on all matters, other than administrative matters, that require the decision of the commissioner of higher education.

(c) The commissioner of higher education shall advise the board regarding:

(1) the termination or discipline of the internal auditor; and

(2) the transfer or reclassification of, or other changes in, the powers or duties of the internal auditor.

(d) The internal auditor shall develop an annual audit plan, conduct audits as specified in the audit plan, and fulfill the other duties required by Chapter [2102](#), Government Code.

(e) The internal auditor shall review all audit reports with the board and the commissioner of higher education.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.06, eff. Sept. 1, 1989. Amended by Acts 1997, 75th Leg., ch. 1122, Sec. 18(1), eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 820, Sec. 8, eff. Sept. 1, 2003.

Sec. 61.030. QUALIFICATIONS AND STANDARDS OF BOARD MEMBERS AND EMPLOYEES. The board shall provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

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

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [37](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.031. PUBLIC INFORMATION AND COMPLAINTS. (a) The board shall maintain a file on each written complaint filed with the board. The file must include:

- (1) the name of the person who filed the complaint;
- (2) the date the complaint is received by the board;
- (3) the subject matter of the complaint;
- (4) the name of each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and
- (6) an explanation of the reason the file was closed, if the board closed the file without taking action other than to investigate the complaint.

(b) The board shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the board's policies and procedures relating to complaint investigation and resolution.

(c) The board, at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

Text of subsection as added by Acts 2023, 88th Leg., R.S., Ch. 1011  
(H.B. [2920](#)), Sec. 5

(d) Notwithstanding any other provision of law, information that relates to a current, former, or prospective applicant or student of an educational institution and that is obtained, received, or held by the board for the purpose of providing assistance with access to postsecondary education is confidential and excepted from disclosure under Chapter 552, Government Code, and may only be released in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). The board may withhold information prohibited from being disclosed under this subsection without requesting a decision from the attorney general under Subchapter G, Chapter 552, Government Code.

Text of subsection as added by Acts 2023, 88th Leg., R.S., Ch. 378  
(H.B. 8), Sec. 19

(d) Notwithstanding any other provision of law, information that relates to a current, former, or prospective applicant or student of an educational institution and that is obtained, received, or held by the board for the purpose of providing assistance with access to postsecondary education shall be considered confidential and excepted from disclosure under Chapter 552, Government Code, and may only be released in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). The board may withhold information prohibited from being disclosed under this subsection without requesting a decision from the attorney general under Subchapter G, Chapter 552, Government Code.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.08, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 820, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 18, eff. June 9, 2023.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 19, eff. June 9, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1011 (H.B. 2920), Sec. 4, eff.

June 18, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1011 (H.B. [2920](#)), Sec. 5, eff. June 18, 2023.

Sec. 61.032. NOTICE OF NATIONAL COMPACT MEETINGS. The commissioner of higher education or the commissioner's designee on behalf of Texas members of the Board of Control for Southern Regional Education shall file notice of board of control meetings with the secretary of state's office for publication in the Texas Register.

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

Sec. 61.033. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter [2008](#), Government Code, for the adoption of board rules; and

(2) appropriate alternative dispute resolution procedures under Chapter [2009](#), Government Code, to assist in the resolution of internal and external disputes under the board's jurisdiction.

(b) The board's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The board shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the board.

Added by Acts 2003, 78th Leg., ch. 820, Sec. 10, eff. Sept. 1, 2003.

Sec. 61.0331. NEGOTIATED RULEMAKING REQUIRED. The board

shall engage institutions of higher education in a negotiated rulemaking process as described by Chapter 2008, Government Code, when adopting a policy, procedure, or rule relating to:

(1) an admission policy regarding the common admission application under Section 51.762, a uniform admission policy under Section 51.807, graduate and professional admissions under Section 51.843, or the transfer of credit under Section 61.827;

(2) the allocation or distribution of funds, including financial aid or other trusteed funds under Section 61.07761;

(3) the reevaluation of data requests under Section 51.406;

(4) compliance monitoring under Section 61.035; or

(5) the reporting of certain incidents of sexual harassment, sexual assault, dating violence, or stalking under Subchapter E-2, Chapter 51.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 29, eff. September 1, 2013.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. 212), Sec. 2, eff. September 1, 2019.

Sec. 61.034. EFFECTIVE USE OF TECHNOLOGY. The board shall develop and implement a policy that requires the commissioner of higher education and the staff of the board to research and propose appropriate technological solutions to improve the ability of the agency to perform its mission. The technological solutions must include measures to ensure that the public is able to easily find information about the board through the Internet and that persons who have a reason to use the board's services are able to use the Internet to interact with the board and to access any services that can be provided effectively through the Internet. The policy shall also ensure that proposed technological solutions are cost-effective and developed through the board's planning processes.

Added by Acts 2003, 78th Leg., ch. 820, Sec. 11, eff. Sept. 1, 2003.

Sec. 61.0341. LIMITATION ON DATA COLLECTION AND REPORTING

REQUIREMENTS. (a) The legislature finds that data collection and reporting requirements for institutions of higher education must be limited and reduced to the extent feasible.

(b) If the commissioner of higher education determines that the board has access to an alternative means of collecting data or receiving information to be included in a report sufficient to fulfill a requirement under this code, the board by rule may eliminate the reporting requirement for that data or information. Added by Acts 2021, 87th Leg., R.S., Ch. 407 (S.B. 1677), Sec. 2, eff. September 1, 2021.

Sec. 61.035. COMPLIANCE MONITORING. (a) The board, in consultation with affected stakeholders, shall adopt rules to establish an agency-wide, risk-based compliance monitoring function for:

(1) funds allocated by the board to institutions of higher education, private or independent institutions of higher education, and other entities, including student financial assistance funds, academic support grants, and any other grants, to ensure that those funds are distributed in accordance with applicable law and board rule; and

(2) data reported by institutions of higher education to the board and used by the board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately.

(b) For purposes of this section, student financial assistance includes grants, scholarships, loans, and work-study.

(c) After considering potential risks and the board's resources, the board shall review a reasonable portion of the total funds allocated by the board and of data reported to the board. The board shall use various levels of monitoring, according to risk, ranging from checking reported data for errors and inconsistencies to conducting comprehensive audits, including site visits.

(d) In developing the board's risk-based approach to compliance monitoring under this section, the board shall consider the following factors relating to an institution of higher education or private or independent institution of higher

education:

- (1) the amount of student financial assistance or grant funds allocated to the institution by the board;
- (2) whether the institution is required to obtain and submit an independent audit;
- (3) the institution's internal controls;
- (4) the length of time since the institution's last desk review or site visit;
- (5) past misuse of funds or misreported data by the institution;
- (6) in regard to data verification, whether the data reported to the board by the institution is used for determining funding allocations; and
- (7) other factors as considered appropriate by the board.

(e) The board shall train compliance monitoring staff to ensure that the staff has the ability to monitor both funds compliance and data reporting accuracy. Program staff in other board divisions who conduct limited monitoring and contract administration shall coordinate with the compliance monitoring function to identify risks and avoid duplication.

(f) If the board determines through its compliance monitoring function that funds awarded by the board to an institution of higher education or private or independent institution of higher education have been misused or misallocated by the institution, the board shall present its determination to the institution's governing board, or to the institution's chief executive officer if the institution is a private or independent institution of higher education, and provide an opportunity for a response from the institution. Following the opportunity for response, the board shall report its determination and the institution's response, together with any recommendations, to the institution's governing board or chief executive officer, as applicable, the governor, and the Legislative Budget Board.

(g) If the board determines through its compliance monitoring function that an institution of higher education has included errors in the institution's data reported for formula



funding, the board:

(1) for a public junior college, may adjust the appropriations made to the college for a fiscal year as necessary to account for the corrected data; and

(2) for a general academic teaching institution, a medical and dental unit, or a public technical institute, shall calculate a revised appropriation amount for the applicable fiscal year based on the corrected data and report that revised amount to the governor and Legislative Budget Board for consideration as the basis for budget execution or other appropriate action, and to the comptroller.

(h) In conducting the compliance monitoring function under this section, the board may partner with internal audit offices at institutions of higher education and private or independent institutions of higher education, as institutional resources allow, to examine the institutions' use of funds allocated by, and data reported to, the board. To avoid duplication of effort and assist the board in identifying risk, an internal auditor at an institution shall notify the board of any audits conducted by the auditor involving funds administered by the board or data reported to the board. The board by rule may prescribe the timing and format of the notification required by this subsection. The board by rule shall require a private or independent institution of higher education to provide to the board the institution's external audit involving funds administered by the board. The private or independent institution of higher education's external audit must comply with the board's rules for auditing those funds.

(i) The board may seek technical assistance from the state auditor in establishing the compliance monitoring function under this section. The state auditor may periodically audit the board's compliance monitoring function as the state auditor considers appropriate.

(j) In this section:

(1) "Desk review" means an administrative review by the board that is based on information reported by an institution of higher education or private or independent institution of higher education, including supplemental information required by the

board for the purposes of compliance monitoring, except that the term does not include information or accompanying notes gathered by the board during a site visit.

(2) "Site visit" means an announced or unannounced in-person visit by a representative of the board to an institution of higher education or private or independent institution of higher education for the purposes of compliance monitoring.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 30, eff. September 1, 2013.

#### SUBCHAPTER C. POWERS AND DUTIES OF BOARD

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 530, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.051. COORDINATION OF INSTITUTIONS OF PUBLIC HIGHER EDUCATION. (a) The board represents the highest authority in the state in matters of public higher education and is charged with the duty to take an active part in promoting quality education throughout the state by:

(1) providing a statewide perspective to ensure the efficient and effective use of higher education resources and to eliminate unnecessary duplication;

(2) developing and evaluating progress toward a long-range master plan for higher education and providing analysis and recommendations to link state spending for higher education with the goals of the long-range master plan;

(3) collecting and making accessible data on higher education in the state and aggregating and analyzing that data to support policy recommendations;

(4) making recommendations to improve the efficiency and effectiveness of transitions, including between high school and postsecondary education, between institutions of higher education for transfer purposes, and between postsecondary education and the workforce; and

(5) administering programs and trustee funds for

financial aid and other grants as necessary to achieve the state's long-range goals and as directed by the legislature.

(a-1) The board shall develop a long-range master plan for higher education in this state. The plan shall:

(1) establish long-term, measurable goals and provide strategies for implementing those goals;

(2) assess the higher education needs of each region of the state;

(3) provide for regular evaluation and revision of the plan, as the board considers necessary, to ensure the relevance of goals and strategies; and

(4) take into account the resources of private or independent institutions of higher education.

(a-2) The board shall establish methods for obtaining input from stakeholders and the general public when developing or revising the long-range master plan developed under Subsection (a-1).

(a-3) Not later than December 1 of each even-numbered year, the board shall prepare and deliver a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of the senate and house of representatives with primary jurisdiction over higher education. In the report, the board shall assess the state's progress in meeting the goals established in the long-range master plan developed under Subsection (a-1) and recommend legislative action, including statutory or funding changes, to assist the state in meeting those goals. The report must include updates on implementation strategies provided for in the long-range master plan under Subsection (a-1).

(a-5) In conjunction with development of the long-range master plan under Subsection (a-1), the board shall evaluate the role and mission of each general academic teaching institution, other than a public state college, to ensure that the roles and missions of the institutions collectively contribute to the state's goals identified in the master plan.

(b) The board may participate in the establishment and operation of an affiliated nonprofit organization whose purpose is

to raise money for or provide services or other benefits to the board.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 2055, ch. 676, Sec. 1, 2, eff. June 20, 1975; Acts 1985, 69th Leg., ch. 646, Sec. 2, eff. Aug. 26, 1985; Acts 1987, 70th Leg., ch. 823, Sec. 1.06, eff. June 20, 1987; Acts 1989, 71st Leg., ch. 1084, Sec. 1.11, 4.01(1), eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 668, Sec. 7.01, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 138, Sec. 1, eff. May 19, 1997; Acts 2001, 77th Leg., ch. 373, Sec. 1, eff. May 25, 2001; Acts 2003, 78th Leg., ch. 818, Sec. 6.03, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 820, Sec. 12, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 354 (S.B. [1226](#)), Sec. 1, eff. June 17, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 338 (H.B. [2908](#)), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. [1179](#)), Sec. 25(17), eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 507 (S.B. [67](#)), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 31, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 62(8), eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. [59](#)), Sec. 17, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 5.006(b), eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 5.007, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. [8](#)), Sec. 20, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [37](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.0512. BOARD APPROVAL OF ACADEMIC PROGRAMS. (a) A new degree or certificate program may be added at an institution of higher education only with specific prior approval of the board. A new degree or certificate program is considered approved if the board has not completed a review under this section and acted to approve or disapprove the proposed program before the first anniversary of the date on which an institution of higher education submits a completed application for approval to the board. The board may not summarily disapprove a program without completing the review required by this section. The board shall specify by rule the elements that constitute a completed application and shall make an administrative determination of the completeness of the application not later than the fifth business day after receiving the application. A request for additional information in support of an application that has been determined administratively complete does not toll the period within which the application is considered approved under this section.

(b) At the time an institution of higher education begins preliminary planning for a new degree program, the institution must notify the board before the institution may carry out that planning.

(c) The board shall review each degree or certificate program offered by an institution of higher education at the time the institution requests to implement a new program to ensure that the program:

(1) is needed by the state and the local community and does not unnecessarily duplicate programs offered by other institutions of higher education or private or independent institutions of higher education;

(2) has adequate financing from legislative appropriation, funds allocated by the board, or funds from other sources;

(3) has necessary faculty and other resources to ensure student success; and

(4) meets academic standards specified by law or prescribed by board rule, including rules adopted by the board for purposes of this section, or workforce standards established by the

Texas Workforce Investment Council.

(d) The board may review the number of degrees or certificates awarded through a degree or certificate program every four years or more frequently, at the board's discretion.

(e) The board shall review each degree or certificate program offered by an institution of higher education at least every 10 years after a new program is established using the criteria prescribed by Subsection (c).

(f) The board may not order the consolidation or elimination of any degree or certificate program offered by an institution of higher education but may, based on the board's review under Subsections (d) and (e), recommend such action to an institution's governing board. If an institution's governing board does not accept recommendations to consolidate or eliminate a degree or certificate program, the university system or, where a system does not exist, the institution, must identify the programs recommended for consolidation or elimination on the next legislative appropriations request submitted by the system or institution.

(g) An institution of higher education may offer off-campus courses for credit within the state or distance learning courses only with specific prior approval of the board. An institution must certify to the board that a course offered for credit outside the state meets the board's academic criteria. An institution shall include the certification in submitting any other reports required by the board.

(h) In approving a degree or certificate program under this section, the board:

(1) for a doctoral program, may not consider undergraduate graduation or persistence rates; and

(2) for a baccalaureate degree program proposed to be offered by a public junior college previously authorized by the board to offer baccalaureate degree programs under Section 130.0012:

(A) shall approve the degree program within 60 days after the date the board receives notice of the degree program if the degree program:

(i) is approved by the governing board of

the junior college district; and

(ii) is not an engineering program; and

(B) is considered to have approved the degree program after the date described by Paragraph (A) if the conditions of that paragraph are satisfied.

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 32, eff. September 1, 2013.

Sec. 61.05121. STATE AUTHORIZATION RECIPROCITY AGREEMENT.

(a) The board on behalf of the state may enter into a state authorization reciprocity agreement among states, districts, and territories regarding the delivery of postsecondary distance education that establishes comparable standards for the provision of distance education by public or private degree-granting postsecondary educational institutions in each of the states, districts, or territories covered by the agreement to students of the other states, districts, or territories covered under the agreement. The board shall apply to an appropriate organization for that purpose.

(b) The board shall administer an agreement entered into under this section, including by:

(1) establishing an application and approval process for a degree-granting postsecondary educational institution with its principal campus located in this state to participate under the agreement; and

(2) maintaining a dispute resolution procedure for complaints regarding participating postsecondary educational institutions located in this state.

(c) If the board obtains evidence that a public or private postsecondary educational institution established outside this state that is providing courses within this state under a state authorization reciprocity agreement established under this section is in apparent violation of the agreement or of this code or rules adopted under this section, the board shall take appropriate action

to terminate the institution's operation within this state.

(d) The board shall adopt rules to administer this section.  
Added by Acts 2015, 84th Leg., R.S., Ch. 124 (S.B. [1470](#)), Sec. 1,  
eff. May 23, 2015.

Sec. 61.05122. GRADUATE MEDICAL EDUCATION REQUIREMENT FOR  
NEW MEDICAL DEGREE PROGRAMS. (a) In this section, "graduate  
medical education program" has the meaning assigned by Section  
[58A.001](#).

(b) As soon as practicable after an institution of higher  
education completes preliminary planning for a new doctor of  
medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree  
program, the institution promptly shall provide to the board a  
specific plan regarding the addition of first-year residency  
positions for the graduate medical education program to be offered  
in connection with the degree program. The plan must propose an  
increase in the number of those first-year residency positions  
that, when combined with the total number of existing first-year  
residency positions in this state, will be sufficient to reasonably  
accommodate the number of anticipated graduates from all doctor of  
medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree  
programs that are offered in this state, including the degree  
program proposed by the institution, and to provide adequate  
opportunity for those graduates to remain in this state for the  
clinical portion of their education.

(b-1) If in its preliminary planning the institution  
establishes a long-term targeted maximum individual enrollment  
class size that differs from its proposed initial maximum  
individual enrollment class size, the institution's plan under  
Subsection (b) must include a proposed increase in the number of  
first-year residency positions over time that will be sufficient to  
accommodate, in accordance with the requirements of that  
subsection, the institution's planned increase or increases in  
maximum individual enrollment class size.

(c) Submission of a plan described by this section is a  
prerequisite for the board's approval of the proposed degree  
program.



(d) An institution's projected increase in first-year residency positions is presumed to be sufficient in its plan if, considering both the institution's proposed initial maximum individual enrollment class size and any projected growth in that class size, the increase will achieve the purposes of this section with respect to all graduates from degree programs described by this section that are offered or will be offered by the institution.

(d-1) Any institution that experiences substantial growth in an individual enrollment class size after the approval of its plan promptly shall provide to the board an updated plan that complies with Subsection (b) based on the institution's actual maximum individual enrollment class size and, if the institution anticipates continued substantial growth, based on the institution's targeted maximum individual enrollment class size. The board shall adopt rules that clearly define what constitutes a substantial growth in class size for an institution subject to this section.

(e) The institution may consult with the board as necessary to develop the plan required by this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 726 (S.B. [1066](#)), Sec. 1, eff. June 12, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 82 (S.B. [1378](#)), Sec. 1, eff. May 20, 2019.

Sec. 61.0513. COURT REPORTER PROGRAMS. The board may not certify a court reporter program under Section [61.051](#)(f) unless the program has received approval from the Judicial Branch Certification Commission.

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 2.02, eff. September 1, 2014.

Sec. 61.0514. INTEGRATED COURSEWORK. The board, with the cooperation and advice of the State Board for Educator Certification, shall adopt educator preparation coursework

guidelines that promote, to the greatest extent practicable, the integration of subject matter knowledge with classroom teaching strategies and techniques in order to maximize the effectiveness and efficiency of coursework required for certification under Subchapter B, Chapter 21.

Added by Acts 1999, 76th Leg., ch. 1590, Sec. 9, eff. June 19, 1999.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 530, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.0515. SEMESTER CREDIT HOURS REQUIRED FOR BACCALAUREATE DEGREE. (a) To earn a baccalaureate degree, a student may not be required by a general academic teaching institution to complete more than the minimum number of semester credit hours required for the degree by the Southern Association of Colleges and Schools or its successor unless the institution determines that there is a compelling academic reason for requiring completion of additional semester credit hours for the degree.

(b) The board may review one or more of an institution's baccalaureate degree programs to ensure compliance with this section.

(c) Subsection (a) does not apply to a baccalaureate degree awarded by an institution to a student enrolled in the institution before the 2008 fall semester. This subsection does not prohibit the institution from reducing the number of semester credit hours the student must complete to receive the degree.

Added by Acts 2005, 79th Leg., Ch. 1230 (H.B. 1172), Sec. 12, eff. June 18, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 530, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.05151. SEMESTER CREDIT HOURS REQUIRED FOR ASSOCIATE DEGREE. (a) To earn an associate degree, a student may not be required by an institution of higher education to complete more

than the minimum number of semester credit hours required for the degree by the Southern Association of Colleges and Schools or its successor unless the institution determines that there is a compelling academic reason for requiring completion of additional semester credit hours for the degree.

(b) The board may review one or more of an institution's associate degree programs to ensure compliance with this section.

(c) Subsection (a) does not apply to an associate degree awarded by an institution to a student enrolled in the institution before the 2015 fall semester. This subsection does not prohibit the institution from reducing the number of semester credit hours the student must complete to receive the degree.

Added by Acts 2013, 83rd Leg., R.S., Ch. 528 (S.B. 497), Sec. 1, eff. June 14, 2013.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 33, eff. September 1, 2013.

Sec. 61.0517. APPLIED STEM COURSES. (a) In this section, "applied STEM course" means an applied science, technology, engineering, or mathematics course offered as part of a school district's career and technology education or technology applications curriculum and approved, as provided by Section 28.027, by the State Board of Education for purposes of satisfying the mathematics and science curriculum requirements for the foundation high school program under Section 28.025.

(b) The board shall work with institutions of higher education to ensure that credit for an applied STEM course may be applied to relevant degree programs offered by institutions of higher education in this state.

(c) The board shall include applied STEM courses in the board's review of courses considered for approval for offer by a public junior college or public technical institute.

Added by Acts 2011, 82nd Leg., R.S., Ch. 926 (S.B. 1620), Sec. 4, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. 5), Sec. 69(a), eff. June 10, 2013.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 37, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.052. LIST OF COURSES; ANNUAL SUBMISSION TO BOARD.

(a) Each governing board shall submit to the board once each year on dates designated by the board a comprehensive list by department, division, and school of all courses, together with a description of content, scope, and prerequisites of all these courses, that will be offered by each institution under the supervision of that governing board during the following academic year. The list for each institution must also specifically identify any course included in the common course numbering system under Section 61.832 that has been added to or removed from the institution's list for the current academic year, and the board shall distribute that information as necessary to accomplish the purposes of Section 61.832.

(b) After the comprehensive list of courses is submitted by a governing board under Subsection (a), the governing board shall submit on dates designated by the board any changes in the comprehensive list of courses to be offered, including any changes relating to offering a course included in the common course numbering system.

(b-1) Each governing board must certify at the time of submission under Subsection (a) that the institution does not:

(1) prohibit the acceptance of transfer credit based solely on the accreditation of the sending institution; or

(2) include language in any materials published by the institution, whether in printed or electronic form, suggesting that such a prohibition exists.

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

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 34, eff. September 1, 2013.

Sec. 61.0521. RECOGNITION OF COMPETENCY-BASED EDUCATION DEGREE PLANS FOR MEMBERS OF TEXAS MILITARY FORCES. (a) In this section, "Texas military forces" has the meaning assigned by Section 437.001, Government Code.

(b) The board may approve an institution of higher education recognized by the board to offer a degree in coordination with the Texas Military Department that uses alternative methods of determining mastery of program content, including competency-based education.

(c) To be eligible for a degree approved under this section, a person must:

(1) have graduated from high school or received the equivalent of a high school diploma;

(2) satisfy the minimum active military service obligation to the Texas military forces for a degree plan as follows:

(A) for an associate degree, two years of service;

(B) for a baccalaureate degree, four years of service; and

(C) for a graduate degree, six years of service; and

(3) complete and meet the standards of the degree plan.

(d) The board may propose rules to establish requirements under which a person's training and experience acquired during the person's military service serve as proof of the person's demonstration of subject matter knowledge if that training and experience are verified by the Texas Military Department.

Added by Acts 2019, 86th Leg., R.S., Ch. 898 (H.B. 3601), Sec. 1, eff. September 1, 2019.

Sec. 61.053. BOARD ORDERS; NOTICE. (a) Any order of the

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

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

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

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

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

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

Sec. 61.054. EXPENDITURES FOR PROGRAMS DISAPPROVED BY BOARD. No funds appropriated to any institution of higher education may be expended for any program which has been disapproved by the board, unless the program is subsequently specifically approved by the legislature.

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

Sec. 61.055. PARTNERSHIPS OR AFFILIATIONS. (a) The board shall encourage cooperative programs and agreements among institutions of higher education, including programs and agreements relating to degree offerings, research activities, and library and computer sharing.

(b) A general academic teaching institution or medical and dental unit may establish a partnership or affiliation with another entity to offer or conduct courses for academic credit or to offer or operate a degree program if:

(1) the governing board or other appropriate official of the institution or unit determines that the partnership or affiliation is:

(A) consistent with the role and mission established for the institution or unit;

(B) in accordance with the degree and certificate programs authorized to be offered by the institution or unit; and

(C) consistent with the role and mission of the university system, if any, to which the institution or unit belongs;

(2) the partnership or affiliation is approved by the coordinating board; or

(3) the partnership or affiliation is established to secure or provide clinical or other similar practical educational experience in connection with a course or degree program authorized to be offered by the institution or unit.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1993, 73rd Leg., ch. 260, Sec. 11, eff. Sept. 1, 1993; Acts 2001, 77th Leg., ch. 1447, Sec. 1, eff. June 17, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 35, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 36, eff. September 1, 2013.

Sec. 61.056. REVIEW OF LEGISLATION ESTABLISHING ADDITIONAL INSTITUTIONS. Any proposed statute which would establish an additional institution of higher education, except a public junior college, shall be submitted, either prior to introduction or by the standing committee considering the proposed statute, to the board for its opinion as to the state's need for the institution. The board shall report its findings to the governor and the legislature. A recommendation that an additional institution is needed shall require the favorable vote of at least two-thirds of the members of the board. A recommendation of the board shall not be considered a condition precedent to the introduction or passage of any proposed statute.

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

Sec. 61.057. PROMOTION OF TEACHING EXCELLENCE. To achieve excellence in the teaching of students at institutions and agencies of higher education, the board shall:

(1) develop and recommend:

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

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

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

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

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

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

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

(4) conduct, and encourage the institutions of higher education to conduct, research into new methods, materials, and techniques for improving the quality of instruction and for the maximum utilization of all available teaching techniques, devices, and resources, including but not limited to large classes, team teaching, programmed instruction, interlibrary exchanges, joint libraries, specially-designed facilities, visual aids, and other innovations that offer promise for superior teaching or for meeting the need for new faculty members to teach anticipated larger numbers of students; and

(5) assume initiative and leadership in providing



through the institutions of higher education in the state those programs and offerings which will achieve the objectives set forth in Section 61.002 of this code.

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

Sec. 61.0571. BOARD ASSISTANCE TO INSTITUTIONS. (a) The board shall advise and offer technical assistance on the request of any institution of higher education or system administration.

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

(c) The board may provide administrative support and services to institutions of higher education as necessary to implement this chapter, Chapter 130, or Chapter 130A.

(d) The board may establish an institutional collaboration center within the board to support the implementation of Chapter 130A and the efficient and effective operations of institutions of higher education.

(e) From money appropriated or otherwise available for the purpose, the board may procure goods and services for the direct benefit of an institution of higher education and enter into an interagency contract under Chapter 771, Government Code, with the institution to reimburse the board for the cost of the goods and services.

(f) An affiliated nonprofit organization described by Section 61.051(b) may accept gifts, grants, or donations from any public or private source to pay for goods or services procured for the direct benefit of an institution of higher education under Subsection (e).

Transferred, redesignated and amended from Education Code, Section 61.051(1) by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 37, eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 38, eff. September 1, 2013.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 21, eff. September 1, 2023.

Sec. 61.0572. CONSTRUCTION FUNDS AND DEVELOPMENT OF PHYSICAL PLANTS. (a) To assure efficient use of construction funds and the orderly development of physical plants to accommodate projected college student enrollments, the board shall carry out the duties prescribed by this section and Section 61.058 of this code.

(b) The board shall:

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

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

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

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

(5) by rule adopt standards to guide the board's review of new construction and the repair and rehabilitation of all buildings and facilities regardless of proposed use; and

(6) ascertain that the board's standards and specifications for new construction, repair, and rehabilitation of all buildings and facilities are in accordance with Chapter 469, Government Code.

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

(d) The board may review purchases of improved real property added to an institution's educational and general buildings and facilities inventory to determine whether the property meets the standards adopted by the board for cost, efficiency, space need, and space use, but the purchase of the improved real property is not contingent on board review. Standards must be adopted by the board using the negotiated rulemaking procedures under Chapter [2008](#), Government Code. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing board of the applicable institution, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the improved real property that is added each year to the educational and general buildings and facilities inventory of institutions of higher education.

Acts 1971, 62nd Leg., p. 3137, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 2056, ch. 676, Sec. 3, eff. June 20, 1975; Acts 1977, 65th Leg., p. 1133, ch. 425, Sec. 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 585, ch. 121, Sec. 1, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 1694, ch. 319, Sec. 1, eff. June 16, 1983; Acts 1985, 69th Leg., ch. 646, Sec. 3, eff. Aug. 26, 1985. Renumbered from Education Code Sec. 61.058(1) to (7) and amended by Acts 1989, 71st Leg., ch. 1084, Sec. 1.16, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 803, Sec. 5, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 748, Sec. 4, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 165, Sec. 17.19(7), eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 615, Sec. 5, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 940, Sec. 3, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1319, Sec. 3, eff. June 18, 2003.

Amended by:

Acts 2006, 79th Leg., 3rd C.S., Ch. 9 (H.B. [153](#)), Sec. 3, eff. May 31, 2006.

Acts 2007, 80th Leg., R.S., Ch. 1207 (H.B. [1775](#)), Sec. 2, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 287 (H.B. [51](#)), Sec. 3, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 39, eff.

September 1, 2013.

Sec. 61.058. NEW CONSTRUCTION AND REPAIR AND REHABILITATION PROJECTS.

(a) This section does not apply to buildings and facilities that are to be used exclusively for auxiliary enterprises and will not require appropriations from the legislature for operation, maintenance, or repair.

(b) The board may review all construction, repair, or rehabilitation of buildings and facilities at institutions of higher education to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, space need, and space use, but the construction, rehabilitation, or repair is not contingent on board review. Standards must be adopted by the board using the negotiated rulemaking procedures under Chapter 2008, Government Code. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, the governing boards of the applicable institutions, and the Legislative Budget Board. This subsection does not impair the board's authority to collect data relating to the construction, repair, or rehabilitation of buildings and facilities occurring each year at institutions of higher education.

(c) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1155, Sec. 62(5), eff. September 1, 2013.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 2056, ch. 676, Sec. 3, eff. June 20, 1975; Acts 1977, 65th Leg., p. 1133, ch. 425, Sec. 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 585, ch. 121, Sec. 1, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 1694, ch. 319, Sec. 1, eff. June 16, 1983; Acts 1985, 69th Leg., ch. 646, Sec. 3, eff. Aug. 26, 1985; Acts 1987, 70th Leg., ch. 982, Sec. 1, eff. June 19, 1987; Acts 1989, 71st Leg., ch. 1084, Sec. 1.16, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 803, Sec. 6, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 748, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 229, Sec. 1, eff. May 24, 1999; Acts 2003, 78th Leg., ch.

615, Sec. 6, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 940, Sec. 4, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1319, Sec. 4, eff. June 18, 2003.

Amended by:

Acts 2006, 79th Leg., 3rd C.S., Ch. 9 (H.B. 153), Sec. 4, eff. May 31, 2006.

Acts 2007, 80th Leg., R.S., Ch. 1207 (H.B. 1775), Sec. 3, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 236 (S.B. 1796), Sec. 1, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 287 (H.B. 51), Sec. 4, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 40, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 62(5), eff. September 1, 2013.

Sec. 61.0581. POWERS UNAFFECTED BY CERTAIN CONSTITUTIONAL AMENDMENT. The powers of the board and the legislature, including the powers granted under Section 61.058 of this code, are not limited by the constitutional amendments proposed by H.J.R. No. 19, 68th Legislature, Regular Session, 1983, and adopted by the voters except to the extent those powers are specifically limited by those constitutional provisions.

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

Sec. 61.05821. CONDITION OF BUILDINGS AND FACILITIES; ANNUAL REPORT REQUIRED. Each institution of higher education, excluding each public junior college and excluding other agencies of higher education, annually shall report to the governing board of the institution information regarding the condition of the buildings and facilities of the institution, including information concerning deferred maintenance with respect to those buildings and facilities as defined by the board.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 41,

eff. September 1, 2013.

Sec. 61.0583. AUDIT OF FACILITIES. (a) The board periodically shall conduct a comprehensive audit of all educational and general facilities on the campuses of public senior colleges and universities and the Texas State Technical College System to verify the accuracy of the facilities inventory for each of those institutions.

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

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

(1) a project has received prior approval by the board if required by Section [61.058](#) of this code; and

(2) an approved project is completed as specified in the request to the board for approval of the project.

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

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

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.059. APPROPRIATIONS. (a) To finance a system of higher education and to secure an equitable distribution of state funds deemed to be available for higher education, the board shall perform the functions described in this section. Funding policies shall:

(1) allocate resources efficiently and provide incentives for programs of superior quality and for institutional diversity;

(2) provide incentives for supporting the five-year

master plan developed and revised under Section 61.051;

(3) discourage unnecessary duplication of course offerings between institutions and unnecessary construction on any campus; and

(4) emphasize an alignment with education goals established by the board.

(b) The board shall devise, establish, and periodically review and revise formulas for the use of the governor and the Legislative Budget Board in making appropriations recommendations to the legislature for institutions of higher education other than public junior colleges funded under Chapter 130A. As a specific element of the periodic review, the board shall study and recommend changes in the funding formulas based on the role and mission statements of those institutions of higher education. In carrying out its duties under this section, the board shall employ an ongoing process of committee review and expert testimony and analysis.

(b-1) A committee under Subsection (b) must be composed of representatives of a cross-section of institutions representing each of the institutional groupings under the board's accountability system, other than public junior colleges funded under Chapter 130A. The commissioner of higher education shall solicit recommendations for the committee's membership from the chancellor of each university system and from the president of each institution of higher education that is not a component of a university system. The chancellor of a university system may recommend to the commissioner at least one institutional representative for each institutional grouping to which a component of the university system is assigned. The president of an institution of higher education that is not a component of a university system may recommend to the commissioner at least one institutional representative for the institutional grouping to which the institution is assigned.

(c) Formulas for basic funding shall:

- (1) reflect the role and mission of each institution;
- (2) emphasize funding elements that directly support faculty;
- (3) reflect both fixed and variable elements of cost;



and

(4) incorporate, as the board considers appropriate, goals identified in the board's long-range statewide plan developed under Section [61.051](#).

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

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

(f) The board shall recommend to the governor and the Legislative Budget Board supplemental contingent appropriations to provide for increases in enrollment at the institutions of higher education. Contingent appropriations may be made directly to the institutions or to the board, as the legislature may direct in each



biennial appropriations act. In the event the contingent appropriation is made to the board, the funds shall be allocated and distributed by the board to the institutions as it may determine, subject only to such limitations or conditions as the legislature may prescribe.

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

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

(i) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1155, Sec. 62(9), eff. September 1, 2013.

(i-1) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1155, Sec. 62(9), eff. September 1, 2013.

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

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

(1) appropriating base funding as a single amount that is unrestricted to use among the various funding elements of the formula used to determine base funding; and

(2) appropriating to institutions the unexpended balance of appropriations made for the preceding fiscal year.

(1)(1) Except as provided by Subdivision (2), the board may not include in any formula under this section funding based on the number of doctoral students who have a total of 100 or more semester

credit hours of doctoral work at an institution of higher education.

(2) Notwithstanding Subdivision (1), the board may approve formula funding for semester credit hours in excess of 100, not to exceed 130 total semester credit hours, for a doctoral student if the institution:

(A) provides the board with substantial evidence that the particular field of study in which the student is enrolled requires a higher number of semester credit hours to maintain nationally competitive standards;

(B) provides the board with evidence that the student's program or research is likely to provide substantial benefit to medical or scientific advancement and that the program or research requires the additional semester credit hours; or

(C) provides the board with other compelling academic reasons that support the finding of an exception.

(3) The board shall report to the Legislative Budget Board, as part of its report on formula funding recommendations, a listing of the exceptions approved under Subdivision (2) and the associated costs in formula-based funding.

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

(n) In the formula applicable to Texas A&M University--Texarkana for funding instruction and operations, the board shall include any semester credit hours taught through distance education to students enrolled at that university who reside in another state and:

(1) as permitted by Section 54.060(a), pay tuition at the rate charged to residents of this state; and

(2) reside in a county in the other state that is contiguous to the county in which the university is located.

(n-1) In the formula applicable to Lamar State College--Orange for funding instruction and administration, the

board shall include any contact hours taught through distance education to students enrolled at that college who reside in another state and:

(1) as permitted by Section 54.231(a), pay tuition at the rate charged to residents of this state; and

(2) reside in a county or parish in the other state that is contiguous to the county in which the college is located.

(o) In addition to the other funding recommendations required by this section, biennially the board shall determine the amount that the board considers appropriate for purposes of providing funding under Section 61.0596 in the following state fiscal biennium to carry out the purposes of that section and shall make recommendations to the governor and the Legislative Budget Board for funding those programs in that biennium. To the extent the board considers appropriate, the board may include in the formulas established under this section the funding to be provided under Section 61.0596.

(p) In its instruction and operations formula applicable to an institution of higher education, the board may not include any semester credit hours earned for dual course credit by a high school student for high school and college credit at the institution unless those credit hours are earned through any of the following:

(1) a course in the core curriculum of the institution providing course credit;

(2) a course offered by the institution providing course credit in:

(A) a field of study curriculum developed by the board under Section 61.823; or

(B) a program of study curriculum established by the board under Section 61.8235;

(3) a career and technical education course that applies to any certificate or associate's degree offered by the institution providing course credit; or

(4) a foreign language course.

(q) Subsection (p) does not apply to a course completed by a student as part of the early college education program established under Section 29.908.

(r) The board shall exclude contact hours or semester credit hours related to a course for which a student is generating formula funding for the third time from the contact hours or semester credit hours reported for formula funding purposes.

Text of subsection as added by Acts 2023, 88th Leg., R.S., Ch. 754  
(H.B. 4005), Sec. 3

(s) Notwithstanding any other law, the board may not exclude from being counted in the hours reported to the Legislative Budget Board for formula funding contact hours or semester credit hours for a student's enrollment in a course for which the student has previously generated formula funding if the student is enrolled in a competency-based baccalaureate degree program, as defined by Section 56.521.

Text of subsection as added by Acts 2023, 88th Leg., R.S., Ch. 378  
(H.B. 8), Sec. 22

(s) Notwithstanding any other law, the board may not exclude from the number of semester credit hours reported for formula funding under this section or Chapter 130A semester credit hours for any course taken up to three times by a student who:

(1) has reenrolled at an institution of higher education following a break in enrollment from the institution or another institution of higher education covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and

(2) successfully completed at least 50 semester credit hours of course work at an institution of higher education before that break in enrollment.

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

1997, 75th Leg., ch. 231, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 690, Sec. 2, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 820, Sec. 13, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 287 (H.B. [51](#)), Sec. 5, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 90 (S.B. [1272](#)), Sec. 2, eff. May 19, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1120 (H.B. [9](#)), Sec. 2, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1183 (H.B. [3468](#)), Sec. 4, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. [1093](#)), Sec. 22.001(12), eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 727 (S.B. [31](#)), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 62(9), eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 941 (S.B. [1782](#)), Sec. 2, eff. June 15, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1210 (S.B. [25](#)), Sec. 7, eff. June 14, 2019.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. [8](#)), Sec. 22, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 754 (H.B. [4005](#)), Sec. 3, eff. June 12, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1133 (S.B. [646](#)), Sec. 1, eff. June 18, 2023.

Sec. 61.0592. FUNDING FOR COURSES PROVIDED DURING OFF-PEAK HOURS AT CERTAIN INSTITUTIONS. (a) The purposes of this section are:

(1) to ensure that student demand for courses is met; and

(2) to encourage the efficient use of existing instructional facilities while reducing the need for new instructional facilities.

(b) This section applies only to funding for a course provided by:

- (1) The University of Texas at Austin;
- (2) Texas A&M University; or
- (3) Texas Tech University.

(c) To carry out the purposes of this section, for each institution of higher education listed under Subsection (b), the board shall include in the formulas established under Section 61.059 funding in amounts sufficient to cover the institution's revenue loss resulting from any reduction in tuition rates under Section 54.061.

(d) In addition to the funding included under Subsection (c), in the formulas established under Section 61.059, as an incentive for the institutions to reduce tuition rates under Section 54.061, the board may include additional funding that represents a portion of the savings to the state resulting from the institution's efficient use of resources.

Added by Acts 2007, 80th Leg., R.S., Ch. 598 (H.B. 120), Sec. 1, eff. June 15, 2007.

Sec. 61.0594. COORDINATED FUNDING OF GRADUATE MEDICAL EDUCATION. (a) The board shall administer a program to support graduate medical education programs in this state consistent with the needs of this state for graduate medical education and the training of resident physicians in accredited residency programs in appropriate fields and specialties, including primary care specialties described by Section 58.008(a).

(b) From money available to the program, the board may make grants or formula distributions to:

- (1) support appropriate graduate medical education programs and activities for which adequate funds are not otherwise available; or
- (2) foster new or expanded graduate medical education programs or activities that the board determines will address the state's needs for graduate medical education.

(c) To be eligible to receive a grant or distribution under this section, an institution or other entity must incur the costs of

faculty supervision and education or the stipend costs of resident physicians in accredited clinical residency programs in this state. In making grants and distributions under this section, the board shall give consideration to the costs incurred by medical schools or other entities to support faculty responsible for the education or supervision of resident physicians in accredited graduate medical education programs, including programs in osteopathic medical education.

(d) The program is funded by appropriations, by gifts, grants, and donations made to support the program, and by any other funds the board obtains, including federal funds, for the program. From program funds, the comptroller of public accounts shall issue warrants to each institution or other entity determined by the board as eligible to receive a grant or distribution from the program in the amount certified by the board. An amount granted to an institution or other entity under the program may be used only to cover expenses of training residents of the particular program or activity for which the award is made in accordance with any conditions imposed by the board and may not otherwise be expended for the general support of the institution or entity.

(e) The board shall appoint an advisory committee to advise the board regarding the development and administration of the program, including considering requests for program grants and establishing formulas for distribution of money under the program. The advisory committee shall consist of:

(1) the executive director of the Texas State Board of Medical Examiners or the executive director's designee;

(2) the chair of the Family Practice Residency Advisory Committee or the chair's designee;

(3) the chair of the Primary Care Residency Advisory Committee or the chair's designee;

(4) the commissioner of the Health and Human Services Commission or the commissioner's designee; and

(5) the following members appointed by the board:

(A) one representative of a teaching hospital affiliated with a Texas medical school;

(B) one representative of a teaching hospital not

affiliated with a Texas medical school;

(C) three representatives of medical schools, at least one representing a medical school in The University of Texas System, and at least one representing a medical school not in The University of Texas System;

(D) two physicians active in private practice, one of whom must be a generalist;

(E) one doctor of osteopathic medicine active in private practice;

(F) one representative of an entity providing managed health care;

(G) three clinical faculty members, at least one of whom must be a generalist;

(H) one resident physician, who is a nonvoting member; and

(I) one medical student, who is a nonvoting member.

(f) The appointed advisory committee members serve staggered three-year terms. The board shall make the initial committee appointments to terms of one, two, and three years as necessary so that one-third of the appointed members' terms expire each year, as nearly as practicable. The committee shall elect one of its members as presiding officer for a term of one year. The committee shall meet at least once each year at the times requested by the board or set by the presiding officer of the committee. A member of the advisory committee may not be compensated for service on the committee but is entitled to be reimbursed by the board for actual expenses incurred in the performance of the member's duties as a committee member.

(g) The advisory committee shall:

(1) review applications for funding of graduate medical education programs under this section and make recommendations for approval or disapproval of those applications;

(2) make recommendations relating to the standards and criteria used for consideration and approval of grants or for the development of formulas for distribution of funding under this section;



(3) recommend to the board an allocation of funds among medical schools, teaching hospitals, and other entities that may receive funds under this section; and

(4) perform other duties assigned by the board.

Added by Acts 1997, 75th Leg., ch. 252, Sec. 2, eff. Sept. 1, 1997.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [365](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.0595. FUNDING FOR CERTAIN EXCESS UNDERGRADUATE CREDIT HOURS. (a) In the formulas established under Section [61.059](#) or Chapter [130A](#), the board may not include funding for semester credit hours earned by a resident undergraduate student who before the semester or other academic session begins has previously attempted a number of semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes that exceeds the number of semester credit hours required for completion of the degree program or programs in which the student is enrolled, including minors and double majors, and for completion of any certificate or other special program in which the student is also enrolled, including a program with a study-abroad component, by at least:

(1) for an associate degree program, 15 hours; or

(2) for a baccalaureate degree program, 30 hours.

(b) For purposes of Subsection (a), an undergraduate student who is not enrolled in a degree program is considered to be enrolled in a baccalaureate degree program.

(c) For a student enrolled in a baccalaureate program under Section [51.931](#), semester credit hours earned by the student 10 or more years before the date the student begins the new degree program under Section [51.931](#) are not counted for purposes of determining whether the student has previously earned the number of semester credit hours specified by Subsection (a).

(d) The following are not counted for purposes of determining whether the student has previously earned the number of semester credit hours specified by Subsection (a):

(1) semester credit hours earned by the student before receiving a baccalaureate degree that has previously been awarded to the student;

(2) semester credit hours earned by the student by examination or under any other procedure by which credit is earned without registering for a course for which tuition is charged;

(3) credit for a remedial education course, a technical course, a workforce education course funded according to contact hours, or another course that does not count toward a degree program at the institution;

(4) semester credit hours earned by the student at a private institution or an out-of-state institution;

(5) semester credit hours earned by the student before graduating from high school and used to satisfy high school graduation requirements;

(6) the first additional 15 semester credit hours earned toward a degree program by a student who:

(A) has reenrolled at an institution of higher education following a break in enrollment from the institution or another institution of higher education covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and

(B) successfully completed at least 50 semester credit hours of course work at an institution of higher education before that break in enrollment; and

(7) semester credit hours earned by the student before receiving an associate degree that has been previously awarded to the student.

(e) Subsection (a) applies only to funding for semester credit hours earned by a student who initially enrolled as an undergraduate student in any institution of higher education during or after the 1999 fall semester, except that with respect to semester credit hours earned by a student who initially enrolls as an undergraduate student in any institution of higher education before the 2006 fall semester, the board may not reduce funding under this section until the number of semester credit hours previously attempted by the student as described by this section

exceeds the number of semester credit hours required for the student's degree program by at least 45 hours.

(f) In the formulas established under Section 61.059 or Chapter 130A, the board shall include without consideration of Subsection (a) funding for semester credit hours earned by a student who initially enrolled as an undergraduate student in any institution of higher education before the 1999 fall semester.

(f-1) In the formulas established under Section 61.059, the board shall include without consideration of Subsection (a) or (e) of this section funding for semester credit hours earned by a student who is enrolled in a competency-based baccalaureate degree program, as defined by Section 56.521.

(g) To the extent practicable, the savings to the state resulting from the exclusion of funding for excess undergraduate semester credit hours from the funding formulas of the board as required by this section shall be used to finance the Toward EXcellence, Access, & Success (TEXAS) grant program under Subchapter M, Chapter 56.

Added by Acts 1997, 75th Leg., ch. 1073, Sec. 1.07, eff. Aug. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 6, Sec. 1, eff. April 8, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1230 (H.B. 1172), Sec. 13, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 290 (H.B. 101), Sec. 1, eff. June 19, 2009.

Acts 2017, 85th Leg., R.S., Ch. 941 (S.B. 1782), Sec. 3, eff. June 15, 2017.

Acts 2021, 87th Leg., R.S., Ch. 615 (S.B. 1531), Sec. 2, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 23, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 754 (H.B. 4005), Sec. 4, eff. June 12, 2023.

Sec. 61.0596. UNIVERSITY FUNDING FOR EXCELLENCE IN SPECIFIC PROGRAMS AND FIELDS; INCENTIVE GRANTS. (a) The board shall

administer this section to encourage and assist general academic teaching institutions, other than public state colleges, that are not research universities or emerging research universities according to the institutional groupings under the board's higher education accountability system to develop and maintain specific programs or fields of study of the highest national rank or recognition for that type of program or field.

(b) To assist the institution in achieving the highest national rank or recognition for the applicable degree program and from money available for the purpose, the board shall award incentive grants to general academic teaching institutions described by Subsection (a) that the board considers to have demonstrated the greatest commitment to success in developing or improving, consistent with the mission of the institution, the quality of an existing degree program designated by the institution. An institution must use a grant under this subsection for faculty recruitment or other faculty support with respect to the designated degree program for which the grant is awarded, including establishment of endowed faculty positions or enhancement of faculty compensation as considered appropriate by the institution.

(c) An institution may designate only one degree program at a time for consideration for new funding under Subsection (b). The institution may change its designation with the consent of the board. If the board determines that an institution has met all the applicable benchmarks for the institution's designated program, the institution may designate another degree program for consideration for new funding under Subsection (b).

(d) The board shall establish a series of benchmarks applicable to each degree program designated by an institution under this section. The institution becomes eligible for funding under Subsection (b) for each benchmark the board determines that the institution has met. The board shall establish the amount of funding for each benchmark met in a manner that provides an effective incentive to assist the institution to continue its efforts to meet the remaining benchmarks for its designated program.

(e) Unless the board determines that a different number of benchmarks is appropriate, the board shall establish three benchmarks for each designated degree program. The board shall identify one or more persons who have relevant expertise and do not reside in this state to assist the board in establishing the benchmarks and associated funding levels for each type of degree program designated by an institution under this section.

(f) An institution that designates a degree program to receive funding under Subsection (b) shall reimburse the board for the costs incurred by the board in administering this section with respect to the institution's designated program.

(g) In addition to supporting the programs designated by institutions for consideration to receive incentive grants under Subsection (b), from money available for the purpose, the board shall provide additional money as the board determines appropriate to assist the institutions described by Subsection (a) in maintaining the excellence of programs or fields of study that have achieved the highest national ranking or recognition for that type of program or field.

(h) The legislature may not appropriate money for grants or other financial assistance to general academic teaching institutions under this section before the board certifies that one or more institutions have met at least one of the benchmarks established by the board for the institutions' designated degree programs under Subsection (d).

Added by Acts 2009, 81st Leg., R.S., Ch. 287 (H.B. 51), Sec. 6, eff. September 1, 2009.

Sec. 61.060. CONTROL OF PUBLIC JUNIOR COLLEGES. The board shall exercise, under the acts of the legislature, general control of the public junior colleges of this state, on and after September 1, 1965. All authority not vested by this chapter or other laws of the state in the board is reserved and retained locally in each respective public junior college district or the governing board of each public junior college as provided in the applicable laws.

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

Sec. 61.061. POLICIES, RULES, AND REGULATIONS RESPECTING JUNIOR COLLEGES. The board has the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges placed upon it by the legislature. The commissioner of higher education is responsible for carrying out these policies and enforcing these rules and regulations.

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

Sec. 61.062. POWERS RESPECTING JUNIOR COLLEGES. (a) The board may authorize the creation of public junior college districts as provided in the applicable laws. In the exercise of this authority the board shall give particular attention to the need for a public junior college in the proposed district, and the ability of the district to provide adequate local financial support.

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

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

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

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

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

Sec. 61.063. LISTING OF PUBLIC JUNIOR COLLEGES; ELIGIBILITY FOR STATE APPROPRIATIONS. (a) The commissioner of higher education shall file with the comptroller and the state auditor on

or before September 1 of each year a list of each public junior college in this state that has certified to the board under Section 130.003 that the college is in compliance with the requirements of Subsection (b) of that section.

(b) Only a public junior college included on the list under Subsection (a) is eligible for and may receive money appropriated by the legislature to public junior colleges.

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

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 18, eff. September 1, 2013.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 24, eff. September 1, 2023.

Sec. 61.064. COOPERATIVE UNDERTAKINGS WITH PRIVATE COLLEGES AND UNIVERSITIES. The board shall:

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

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

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

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

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

Sec. 61.065. REPORTING; ACCOUNTING. (a) The comptroller of public accounts and the board jointly shall prescribe and periodically update a uniform system of financial accounting and

reporting for institutions of higher education, including definitions of the elements of cost on the basis of which appropriations shall be made and financial records shall be maintained. The board may require institutions to report additional financial information as the board considers necessary. In order that the uniform system of financial accounting and reporting shall provide for maximum consistency with the national reporting system for higher education, the uniform system shall incorporate insofar as possible the provisions of the financial accounting and reporting manual published by the National Association of College and University Business Officers. The accounts of the institutions shall be maintained and audited in accordance with the approved reporting system.

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

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1987, 70th Leg., ch. 823, Sec. 4.02, eff. June 20, 1987; Acts 1991, 72nd Leg., ch. 599, Sec. 4, eff. Sept. 1, 1991; Acts 2003, 78th Leg., ch. 820, Sec. 14, eff. Sept. 1, 2003.

Sec. 61.0651. MANAGEMENT POLICIES. (a) The coordinating board shall adopt and recommend management policies applicable to institutions of higher education in relation to management of human resources and physical plants. The policies shall be designed to streamline operations and improve accountability.

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

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

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



requirements, and in maintaining personnel records;

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

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

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

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

(2) end the practice of deferring building maintenance;

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

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

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

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

Sec. 61.0661. OPPORTUNITIES FOR GRADUATE MEDICAL EDUCATION.

(a) The board shall conduct an assessment of the adequacy of opportunities for graduates of medical schools in this state to enter graduate medical education in this state. The assessment must:

(1) compare the number of first-year graduate medical education positions available annually with the number of medical school graduates;

(2) include a statistical analysis of recent trends in and projections of the number of medical school graduates and first-year graduate medical education positions in this state;

(3) develop methods and strategies for achieving a

ratio for the number of first-year graduate medical education positions to the number of medical school graduates in this state of at least 1.1 to 1;

(4) evaluate current and projected physician workforce needs of this state, by total number and by specialty, in the development of additional first-year graduate medical education positions; and

(5) examine whether this state should ensure that a first-year graduate medical education position is created in this state for each new medical student position established by a medical and dental unit.

(b) Not later than December 1 of each even-numbered year, the board shall report the results of the assessment to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of the senate and house of representatives with primary jurisdiction over higher education.

Transferred, redesignated and amended from Education Code, Section 61.051(a-4) by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 42, eff. September 1, 2013.

Sec. 61.0662. INFORMATION ON RESEARCH CONDUCTED BY INSTITUTIONS. (a) The board shall maintain an inventory of all institutional and programmatic research activities being conducted by the various institutions of higher education, whether state-financed or not.

(b) Once a year, on dates prescribed by the board, each institution of higher education shall report to the board all research conducted at that institution during the preceding year. Each institution's report must include the amounts spent by the institution on human embryonic stem cell research and adult stem cell research during the year covered by the report and the source of the funding for that research.

(c) All reports required by this section shall be made subject to the limitations imposed by security regulations governing defense contracts for research.

(d) Not later than January 1 of each year, the board shall

submit to the legislature information regarding human stem cell research obtained by the board from reports required by this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 345 (S.B. [139](#)), Sec. 1, eff. June 15, 2007.

Transferred, redesignated and amended from Education Code, Section [61.051](#)(h) by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 43, eff. September 1, 2013.

Reenacted and amended by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 5.006(a), eff. September 1, 2015.

Sec. 61.0663. INVENTORY OF POSTSECONDARY EDUCATIONAL PROGRAMS AND SERVICES FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. (a) The board shall maintain an inventory of all postsecondary educational programs and services provided for persons with intellectual and developmental disabilities by institutions of higher education.

(b) The board shall:

(1) post the inventory on the board's Internet website in an easily identifiable and accessible location;

(2) submit the inventory to the Texas Education Agency for inclusion in the transition and employment guide under Section [29.0112](#); and

(3) update the inventory at least annually.

(c) At times prescribed by the board, each institution of higher education shall report to the board all programs and services described by Subsection (a) provided by that institution.

Added by Acts 2015, 84th Leg., R.S., Ch. 747 (H.B. [1807](#)), Sec. 1, eff. June 17, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 617 (S.B. [1017](#)), Sec. 1, eff. June 10, 2019.

Sec. 61.0664. COLLECTION AND STUDY OF DATA ON PARTICIPATION OF PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN HIGHER EDUCATION. (a) The board shall collect and maintain data relating to:

(1) undergraduate and graduate level participation of persons with intellectual and developmental disabilities at institutions of higher education, including data regarding applications for admission, admissions, retention, graduation, and professional licensing; and

(2) participation of persons with intellectual and developmental disabilities enrolled in a workforce education program, including a workforce continuing education program, that is eligible for state-appropriated formula funding, including data regarding retention, graduation, and professional licensing.

(b) The board shall conduct an ongoing study of the data collected and maintained under Subsection (a) to analyze factors affecting the participation of persons with intellectual and developmental disabilities at institutions of higher education.

(c) The board shall conduct an ongoing study on the recruitment of persons with intellectual and developmental disabilities at institutions of higher education. The study must identify previously made recruitment efforts, limitations on recruitment, and possible methods for recruitment. Not later than November 1 of each even-numbered year, the board shall submit to the governor and members of the legislature a report on the results of the study conducted under this subsection and any recommendations for legislative or other action.

(d) Each institution of higher education, at times prescribed by the board, shall submit to the board any information requested by the board as necessary for the board to carry out its duties under this section.

(e) The board shall adopt rules as necessary to implement this section in a manner that ensures compliance with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

Added by Acts 2015, 84th Leg., R.S., Ch. 1128 (S.B. 37), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 568 (S.B. 719), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 5.029, eff. September 1, 2019.

Sec. 61.06641. ACCESS TO HIGHER EDUCATION FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; ADVISORY COUNCIL.

(a) The board, with the assistance of the advisory council established under this section, shall:

(1) periodically review the policies and practices that increase access to higher education opportunities for persons with intellectual and developmental disabilities; and

(2) distribute educational outreach materials developed by the advisory council to increase awareness regarding postsecondary opportunities for persons with intellectual and developmental disabilities.

(b) The board shall establish an advisory council on postsecondary education for persons with intellectual and developmental disabilities, in accordance with Section 61.026, to advise the board on policies and practices to improve postsecondary education opportunities for persons with intellectual and developmental disabilities.

(c) The advisory council is composed of the following members appointed as follows:

(1) one member appointed by the executive director of the Texas Workforce Commission;

(2) one member appointed by the commissioner of the Texas Education Agency;

(3) a representative of the continuing advisory committee established under Section 29.006 appointed by the governor; and

(4) the following members appointed by the board:

(A) a representative of a University Centers for Excellence in Developmental Disabilities program in this state;

(B) a representative of a disability advocacy group;

(C) a parent or guardian of a person with an

intellectual or developmental disability;

(D) a parent or guardian of a person with an intellectual or developmental disability who is currently enrolled in an institution of higher education;

(E) a person with an intellectual or developmental disability enrolled in an institution of higher education;

(F) a person with an intellectual or developmental disability who has completed a program at an institution of higher education;

(G) a high school counselor;

(H) a specialist in the transition to employment from a regional education service center, school district, or other state agency; and

(I) additional representatives with relevant experience, as needed.

(d) Members of the advisory council serve two-year terms.

(e) A member of the advisory council is not entitled to compensation but is entitled to reimbursement for actual and necessary expenses incurred by the member while conducting the business of the advisory council.

(f) The members of the advisory council shall elect a presiding officer from among the membership.

(g) The advisory council shall:

(1) study the accessibility of higher education for persons with intellectual and developmental disabilities;

(2) provide advice regarding resolving barriers to accessing higher education for persons with intellectual and developmental disabilities; and

(3) identify, evaluate, and develop recommendations to address barriers to accessing higher education for persons with intellectual and developmental disabilities who are or have been in the foster care system and any data collection issues in relation to those persons.

(h) The advisory council shall meet at least quarterly at the call of the presiding officer.

(i) Notwithstanding Chapter [551](#), Government Code, or any

other law, the advisory council may meet by telephone conference call, videoconference, or other similar telecommunication method. A meeting held by telephone conference call, videoconference, or other similar telecommunication method is subject to the requirements of Sections [551.125\(c\)-\(f\)](#), Government Code.

(j) The advisory council shall submit a report to the board annually, at a time determined by the board. The report must include information regarding:

- (1) the advisory council's activities;
- (2) any relevant rule changes necessary to decrease barriers to accessing higher education for persons with intellectual and developmental disabilities; and
- (3) recommendations for potential outreach and education materials to increase public awareness of the availability of higher education opportunities and resources for persons with intellectual and developmental disabilities, including information regarding available grants, loan programs, and other resources that may require statewide outreach efforts.

(k) Not later than December 1 of each even-numbered year, the advisory council shall provide a report to the board and to the governor, the lieutenant governor, the speaker of the house of representatives, the members of the legislature, and, as necessary, other state agencies or relevant stakeholders. The report must include:

- (1) historic and current higher education data and related information regarding persons with intellectual and developmental disabilities, including:
  - (A) graduation rates;
  - (B) the geographic distribution of institutions of higher education providing appropriate opportunities;
  - (C) a description of available programs; and
  - (D) any other relevant data; and
- (2) recommendations for changes to support success and achievement for persons with intellectual and developmental disabilities in accessing higher education, including recommendations for:

(A) addressing gaps in data; and

(B) identifying problems with and barriers to accessing higher education.

(1) The board shall provide administrative support for the advisory council.

Added by Acts 2019, 86th Leg., R.S., Ch. 617 (S.B. 1017), Sec. 2, eff. June 10, 2019.

Sec. 61.0665. STUDY ON USE AND AVAILABILITY OF ELECTRONIC TEXTBOOKS. (a) The board shall conduct a study and recommend policies regarding the use and availability of electronic textbooks in higher education in this state and in other states. The study and policy recommendations must include a specific focus on the results of the pilot program implemented by The University of Texas at Austin with respect to the use of electronic textbooks and must address methods for encouraging the use of electronic textbooks at public or private institutions of higher education in this state.

(b) Each student regent serving under Section 51.355 or 51.356 shall assist the board in performing the board's duties under Subsection (a). The board shall establish procedures to assist a student regent in complying with this subsection.

(c) The board may solicit and accept gifts and grants from any public or private source to conduct the study and develop policy recommendations under this section.

(d) Expired.

Added by Acts 2009, 81st Leg., R.S., Ch. 1012 (H.B. 4149), Sec. 2, eff. June 19, 2009.

For expiration of this section, see Subsection (g).

Sec. 61.0667. DIGITAL COURSE MATERIALS PILOT PROGRAM.

(a) In this section:

(1) "Digital course material" means a digital textbook, supplemental material, or open educational resource, as those terms are defined by Section 51.451.

(2) "Eligible institution" means a public junior college, public technical institute, or public state college.

(b) The board shall establish a pilot program under which



the board awards grants to participating eligible institutions to provide financial assistance to students for the cost of accessing digital course materials.

(c) The board shall adopt rules necessary to administer the pilot program, including rules to:

(1) establish a methodology for selecting eligible institutions to participate in the pilot program and allocating money appropriated for the purpose of the pilot program among those institutions that, to the greatest extent possible, results in a distribution of grant awards that:

(A) reflects the varied geography and unique institutional missions in this state; and

(B) serves students who meet financial need requirements as defined by the board for the Texas Educational Opportunity Grant Program under Subchapter P, Chapter 56, and other diverse student populations that characterize higher education in this state; and

(2) establish criteria that participating institutions must use to evaluate digital course materials that may be accessed using grants awarded under the pilot program, which may include criteria regarding:

(A) access to relevant technical support;

(B) adherence to accessibility standards for students with disabilities;

(C) positive impact on student outcomes;

(D) immediate access and availability of the materials to all students enrolled at the institution;

(E) faculty access to resources and training materials;

(F) subscription-based models;

(G) inclusive-access models; and

(H) supplemental resources that may be provided to assist students with career readiness workforce development.

(d) In developing the rules adopted under Subsection (c), the board shall solicit input from publishers, campus bookstore operators, and other relevant industry representatives.

(e) This section does not affect any authority granted by an

eligible institution to a faculty member to select course materials for courses taught by the faculty member.

(f) Not later than September 1, 2026, the board shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education a report that evaluates the effectiveness of the pilot program in improving student outcomes. The report must include a recommendation regarding whether the pilot program should be continued, expanded, or terminated.

(g) This section expires September 1, 2027.  
Added by Acts 2023, 88th Leg., R.S., Ch. 500 (H.B. [2177](#)), Sec. 1, eff. June 10, 2023.

For expiration of this section, see Subsection (e).

Sec. 61.06694. STUDY AND REPORT ON ASSISTING STUDENTS WITH AUTISM SPECTRUM DISORDER. (a) The board, with the assistance of the advisory council on postsecondary education for persons with intellectual and developmental disabilities established under Section [61.06641](#), shall conduct a study to determine best practices for assisting students with autism spectrum disorder who are enrolled at institutions of higher education.

(b) The study must:

(1) identify and track:

(A) the number of students with autism spectrum disorder who graduate from secondary schools in this state;

(B) the number of students with autism spectrum disorder who are enrolled at institutions of higher education;

(C) the student financial assistance available to students with autism spectrum disorder who enroll at institutions of higher education; and

(D) the graduation rates of students with autism spectrum disorder who enroll at institutions of higher education; and

(2) identify and examine best practices and program modules from public and private institutions of higher education outside this state that have achieved successful results in working

with students with autism spectrum disorder.

(c) In conducting the study, the board:

(1) shall collaborate with the Texas Education Agency regarding specialized programs offered by elementary or secondary schools for students with autism spectrum disorder to determine how those programs could be replicated at or extended to postsecondary institutions; and

(2) may not request, require, or use personally identifiable student information.

(d) Not later than December 1, 2025, the board shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the commissioner of education a written report that includes the study's findings and any recommendations for legislative or other action.

(e) This section expires January 1, 2026.

Added by Acts 2023, 88th Leg., R.S., Ch. 1039 (S.B. 55), Sec. 1, eff. June 18, 2023.

Sec. 61.067. CONTRACTS. In achieving the goals outlined in this chapter and in performing the functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations and individuals. The board shall propose, foster, and encourage the use of interagency contracts among the institutions of higher education to reduce duplication and achieve better use of personnel and facilities.

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

Sec. 61.0670. STATE REPOSITORY OF OPEN EDUCATIONAL RESOURCES. (a) In this section, "open educational resource" has the meaning assigned by Section 51.451.

(b) The board shall contract with a high-quality open educational resource repository to develop and maintain a web portal customized to meet the needs of individual institutions of higher education, students, and others who may benefit from access to open educational resources.

(c) Open educational resources available through the portal must be searchable by course or learning outcome, program or field of study, marketable skills, college readiness, and other topics as determined by the board.

(d) The portal must provide access to repositories maintaining a wide range of open educational resources, including textbooks, full courses, course materials, modules, images, videos, assessment software, and any other tools, materials, or techniques used to support learning.

(e) Resources developed with state funds shall be made available under a Creative Commons license and submitted for use as an open educational resource through a repository available through the portal. A publisher may submit instructional materials for inclusion in a repository available through the portal.

(f) The board may request the assistance of the Learning Technology Advisory Committee to establish, maintain, and market the web portal required under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 902 (H.B. [3652](#)), Sec. 1, eff. September 1, 2019.

Sec. 61.068. GIFTS, GRANTS, DONATIONS. The board may accept gifts, grants, or donations of personal property from any individual, group, association, or corporation, or the United States, subject to such limitations or conditions as may be provided by law. Gifts, grants, or donations of money shall be deposited in the state treasury and expended in accordance with the specific purpose for which given, under such conditions as may be imposed by the donor and as provided by law.

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

Sec. 61.069. BOARD ROLE IN ESTABLISHING BEST PRACTICES.

(a) The board may administer or oversee a program to identify best practices only in cases where funding or other restrictions prevent entities other than the board from administering the program.

(b) The board may initiate a new pilot project only if other entities, including nonprofit organizations and institutions of

higher education, are not engaging in similar projects or if the initiative cannot be performed by another entity.

(c) The board may use its position as a statewide coordinator to assist with matching nonprofit organizations or grant-funding entities with institutions of higher education and private or independent institutions of higher education to implement proven programs and best practices.

(d) The board may compile best practices and strategies resulting from its review of external studies for use in providing technical assistance to institutions of higher education and as the basis for the board's statewide policy recommendations.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 44, eff. September 1, 2013.

Sec. 61.071. STUDENT REPRESENTATIVES ON CERTAIN BOARD ADVISORY COMMITTEES. (a) In this section:

(1) "Board" means the Texas Higher Education Coordinating Board or its successor agency.

(2) "Student government" means the representative student organization directly elected by the student body of an institution of higher education.

(b) Not later than August 1 of each odd-numbered year, the board shall provide the following to each institution of higher education:

(1) a list of available positions for student representatives on board advisory committees, the effective term of each of those positions, and the duties and requirements for each position;

(2) a maximum number of nominees determined by the board allowed to be submitted by each institution for each position; and

(3) an application form for appointment to an advisory committee.

(b-1) The term of a student representative on a board advisory committee may not be less than two years.

(c) Not later than September 1 of each odd-numbered year, the president of each institution of higher education shall

establish a nomination process for the available positions for student representatives on board advisory committees and shall solicit student applications from which the president may select a number of applicants for those positions, not to exceed the maximum number designated by the board for each position.

(d) Not later than the following December 1, the president shall forward the applications of the nominees selected by the president to the board for consideration. Not later than the following February 1, the board shall appoint a total of not fewer than four student representatives to designated advisory committees of the board, including the Common Application Advisory Committee, the Distance Education Advisory Committee, the Financial Aid Advisory Committee, the Undergraduate Education Advisory Committee, the Transfer Issues Advisory Committee, or any other advisory committee created to address the needs of higher education, including committees addressing financial aid, student services, and undergraduate education needs.

(e) A student representative on an advisory committee must meet minimum requirements prescribed by Section 51.355(d) for a nonvoting student regent, as those requirements apply to an institution of higher education.

(f) A student representative on an advisory committee has the same powers and duties as the members of the advisory committee, including the right to attend and participate in meetings of the committee, except that the student representative:

(1) may not vote on any matter before the committee or make or second any motion before the committee; and

(2) is not counted in determining whether a quorum exists for a meeting of the committee or in determining the outcome of any vote of the committee.

(g) A student representative on an advisory committee serves without pay.

(h) A vacancy in the position of student representative on an advisory committee shall be filled for the unexpired term by appointment by the board.

Added by Acts 2007, 80th Leg., R.S., Ch. 1311 (S.B. 1007), Sec. 2, eff. September 1, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 827 (S.B. [1729](#)), Sec. 1, eff. June 19, 2009.

Sec. 61.072. REGULATION OF FOREIGN STUDENT TUITION. The board shall adopt rules and policies to be followed by the governing boards of institutions of higher education in fixing foreign student tuition fees pursuant to Subsections (h) and (i), Section [54.051](#), of this code.

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

Sec. 61.073. ALLOCATION OF FUNDS FOR TUITION AND FEE EXEMPTIONS. Funds shall be appropriated to the board for allocation to each junior college in an amount equal to the total of all tuition and fees forgone each semester as a result of the tuition and fee exemptions required by law in Sections [54.301](#), [54.331](#), [54.341](#), [54.343](#), [54.351](#), [54.352](#), [54.353](#), [54.3531](#), and [54.364](#).

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

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 359 (S.B. [32](#)), Sec. 7, eff. January 1, 2012.

Sec. 61.074. OFFICIAL GRADE POINT AVERAGE. The board shall by rule establish a mandatory uniform method of calculating the official grade point average of a student enrolled in, or seeking admission to a graduate or professional school of, an institution of higher education.

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

Sec. 61.075. COURSES BENEFITTING MILITARY INSTALLATIONS. (a) The coordinating board by rule shall provide for the offering of courses and degree programs on military installations, including

significant new naval military facilities.

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

(c) In this section, "significant new naval military facility" has the meaning assigned by Section 4, Article 1, National Defense Impacted Region Assistance Act of 1985.

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

Sec. 61.076. P-16 COUNCIL. (a) It is the policy of the State of Texas that the entire system of education supported with public funds be coordinated to provide the citizens with efficient, effective, and high quality educational services and activities. The P-16 Council, in conjunction with other agencies as may be appropriate, shall ensure that long-range plans and educational programs for the state complement the functioning of the entire system of public education, extending from early childhood education through postgraduate study.

(b) The P-16 Council is composed of the commissioner of education, the commissioner of higher education, the executive director of the Texas Workforce Commission, the executive director of the State Board for Educator Certification, and the commissioner of assistive and rehabilitative services. The commissioner of higher education and the commissioner of education shall serve as co-chairs of the council.

(c) The co-chairs may appoint six additional members who are education professionals, agency representatives, business representatives, or other members of the community. Members appointed to the council under this subsection serve two-year terms expiring February 1 of each odd-numbered year.

(d) The council shall meet at least once each calendar quarter and may hold other meetings as necessary at the call of the co-chairs. Each member of the council or the member's designee shall make a report of the council's activities at least twice



annually to the governing body of the member's agency, except that the commissioner of education or that commissioner's designee shall report to the State Board of Education and the commissioner of assistive and rehabilitative services or that commissioner's designee shall report to the executive commissioner of the Health and Human Services Commission.

(e) The council shall coordinate plans and programs, including curricula, instructional programs, research, and other functions as appropriate. This coordination shall include the following areas:

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

(f) The council shall examine and make recommendations regarding the alignment of secondary and postsecondary education curricula and testing and assessment. This subsection does not require the council to establish curriculum or testing or assessment standards.

(g) The council shall advise the board and the State Board of Education on the coordination of postsecondary career and technology activities, career and technology teacher education programs offered or proposed to be offered in the colleges and universities of this state, and other relevant matters, including:

- (1) coordinating postsecondary career and technology education and the articulation between postsecondary career and technology education and secondary career and technology education;
- (2) facilitating the transfer of responsibilities for the administration of postsecondary career and technology education from the State Board of Education to the board in

accordance with Section 111(a)(I) of the Carl D. Perkins Vocational Education Act (Pub. L. No. 98-524);

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

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

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

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

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

(E) the coordination of curricula, instructional programs, research, and other functions as appropriate, including school-to-work and school-to-college transition programs and professional development activities; and

(4) advising the Texas Workforce Investment Council on educational policy issues related to workforce preparation.

(h) The council, in conjunction with the State Center for Early Childhood Development, shall develop and adopt a school readiness certification system as required by Section [29.161](#).

(i) Expired.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.21, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 820, Sec. 16, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1140 (H.B. [2808](#)), Sec. 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. [3167](#)), Sec. 4.010, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1033 (H.B. 2909), Sec. 3, eff. June 17, 2011.

Sec. 61.07611. DEVELOPMENTAL EDUCATION PLAN; REPORT.

(a) To serve students who require developmental education in an effective and cost-effective manner, the board shall develop a statewide plan for developmental education to be provided under Subchapter F-1, Chapter 51, that:

(1) assigns primary responsibility for developmental education to public junior colleges, public state colleges, and public technical institutes; and

(2) provides for using technology, to the greatest extent practicable consistent with best practices, to provide developmental education to students.

(b) In developing the developmental education plan, the board shall:

(1) research relevant issues related to developmental education;

(2) study and develop best practices for successful developmental education programs, including through use of pilot programs; and

(3) assess various methods of providing developmental education to students to determine which methods, if any, should be implemented on a statewide basis.

(c) Developmental education under the plan must include:

(1) technological delivery of developmental education courses that allows students to complete course work;

(2) diagnostic assessments to determine a student's specific educational needs to allow for appropriate developmental instruction;

(3) modular developmental education course materials;

(4) use of tutors and instructional aides to supplement developmental education course instruction as needed for particular students;

(5) an internal monitoring mechanism to identify a student's area of academic difficulty;

(6) periodic updates of developmental education

course materials; and

(7) assessments after completion of a developmental education course to determine a student's readiness to enroll in freshman-level academic courses.

(d) The developmental education plan must provide for:

(1) ongoing training for developmental education program faculty members, tutors, and instructional aides at the institutions or other locations where those persons provide instruction; and

(2) ongoing research and improvement of appropriate developmental education programs, including participation by a group of institution of higher education faculty members selected by the board, to:

(A) monitor results of the programs;

(B) identify successful and unsuccessful program components; and

(C) identify possible solutions to program problems.

Added by Acts 2011, 82nd Leg., R.S., Ch. 874 (S.B. [162](#)), Sec. 1, eff. September 1, 2011.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 842 (H.B. [2223](#)), Sec. 2.09, eff. June 15, 2017.

Sec. 61.0762. PROGRAMS TO ENHANCE STUDENT SUCCESS. (a) To enhance the success of students at institutions of higher education, the board by rule shall:

(1) develop higher education bridge programs in the subject areas of mathematics, science, social science, or English language arts to increase student success by reducing the need for developmental education;

(2) develop incentive programs for institutions of higher education that implement research-based, innovative developmental education initiatives;

(3) develop a pilot program to award grants to institutions of higher education for intensive programs designed to address the needs of students at risk of dropping out of college;

(4) develop professional development programs for faculty of institutions of higher education on college readiness standards and the implications of such standards on instruction; and

(5) develop other programs as determined by the board that support the participation and success goals in "Closing the Gaps," the state's master plan for higher education.

(b) The board may award a grant under Subsection (a)(3) to an institution of higher education only if at least 50 percent of the students served in the program:

(1) have a score on the Scholastic Assessment Test (SAT) or American College Test (ACT) that is less than the national mean score for that test;

(2) have been awarded a grant under the federal Pell grant program;

(3) are at least 20 years of age on the date the student enrolls as a first-time freshman in the institution of higher education;

(4) have enrolled or will initially enroll as a part-time student; or

(5) meet any other requirements established by the board.

Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. [1](#)), Sec. 5.08, eff. May 31, 2006.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 851 (S.B. [2258](#)), Sec. 2, eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 1203 (S.B. [1455](#)), Sec. 4, eff. September 1, 2015.

Sec. 61.07621. TEXAS GOVERNOR'S SCHOOLS. (a) A Texas governor's school is a summer residential program for high-achieving high school students. A governor's school program may include any or all of the following educational curricula:

(1) mathematics and science;

(2) humanities;

(3) fine arts; or

(4) leadership and public policy.

(b) A public senior college or university may apply to the board to administer a Texas governor's school program under this section. The board shall give preference to a public senior college or university that applies in cooperation with a nonprofit association. The board shall give additional preference if the nonprofit association receives private foundation funds that may be used to finance the program.

(c) The board may approve an application under this section only if the applicant:

(1) applies within the period and in the manner required by rule adopted by the board;

(2) submits a program proposal that includes:

(A) a curriculum consistent with Subsection (a);

(B) criteria for selecting students to participate in the program;

(C) a statement of the length of the program, which must be at least three weeks; and

(D) a statement of the location of the program;

(3) agrees to use a grant under this section only for the purpose of administering a program; and

(4) satisfies any other requirements established by rule adopted by the board.

(d) The criteria described by Subsection (c)(2)(B) must include grade point average, academic standing, and extracurricular activities.

(e) From funds appropriated to the board, the board may make a grant in an amount not to exceed \$750,000 each year to public senior colleges or universities whose applications are approved under this section to pay the costs of administering a Texas governor's school program.

(f) The board may adopt other rules necessary to implement this section.

Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. 1), Sec. 5.04, eff. May 31, 2006.

Redesignated from Education Code, Section 29.124 and amended by Acts 2007, 80th Leg., R.S., Ch. 876 (H.B. 1748), Sec. 1, eff. June

15, 2007.

Sec. 61.0764. MEDICAL DUAL CREDIT PILOT PROGRAM. (a) The board shall develop and implement a pilot program under which a licensed hospital may offer dual credit courses to high school students enrolled in a school district in partnership with the district.

(b) The board shall select one licensed hospital located in a county that borders the United Mexican States and that has a population of more than 870,000 to participate in the pilot program. The hospital must be accredited by The Joint Commission and:

(1) have been issued:

(A) a certificate of approval to offer a program of instruction by the Texas Workforce Commission under Subchapter C, Chapter 132; or

(B) a certificate of authority to award a degree for a program of study by the board under Subchapter G of this chapter;

(2) be accredited to offer a degree program by the appropriate recognized regional accrediting agency; or

(3) must:

(A) have entered into a partnership with an institution of higher education to offer dual credit courses under the pilot program; and

(B) be seeking authorization to offer a program of instruction or study as described by Subdivision (1) or accreditation to offer a degree program as described by Subdivision (2).

(c) The licensed hospital selected under Subsection (b):

(1) may offer under the pilot program only dual credit courses that are in the curriculum of the hospital's program of instruction or study or degree program described by Subsection (b)(1), (2), or (3), as applicable; and

(2) subject to Subdivision (1) and Subsection (d), shall determine the content of each dual credit course offered under the pilot program with the goal of ensuring that the course is

transferable for course credit applied toward a certificate or degree at an institution of higher education.

(d) The licensed hospital selected under Subsection (b) must design the dual credit courses offered under the pilot program to enable students to earn a variety of certifications, certificates, and degrees, including at least one certification or certificate while the student is in high school. The available certifications, certificates, and degrees must be selected based on:

(1) the needs of the hospital;

(2) the terms of the hospital's agreements with partnering school districts to provide the dual credit courses under the pilot program; and

(3) the goal of preparing students for employment in the health care field.

(e) A student enrolled in a dual credit course offered under the pilot program is entitled to the benefits of the Foundation School Program for the time spent by the student on that course, in accordance with rules adopted by the commissioner of education.

(f) A student may not be charged for tuition, fees, or required textbooks or other instructional materials for a dual credit course offered under the pilot program. The school district in which the student is enrolled is responsible for the cost of the student's tuition, fees, or required textbooks or other instructional materials for that course to the extent that those amounts are not waived by the licensed hospital.

(g) The board may adopt rules as necessary to implement this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 508 (H.B. [2937](#)), Sec. 1, eff. June 9, 2017.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 644 (H.B. [4559](#)), Sec. 24, eff. September 1, 2023.

Sec. 61.0766. MATHEMATICS, SCIENCE, AND TECHNOLOGY TEACHER PREPARATION ACADEMIES. (a) From funds appropriated for that purpose, the board shall establish academies at institutions of



higher education to improve the instructional skills of teachers certified under Subchapter B, Chapter 21, and train students enrolled in a teacher preparation program to perform at the highest levels in mathematics, science, and technology. The board may adopt rules as necessary to administer this section.

(b) Before an institution of higher education establishes an academy under this section, the institution must apply through a competitive process, as determined by the board, and meet any requirements established by the board for designation as an academy under this section and continued funding. The institution of higher education must have a teacher preparation program approved by the State Board for Educator Certification or be affiliated with a program approved by the State Board for Educator Certification.

(c) A participant in an academy program must be:

(1) an experienced teacher who:

(A) is recommended by a school district; and

(B) has at least two years experience teaching mathematics, science, or technology in assignments for which the teacher met all certification requirements; or

(2) a teacher preparation program candidate who has or will graduate with a degree in mathematics, science, or technology.

(d) An academy program shall:

(1) offer a masters-level degree as part of the program on a schedule that allows a teacher participant to complete the program and degree while employed as a teacher;

(2) coordinate with the mathematics, science, and technology departments of the institution of higher education operating the program to facilitate the ability of:

(A) academy participants to take advanced courses and qualify for degrees; and

(B) teacher preparation program candidates pursuing mathematics, science, or technology degrees to participate in academy programs;

(3) integrate advanced subject-matter coursework with instructional methodology and curriculum delivery; and

(4) focus on strengthening instructional skills.

(e) An academy program may:

(1) provide financial assistance for the purpose of allowing participants to complete the program;

(2) include programs in leadership skills to develop training, mentoring, and coaching skills;

(3) deliver coursework electronically for some or all of the program; and

(4) provide for ongoing professional development and coordination with specific public school instructional programs.

Added by Acts 2007, 80th Leg., R.S., Ch. 1058 (H.B. 2237), Sec. 4, eff. June 15, 2007.

Transferred from Education Code, Section 21.462 and amended by Acts 2009, 81st Leg., R.S., Ch. 852 (S.B. 2262), Sec. 1, eff. June 19, 2009.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 3.066, eff. September 1, 2019.

Sec. 61.077. ACADEMIC ADVISING ASSESSMENT. (a) The board shall establish a method for assessing the quality and effectiveness of academic advising services available to students at each institution of higher education. In establishing the method of assessment, the board shall consult with representatives from institutions of higher education, including academic advisors and other professionals the board considers appropriate.

(b) The method of assessment established under this section must:

(1) include the use of student surveys; and

(2) identify objective, quantifiable measures for determining the quality and effectiveness of academic advising services at an institution of higher education.

(c) Expired.

Added by Acts 2011, 82nd Leg., R.S., Ch. 360 (S.B. 36), Sec. 1, eff. June 17, 2011.

Sec. 61.0771. DISTANCE LEARNING MASTER PLAN. (a) The board, in cooperation with institutions of higher education, shall develop a master plan for the development of distance learning and

other applications of instructional electronic technology by institutions of higher education and as necessary may revise the plan. The plan shall include recommendations for:

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

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

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

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

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

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

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

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

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

agencies or private entities.

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

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

(e) Repealed by Acts 2003, 78th Leg., ch. 820, Sec. 53.  
Added by Acts 1995, 74th Leg., ch. 133, Sec. 1, eff. Aug. 28, 1995.  
Amended by Acts 2003, 78th Leg., ch. 820, Sec. 18, 53, eff. Sept. 1, 2003.

Sec. 61.0775. BUSINESS RESEARCH AND DEVELOPMENT. (a) The board shall designate an institution of higher education with appropriate facilities and resources to conduct a continuing study of the programs and other efforts of institutions of higher education to address the needs of small businesses in this state for assistance in research, development, and prototyping.

(b) At times the board considers appropriate, the institution conducting the continuing study shall make recommendations on actions that may be taken to address the needs of small businesses as described by Subsection (a) in the most

cost-effective manner, including through the participation of institutions of higher education in partnerships, ventures, or projects that promote the commercialization of technology for or by small businesses. The board shall deliver the recommendations to appropriate institutions of higher education and to the legislature.

Added by Acts 1997, 75th Leg., ch. 616, Sec. 1, eff. Sept. 1, 1997.

Sec. 61.0776. CENTER FOR FINANCIAL AID INFORMATION. (a) The board, in cooperation with public and private or independent institutions of higher education, the Texas Education Agency, public school counselors, representatives of student financial aid offices of any institutions, regional education service centers, and the Texas Guaranteed Student Loan Corporation, shall develop a center for financial aid information. The center shall disseminate information about financial aid opportunities and procedures, including information about different types of financial aid available, eligibility requirements, and procedures for applying for financial aid. The center shall also provide information to prospective students about the Teach for Texas grant program. The information must emphasize the importance of teaching as a profession.

(b) To assist the board in developing information provided by the center, the board shall create and appoint an advisory committee that consists of experts in financial aid administration, public school counselors, and other persons who can provide insight into the informational needs of students.

(c) The board may designate an institution of higher education or other entity with appropriate facilities and resources to operate or house the center. If the board designates a public nonprofit entity created by the legislature to operate or house the center, the board may reimburse the entity from money appropriated for that purpose for the costs incurred by the entity in carrying out the activities of the center under this section.

(d) The center shall maintain a toll-free telephone line that is staffed by persons knowledgeable about financial aid information in this state.

(e) The center shall, based on the advisory committee's recommendations, publish information concerning financial aid opportunities in this state and shall:

(1) furnish a written copy of the information to each middle school, junior high school, and high school counselor in this state; and

(2) post the information on an Internet website accessible to the public.

(f) The board, in cooperation with the entities specified by Subsection (a) and the advisory committee established by Subsection (b), shall develop a comprehensive financial aid training program for public school counselors, employees of student financial aid offices of public and private or independent institutions of higher education, members of appropriate community-based organizations, and other appropriate persons. The board may adopt rules as necessary to administer the training program. The board shall design the training program to:

(1) use the information required by Subsection (e) and any other information necessary to carry out this subdivision:

(A) to inform persons receiving the training concerning:

(i) the opportunities available to students for obtaining financial aid, including eligibility requirements; and

(ii) the procedures for obtaining financial aid; and

(B) to provide sufficient and accessible detail to enable the persons receiving the training to provide timely and consistent answers to the questions of students and their parents, conservators, or guardians concerning the opportunities and procedures;

(2) teach methods to enable the persons receiving the training to effectively communicate financial aid information to students and their parents, conservators, or guardians;

(3) support and promote the dissemination of financial aid information to students and their parents, conservators, or guardians throughout local areas; and

(4) publicize the training and make the training easily available to public school counselors and other appropriate persons throughout this state.

Added by Acts 1999, 76th Leg., ch. 1590, Sec. 5, eff. June 19, 1999.

Amended by Acts 2001, 77th Leg., ch. 1261, Sec. 2, eff. June 15, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1181 (S.B. [1227](#)), Sec. 48, eff. September 1, 2005.

Sec. 61.07761. FINANCIAL AID AND OTHER TRUSTEED FUNDS ALLOCATION. (a) For any funds trusted to the board for allocation to institutions of higher education and private or independent institutions of higher education, including financial aid program funds, the board by rule shall:

(1) establish and publish the allocation methodologies; and

(2) develop procedures to verify the accuracy of the application of those allocation methodologies by board staff.

(b) The board shall consult with affected stakeholders before adopting rules under this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 46, eff. September 1, 2013.

Sec. 61.07762. APPLICATION FOR STATE FINANCIAL AID. (a) The board shall adopt procedures to allow a person to complete and submit the Texas Application for State Financial Aid (TASFA) or a similar application for state student financial assistance by electronic submission through the Internet website through which the board provides the common admission application form required by Section [51.762](#).

(b) For the purposes of this section, the board shall continuously maintain an online database of institutions of higher education to which state student financial assistance may be applied.

(c) The personal information of an individual maintained by the board for the purposes of this section is confidential and is

not subject to disclosure under Chapter 552, Government Code.

(d) The board may adopt rules as necessary to implement this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 801 (H.B. 2140), Sec. 1, eff. June 10, 2019.

Sec. 61.07764. ANNUAL REPORT REGARDING STUDENT LOAN DATA.

(a) The coordinating board shall include in its annual report on financial aid in this state a breakdown of student loan data disaggregated by race, ethnicity, sex, degree type, and enrollment status, including whether the student has graduated.

(b) For the data reported under Subsection (a), the coordinating board shall provide an explanation of any limitation on the scope and accuracy of the data.

Added by Acts 2021, 87th Leg., R.S., Ch. 595 (S.B. 1019), Sec. 1, eff. September 1, 2021.

Sec. 61.0777. UNIFORM STANDARDS FOR PUBLICATION OF COST OF ATTENDANCE INFORMATION. (a) The board shall prescribe uniform standards intended to ensure that information regarding the cost of attendance at institutions of higher education is available to the public in a manner that is consumer-friendly and readily understandable to prospective students and their families. In developing the standards, the board shall examine common and recommended practices regarding the publication of such information and shall solicit recommendations and comments from institutions of higher education and interested private or independent institutions of higher education.

(b) The uniform standards must:

(1) address all of the elements that constitute the total cost of attendance, including tuition and fees, room and board costs, book and supply costs, transportation costs, and other personal expenses; and

(2) prescribe model language to be used to describe each element of the cost of attendance.

(c) Each institution of higher education that offers an undergraduate degree or certificate program shall:



(1) prominently display on the institution's Internet website in accordance with the uniform standards prescribed under this section information regarding the cost of attendance at the institution by a full-time entering first-year student; and

(2) conform to the uniform standards in any electronic or printed materials intended to provide to prospective undergraduate students information regarding the cost of attendance at the institution.

(d) Each institution of higher education shall consider the uniform standards prescribed under this section when providing information to the public or to prospective students regarding the cost of attendance at the institution by nonresident students, graduate students, or students enrolled in professional programs.

(e) The board shall prescribe requirements for an institution of higher education to provide on the institution's Internet website consumer-friendly and readily understandable information regarding student financial aid opportunities. The required information must be provided in connection with the information displayed under Subsection (c)(1) and must include a link to the primary federal student financial aid Internet website intended to assist persons applying for student financial aid.

(f) The board shall provide on the board's Internet website a program or similar tool that will compute for a person accessing the website the estimated net cost of attendance for a full-time entering first-year student attending an institution of higher education. The board shall require each institution to provide the board with the information the board requires to administer this subsection.

(g) Expired.

(h) The board shall encourage private or independent institutions of higher education approved under Subchapter F to participate in the tuition equalization grant program, to the greatest extent practicable, to prominently display the information described by Subsections (a) and (b) on their Internet websites in accordance with the standards established under those subsections, and to conform to those standards in electronic and printed materials intended to provide to prospective undergraduate

students information regarding the cost of attendance at the institutions. The board shall also encourage those institutions to include on their Internet websites a link to the primary federal student financial aid Internet website intended to assist persons applying for student financial aid.

(i) The board shall make the program or tool described by Subsection (f) available to private or independent institutions of higher education described by Subsection (h), and those institutions shall make that program or tool, or another program or tool that complies with the requirements for the net price calculator required under Section 132(h)(3), Higher Education Act of 1965 (20 U.S.C. Section 1015a), available on their Internet websites not later than the date by which the institutions are required by Section 132(h)(3) to make the net price calculator publicly available on their Internet websites.

Added by Acts 2009, 81st Leg., R.S., Ch. 681 (H.B. [2504](#)), Sec. 3, eff. June 19, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1233 (S.B. [1764](#)), Sec. 1, eff. June 19, 2009.

Sec. 61.0778. ONLINE INFORMATION REGARDING CERTAIN CAREER EDUCATIONAL ENTITIES. (a) In this section, "commission" means the Texas Workforce Commission.

(b) The board and commission jointly shall develop a comprehensive strategy to improve and coordinate the dissemination of online information regarding the operation and performance of career schools or colleges that the board or commission identifies as doing business in this state. As part of the comprehensive strategy, the board and the commission shall compile, share, and compare existing data and other applicable information under the control of each agency and shall organize that information as nearly as possible according to the categories of information required for the online resumes of lower-division public institutions under Section [51A.103](#). The websites must present information regarding those institutions, schools, and colleges in a manner that is:

(1) to the extent practicable, consistent among the

institutions, schools, and colleges; and

(2) easily accessible and readily understandable to the public.

Added by Acts 2011, 82nd Leg., R.S., Ch. 945 (H.B. 736), Sec. 8, eff. June 17, 2011.

Sec. 61.079. WASTE MANAGEMENT DEGREE PROGRAMS AND RESEARCH.

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

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

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

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

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

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

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

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

Sec. 61.080. CONTINUING STUDY OF MINORITY PARTICIPATION IN HIGHER EDUCATION. (a) The board shall collect data and maintain a database relating to the participation of members of racial and ethnic minority groups in this state in public higher education, including data relating to minority applications, recruitment, admissions, retention, graduation, and professional licensing at both the undergraduate and graduate levels.

(b) The board shall maintain a continuous study of the data

collected under Subsection (a) and of factors affecting that data.

(c) In order to avoid duplication with any other study by the office of the comptroller, the board shall, through a memorandum of understanding, work in conjunction with the comptroller in conducting the study.

Added by Acts 1997, 75th Leg., ch. 885, Sec. 1, eff. June 18, 1997.

Sec. 61.0816. INFORMATION REGARDING HIGHER EDUCATION AUTHORITIES. (a) The board shall collect and make available to the public on request information regarding higher education authorities operating under Chapters 53, 53A, and 53B and nonprofit corporations carrying out the functions of higher education authorities under those chapters. For each authority or corporation, the information must include:

(1) the total amount and type of outstanding bonds issued by the authority or corporation;

(2) a description of the programs and activities administered by the authority or corporation; and

(3) with respect to any real property owned by the authority or corporation:

(A) the location and description of the property;

(B) the current or proposed use of the property, including whether the property is under construction or renovation;

(C) the method by which the authority or corporation financed the acquisition, construction, or renovation of the property;

(D) the school, public or private institution of higher education, or other educational institution for which the property is being used or proposed to be used;

(E) whether the property is exempt from ad valorem taxes; and

(F) the appraised value of the property.

(b) A higher education authority or nonprofit corporation described by this section shall provide the board the relevant information the board requests at the time and in the manner the board prescribes.

Added by Acts 2003, 78th Leg., ch. 820, Sec. 19, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 641 (H.B. 2701), Sec. 3, eff. September 1, 2005.

Sec. 61.0817. INDIVIDUAL DEVELOPMENT ACCOUNT INFORMATION PROGRAM. (a) The board shall establish and administer a program to provide student financial aid offices at public junior colleges with information and other assistance to enable those offices to provide appropriate students of those colleges with information and referrals regarding the availability of and services offered by individual development account programs. The board shall evaluate the program as necessary to determine the effectiveness of the program at increasing student awareness of and participation in individual development account programs.

(b) The board may adopt rules for the administration of this section.

Added by Acts 2003, 78th Leg., ch. 1200, Sec. 1, eff. June 20, 2003. Renumbered from Education Code, Section 61.0816 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(21), eff. September 1, 2005.

Sec. 61.082. RESEARCH. (a) The board shall:

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

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

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

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

Sec. 61.08205. RESEARCH ON SUBSTANCE USE DISORDERS AND ADDICTION. The board shall encourage health-related institutions, as defined by Section 62.161, as added by Chapter 448 (H.B. 7), Acts

of the 84th Legislature, Regular Session, 2015, and the faculty of those institutions to individually or through collaborative effort conduct research, for public health purposes, regarding substance use disorders and addiction issues involving prescription drugs. Added by Acts 2019, 86th Leg., R.S., Ch. 1167 (H.B. [3285](#)), Sec. 2, eff. September 1, 2019.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1240](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.0821. RESEARCH ON BORDER REGION ENVIRONMENTAL ISSUES. (a) In this section, "border region" means the area composed of the counties of Atascosa, Bandera, Bexar, Brewster, Brooks, Cameron, Crockett, Culberson, Dimmit, Duval, Edwards, El Paso, Frio, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Kenedy, Kerr, Kimble, Kinney, Kleberg, Live Oak, La Salle, Maverick, McMullen, Medina, Nueces, Pecos, Presidio, Real, Reeves, San Patricio, Starr, Sutton, Terrell, Uvalde, Val Verde, Webb, Willacy, Zapata, and Zavala.

(b) The board shall encourage institutions of higher education and other entities using state research or technology funds to apply those funds to environmental issues in the border region to the extent consistent with the authorized use of those funds.

Added by Acts 1999, 76th Leg., ch. 198, Sec. 1, eff. Aug. 30, 1999.

Sec. 61.0822. CONTRACT WITH TEXAS BOARD OF ARCHITECTURAL EXAMINERS. The board may contract with the Texas Board of Architectural Examiners to administer the examination fee scholarship program established under Section [1051.206](#), Occupations Code.

Added by Acts 2001, 77th Leg., ch. 861, Sec. 10, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.769, eff. Sept. 1, 2003.

The following section was amended by the 89th Legislature. Pending

publication of the current statutes, see S.B. 37, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.084. TRAINING FOR MEMBERS OF GOVERNING BOARDS.

(a) The board by rule shall establish a training program for members of the governing boards of institutions of higher education. Each member of a governing board of an institution of higher education shall attend, during the member's first year of service as a member of a governing board of an institution of higher education, at least one training program under this section. A member of a governing board who is required to attend a training program under this section may attend additional training programs under this section.

(a-1) The board's rules must require a governing board member who holds an appointive position to attend, as part of the training program, the intensive short orientation course developed under Section 61.0841 and any available training course sponsored or coordinated by the office of the governor with a curriculum designed for training newly appointed state officers, board members, or high-level executive officials. The rules must require the member to attend those courses the first time they are offered following the date the member takes the oath of office, regardless of whether that attendance is required under other law. The rules may provide a governing board member with additional time to attend those courses if the member for good cause is unable to attend the courses the first time they are offered. Subsection (g) does not apply to the courses required by this subsection.

(a-2) A member of the governing board of an institution of higher education who holds an appointive position and whose first year of service on the governing board begins on or after January 1, 2016, is prohibited from voting on a budgetary or personnel matter related to system administration or institutions of higher education until the member completes the intensive short orientation course described by Subsection (a-1).

(b) The training program must include a seminar held annually in Austin to be conducted by the staff of the board. The staff of the board may obtain assistance from representatives of

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

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

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

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

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

(3) the role of the governing board at institutions of higher education and the relationship between the governing board and an institution's administration, faculty and staff, and students, including limitations on the authority of the governing board;

(4) the mission statements of institutions of higher education;

(5) disciplinary and investigative authority of the governing board;



(6) the requirements of the open meetings law, Chapter 551, Government Code, and the open records law, Chapter 552, Government Code;

(7) the requirements of conflict of interest laws and other laws relating to public officials;

(8) any applicable ethics policies adopted by institutions of higher education or the Texas Ethics Commission;

(9) the requirements of laws relating to the protection of student information under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or any other federal or state law relating to the privacy of student information; and

(10) any other topic relating to higher education the board considers important.

(e) In addition to the content of the instruction at a training program required under Subsection (d), topics covered by the training program for members of a governing board of a public junior college district must include information about best practices in campus financial management, financial ratio analysis, and case studies using financial indicators.

(f) The minutes of the last regular meeting held by a governing board of a public junior college district during a calendar year must reflect whether each member of the governing board has completed any training required to be completed by the member under this section as of the meeting date.

(g) The board shall provide an equivalent training program by electronic means in the event a member of a governing board is unable to attend the training program required by this section. Completion of the training program by electronic means is deemed to satisfy the requirements of this section.

(h) The board is responsible for documenting governing board members' completion of the requirements provided by this section.

Added by Acts 1993, 73rd Leg., ch. 621, Sec. 1, eff. Sept. 1, 1993. Renumbered from Education Code Sec. 61.083 and amended by Acts 1995, 74th Leg., ch. 59, Sec. 1, eff. Sept. 1, 1995. Renumbered from Education Code Sec. 61.083 by Acts 1995, 74th Leg., ch. 76,

Sec. 17.01(11), eff. Sept. 1, 1995. Amended by Acts 1995, 74th Leg., ch. 99, Sec. 1, eff. May 16, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 962 (H.B. [1206](#)), Sec. 1, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 834 (S.B. [24](#)), Sec. 1, eff. January 1, 2016.

Sec. 61.0841. INTENSIVE SHORT COURSE FOR APPOINTED MEMBERS OF GOVERNING BOARDS. (a) The board shall develop an intensive short orientation course for members of the governing boards of institutions of higher education who hold appointive positions. The orientation course must be offered as an online interactive course and may also be offered in the form of a written document or in a one-on-one or group setting.

(b) The instruction in the orientation course must include:

(1) best practices relating to excellence, transparency, accountability, and efficiency in the governing structure and organization of general academic teaching institutions and university systems;

(2) best practices relating to the manner in which governing boards and administrators of general academic teaching institutions and university systems develop and implement major policy decisions, including the need for impartiality and adequate internal review in their processes;

(3) matters relating to excellence, transparency, accountability, and efficiency in the governance and administration of general academic teaching institutions and university systems; and

(4) ethics, conflicts of interests, and the proper role of a board member in the governing structure of general academic teaching institutions and university systems.

Added by Acts 2015, 84th Leg., R.S., Ch. 834 (S.B. [24](#)), Sec. 2, eff. January 1, 2016.

Sec. 61.085. ON-LINE SURPLUS PROPERTY RESOURCE. (a) The board shall establish and maintain an Internet site or similar

facility accessible to school districts by telecommunication to allow an institution of higher education to provide notice to school districts in this state of any available surplus or salvage property of the institution that consists of instructional materials or that may be used for instructional purposes. The board shall operate the facility to allow a school district to make a direct inquiry to an institution regarding the possible acquisition of property by the school district.

(b) The board may charge a fee for an institution or school district to use the facility.

Added by Acts 1999, 76th Leg., ch. 274, Sec. 3, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1281, Sec. 3, eff. Sept. 1, 1999.

Sec. 61.087. MATCHING SCHOLARSHIPS TO RETAIN STUDENTS IN TEXAS. (a) The board shall adopt rules that allow a public or private or independent institution of higher education to use any funds appropriated to the institution or that the institution may use for the award of scholarships or grants to match, in whole or in part, any nonathletic scholarship or grant offer, including an offer of the payment of tuition, fees, room and board, or a stipend, received by a graduate of a Texas public or private high school from an out-of-state institution of higher education. The rules shall provide for verifying that an out-of-state institution has made a nonathletic scholarship or grant offer to a student and the amount of the offer. The board may adopt any other rule necessary to implement this section.

(b) In adopting rules under this section, the board may not require an institution to match a scholarship or grant offer.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(19), eff. June 17, 2011.

Added by Acts 1999, 76th Leg., ch. 1010, Sec. 1, eff. June 18, 1999. Renumbered from Sec. 61.086 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(21), eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. [1179](#)), Sec. 25(19), eff. June 17, 2011.

Sec. 61.088. DROPPED OR REPEATED COURSES UNDER COMPETENCY-BASED BACCALAUREATE DEGREE PROGRAM. The board by rule shall develop standards for and limitations on dropping or repeating courses by students enrolled in a competency-based baccalaureate degree program, as defined by Section 56.521.

Added by Acts 2023, 88th Leg., R.S., Ch. 754 (H.B. 4005), Sec. 5, eff. June 12, 2023.

Sec. 61.089. STATE SCIENCE AND ENGINEERING FAIRS. (a) The board shall conduct an annual state science and engineering fair as part of an outreach program for middle school, junior high school, and high school students to:

(1) promote an appreciation for and interest in science, mathematics, and engineering among middle school, junior high school, and high school students;

(2) assist schools and school districts in fulfilling their missions of science, mathematics, and engineering education; and

(3) promote workforce development in the fields of science, mathematics, and engineering by providing students with an opportunity to interact with higher education and corporate institutions.

(b) The board may contract with public or private entities to conduct the state fair.

(c) The board shall coordinate the state fair with local and regional science and engineering fairs held in this state.

(d) The board shall adopt rules for the organization and operation of the state fair and shall select the participants in the fair.

(e) The board may use general revenue funds appropriated for that purpose and any gifts, grants, and donations to conduct the state fair. The amount of general revenue funds appropriated for that purpose in a state fiscal year may not exceed \$10,000 or the total amount of money received as gifts, grants, or donations, whichever amount is less.

Added by Acts 2001, 77th Leg., ch. 562, Sec. 1, eff. June 11, 2001. Renumbered from Education Code Sec. 61.088 by Acts 2003, 78th Leg.,

ch. 1275, Sec. 2(36), eff. Sept. 1, 2003.

Sec. 61.0899. ASSISTANCE IN CERTAIN RURAL HEALTH CARE LOAN REIMBURSEMENT AND STIPEND PROGRAMS. The board shall, in cooperation with the Department of Agriculture, ensure that the board seeks to obtain the maximum amount of funds from any source, including federal funds, to support programs to provide student loan reimbursement or stipends for graduates of degree programs in this state who practice or agree to practice in a medically underserved community.

Added by Acts 2001, 77th Leg., ch. 435, Sec. 3, eff. May 28, 2001.

Amended by Acts 2003, 78th Leg., ch. 609, Sec. 8, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 9.006(g), eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 112 (H.B. [1918](#)), Sec. 5, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 148 (H.B. [1493](#)), Sec. 1, eff. September 1, 2013.

Sec. 61.090. PILOT CENTERS FOR ADVANCEMENT OF QUALITY IN LONG-TERM CARE. (a) The governing board of the University of North Texas Health Science Center at Fort Worth and the governing board of the Texas Tech University Health Sciences Center each may establish at the respective health science center a pilot center for the advancement of quality in long-term care for the purpose of:

(1) identifying opportunities for research, education, and outreach programs designed to improve the quality of care in long-term care facilities; and

(2) implementing and evaluating those research, education, and outreach programs.

(b) Each pilot center shall:

(1) identify existing consumer-centered clinical and quality-of-life assessment protocols and develop new such assessment protocols;

(2) evaluate the assessment protocols described by Subdivision (1);

(3) identify existing consumer-centered clinical and quality-of-life care protocols and develop new such care protocols;

(4) evaluate the care protocols described by Subdivision (3);

(5) evaluate the role of reimbursement and financial incentives in improving the quality of care in long-term care facilities;

(6) serve as training sites for physicians, registered nurses, licensed vocational nurses, nursing assistants, long-term care facility administrators, therapists, social workers, and long-term care facility surveyors and investigators;

(7) evaluate the role of telecommunications technology in improving the quality of care in long-term care facilities in remote or underserved areas; and

(8) develop best practices that can be taught and appropriately replicated in long-term care facilities.

(c) Each pilot center shall establish a multidisciplinary leadership team to coordinate the activities across the pilot centers to:

(1) establish uniformity in information and best practices; and

(2) disseminate in conjunction with appropriate state agencies and long-term care professional organizations:

(A) the assessment and care protocols described by Subsections (b)(1) and (3); and

(B) informational materials regarding the professional, organizational, and managerial capacities necessary to advance the quality of care in long-term care facilities.

Added by Acts 2001, 77th Leg., ch. 1374, Sec. 1, eff. June 16, 2001.  
Renumbered from Education Code Sec. 61.088 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(37), eff. Sept. 1, 2003.

Sec. 61.0901. INCENTIVES TO PROMOTE RETENTION AND GRADUATION OF NURSING STUDENTS. (a) In this section, "professional nursing program" has the meaning assigned by Section [61.9621](#).

(b) The board shall consider and develop methods to promote

the retention and graduation of students enrolled in a professional nursing program and shall adopt rules to implement those methods the board considers feasible, including recommendations on financial aid.

(c) The board by rule shall establish a program to recognize a professional nursing program that achieves a graduation rate of 85 percent or more.

Added by Acts 2007, 80th Leg., R.S., Ch. 344 (S.B. 138), Sec. 1, eff. September 1, 2007.

Sec. 61.0902. PUBLICATION OF PERFORMANCE DATA OF GENERAL ACADEMIC TEACHING INSTITUTIONS. (a) The board shall administer a program to publish performance data provided to the board by general academic teaching institutions under this section.

(b) Not later than the next November 1 following the completion of an academic year, each general academic teaching institution shall provide to the board one or more reports containing data related to:

(1) the qualifications of the entering freshman class for the academic year covered by the report, including:

(A) the average Texas Academic Skills Program Test scores of the class;

(B) the average scores of the class on each generally recognized test or assessment used in college and university undergraduate admissions, including the Scholastic Assessment Test and the American College Test;

(C) the range of scores of the class from the 25th to the 75th percentile on each generally recognized test or assessment used in college and university undergraduate admissions, including the Scholastic Assessment Test and the American College Test;

(D) the overall grade point average of the class for the academic year covered by the report;

(E) the number of students in the class who graduated in the top 10 percent of the student's high school graduating class; and

(F) enrollment percentages by ethnicity; and

(2) student performance and institution efficiency, including:

(A) the retention rate of full-time students after the completion of one academic year at the institution;

(B) the percentage of full-time degree-seeking undergraduate students who earn a baccalaureate degree before the sixth anniversary of the date of the student's first enrollment at the institution;

(C) the percentage of lower-division semester credit hours taught by tenured or tenure-track faculty;

(D) the percentage of undergraduate classes with fewer than 20 students;

(E) the percentage of undergraduate classes with more than 50 students;

(F) the student-to-faculty ratio for undergraduate students;

(G) the percentage of students receiving financial aid;

(H) the average cost of tuition and fees for an undergraduate student enrolled for 12 semester credit hours;

(I) the average cost of on-campus room and board for an academic year, excluding summer sessions;

(J) the number of disciplines in which master's degrees are offered;

(K) the number of disciplines in which doctoral degrees are offered;

(L) a description of any departments, schools, or certificate or degree programs of the institution that have a statewide or national reputation for excellence; and

(M) statistics regarding job placement rates for students awarded certificates or degrees by the institution.

(c) Each year the board shall publish and post in a grid format on the board's Internet site the names of the general academic teaching institutions, the performance data required by Subsection (b) for the most recent academic year for which the data is available, and any other information considered appropriate by the board. The board shall use the classification system developed



by the Carnegie Foundation in publishing and posting the data and other information.

(d) Each general academic teaching institution shall provide a link on the institution's Internet home page to the board's Internet site described by Subsection (c).

(e) A general academic teaching institution is not required to report to the board the data required by Subsection (b) if the data is available to the board from another source.

Added by Acts 2003, 78th Leg., ch. 820, Sec. 20, eff. Sept. 1, 2003.

Sec. 61.09021. COMPARISON TOOL. (a) The board shall make available to the public on the board's Internet website a search tool that allows a person to compare general academic teaching institutions that meet certain criteria selected by the person, including offering a particular major or program of study.

(b) The comparison tool required under this section must:

(1) be accessible from the board's Internet website;

(2) allow a user to identify general academic teaching institutions according to selection criteria as determined by the board; and

(3) be accessible to the public without requiring registration or use of a user name, password, or other user identification.

(c) The comparison tool required under this section must generate a comparison chart in a grid format that:

(1) lists the general academic teaching institutions that match a user's search criteria; and

(2) provides information for each institution listed that the board has determined would aid a prospective student in evaluating the institution.

(d) The Internet page displaying the comparison chart must include a link to the Internet website of the Texas Workforce Commission.

(e) To the extent practicable, the information provided under Subsection (c) must consist of information that a general academic teaching institution is required to report to the board under another provision of law, including board rule.

(f) Each general academic teaching institution shall provide to the board the information to be provided under Subsection (c) not later than October 1, or a date determined by the board, of each year. The board shall update the comparison tool as soon as practicable after receiving information from each institution.

Added by Acts 2011, 82nd Leg., R.S., Ch. 945 (H.B. 736), Sec. 9, eff. June 17, 2011.

Sec. 61.09022. INFORMATION TO ASSIST STUDENTS IN ASSESSING VALUE OF POSTSECONDARY CREDENTIALS. (a) From money appropriated or otherwise available for the purpose, the board shall develop one or more electronic tools or platforms to provide information to assist prospective postsecondary students in assessing the value of a certificate program, associate or baccalaureate degree program, or other credential program offered by an institution of higher education or private or independent institution of higher education by comparing each institution with other institutions regarding:

(1) the relative cost of obtaining the certificate, degree, or other credential, based on the most recent data available to the board from the Texas Workforce Commission, institutions of higher education, the federal government, or any other source from which the board may obtain reliable data, including:

(A) the cost for each of the following at the 25th percentile, the median, and the 75th percentile:

- (i) total cost of attendance;
- (ii) tuition and fees;
- (iii) room and board;
- (iv) books and supplies;
- (v) transportation; and
- (vi) other costs; and

(B) the estimated net cost remaining after subtracting from the amount described by Paragraph (A) the average amount of scholarship and grant aid awarded to the typical student for the program;

(2) the value of the certificate, degree, or other

credential as measured by comparing:

(A) the median wage earned by students who graduated with the certificate, degree, or other credential from the institution; and

(B) the median student debt of students who graduated with the certificate, degree, or other credential from the institution as compared to the median student debt of all students who graduated with the certificate, degree, or other credential, based on the most recent data available to the board from the Texas Workforce Commission, institutions of higher education, the federal government, or any other source from which the board may obtain reliable data;

(3) the average student debt-to-income ratio of students who graduated with the certificate, degree, or other credential from the institution and have student debt, including the estimated monthly student loan payment, computed using the standard 10-year repayment plan;

(4) progress on repaying student loans by students who graduated with the certificate, degree, or other credential from the institution; and

(5) educational outcomes for students seeking the certificate, degree, or other credential, including:

(A) for a program designed to be completed in more than one year, the percentage of students who continue in the program after the first year of study;

(B) the completion rate;

(C) the percentage of students who withdraw or transfer from the institution and subsequently graduate with the certificate, degree, or other credential from another institution of higher education or private or independent institution of higher education;

(D) the percentage of students who withdraw from the institution and do not enroll in the program at another institution of higher education or private or independent institution of higher education within three years of the withdrawal; and

(E) the percentage of graduates employed in the

top five industries in this state, as identified by the Texas Workforce Commission, by certificate program, degree program, or other credential program within one year of graduation.

(b) Each institution of higher education shall include on its Internet website, in a prominent location that is not more than three hyperlinks from the website's home page, a link to the electronic tools or platforms developed by the board under Subsection (a).

(c) The board may solicit and accept gifts, grants, and donations from any public or private source to implement this section.

(d) The board shall adopt rules as necessary to implement this section.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 25, eff. June 9, 2023.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 26, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1011 (H.B. 2920), Sec. 6, eff. June 18, 2023.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1011 (H.B. 2920), Sec. 7, eff. June 18, 2023.

Sec. 61.0903. CERTIFICATE OF RECOGNITION FOR MAJOR DONORS TO INSTITUTIONS OF HIGHER EDUCATION. (a) The board shall design and produce a certificate of recognition for presentation by an institution of higher education to a person who in any year contributes to the institution for the support of any purposes, programs, or activities of the institution one or more gifts or donations in a total amount of at least \$10,000.

(b) On receipt of a written request from an institution of higher education providing the information necessary to establish the donor's eligibility for the certificate, the board shall prepare and provide at no cost to the institution a certificate of recognition designed by the board under this section recognizing the gifts or donations of a person described by Subsection (a).

Added by Acts 2007, 80th Leg., R.S., Ch. 507 (S.B. 469), Sec. 1, eff. June 16, 2007.

Renumbered from Education Code, Section 61.0901 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(10), eff. September 1, 2009.

Sec. 61.0904. REVIEW OF INSTITUTIONAL GROUPINGS. (a) At least once every 10 years, the board shall conduct a review of the institutional groupings under the board's higher education accountability system, including a review of the criteria for and definitions assigned to those groupings.

(b) The board shall include within the board's higher education accountability system any career schools and colleges in this state that offer degree programs. Regardless of whether the board is conducting a periodic review of institutional groupings as required by Subsection (a), the board shall determine whether to create one or more separate institutional groupings for entities to which this subsection applies. In implementing this subsection, the board shall:

(1) consult with affected career schools and colleges regarding the imposition of reporting requirements on those entities; and

(2) adopt rules that clearly define the types and amounts of information to be reported to the board.

(c) In advance of each regular session of the legislature, the board shall report to each standing legislative committee with primary jurisdiction over higher education regarding any entities to which Subsection (b) applies that do not participate in the board's higher education accountability system as provided by that subsection.

Added by Acts 2009, 81st Leg., R.S., Ch. 287 (H.B. 51), Sec. 7, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1246 (S.B. 1534), Sec. 1, eff. September 1, 2011.

Sec. 61.0906. TRACKING SYSTEM FOR MEDICAL TRAINING AND

PRACTICE CHOICES. (a) The board by rule shall establish a system under which the board acquires and maintains data regarding the initial residency program choices made by graduates of medical schools in this state and the initial practice choices made by persons completing medical residency programs in this state. The tracking system must:

(1) use any data reasonably available to the board, including data maintained by or accessible to medical schools or residency programs in this state; and

(2) with respect to a person who completes a medical residency program in this state, collect relevant information for the two-year period following completion of that program.

(b) For purposes of Subsection (a)(2), relevant information includes:

(1) whether and for how long physicians who complete medical residency programs in this state work in primary care in this state and which medical specialties they report as their primary medical practice; and

(2) the locations of the practices established by those persons.

Added by Acts 2015, 84th Leg., R.S., Ch. 594 (S.B. [295](#)), Sec. 1, eff. September 1, 2015.

Sec. 61.0908. DESIGNATION OF LIAISON OFFICER TO ASSIST STUDENTS FORMERLY IN FOSTER CARE. The board shall designate at least one employee of the board to act as a liaison officer for current and incoming students at institutions of higher education who were formerly in the conservatorship of the Department of Family and Protective Services. The liaison officer shall assist in coordinating college readiness and student success efforts relating to those students.

Added by Acts 2015, 84th Leg., R.S., Ch. 822 (H.B. [3748](#)), Sec. 3, eff. June 17, 2015.

Sec. 61.0909. MEMORANDUM OF UNDERSTANDING REGARDING EXCHANGE OF INFORMATION FOR STUDENTS FORMERLY IN FOSTER CARE.

(a) In this section, "department" means the Department of Family

and Protective Services.

(b) The board and the department shall enter into a memorandum of understanding regarding the exchange of information as appropriate to facilitate the department's evaluation of educational outcomes of students at institutions of higher education who were formerly in the conservatorship of the department. The memorandum of understanding must require:

(1) the department to provide the board each year with demographic information regarding individual students enrolled at institutions of higher education who were formerly in the conservatorship of the department following an adversarial hearing under Section [262.201](#), Family Code; and

(2) the board, in a manner consistent with federal law, to provide the department with aggregate information regarding educational outcomes of students for whom the board received demographic information under Subdivision (1).

(c) For purposes of Subsection (b)(2), information regarding educational outcomes includes information relating to student academic achievement, graduation rates, attendance, and other educational outcomes as determined by the board and the department.

(d) The department may authorize the board to provide education research centers established under Section [1.005](#) with demographic information regarding individual students received by the board in accordance with Subsection (b)(1), as appropriate to allow the centers to perform additional analysis regarding educational outcomes of students in foster care. Any use of information regarding individual students provided to a center under this subsection must be approved by the department.

(e) Nothing in this section may be construed to:

(1) require the board or the department to collect or maintain additional information regarding students formerly in the conservatorship of the department; or

(2) allow the release of information regarding an individual student in a manner not permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or another state or federal law.

Added by Acts 2015, 84th Leg., R.S., Ch. 822 (H.B. [3748](#)), Sec. 3, eff. June 17, 2015.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [3204](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.09092. COORDINATION OF CYBERSECURITY COURSEWORK DEVELOPMENT. (a) In this section, "lower-division institution of higher education" means a public junior college, public state college, or public technical institute.

(b) The board, in consultation with the Department of Information Resources, shall coordinate with lower-division institutions of higher education and entities that administer or award postsecondary industry certifications or other workforce credentials in cybersecurity to develop certificate programs or other courses of instruction leading toward those certifications or credentials that may be offered by lower-division institutions of higher education.

(c) The board may adopt rules as necessary for the administration of this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 509 (S.B. [64](#)), Sec. 1, eff. September 1, 2019.

#### SUBCHAPTER D. CONTRACTS WITH BAYLOR COLLEGE OF MEDICINE AND BAYLOR UNIVERSITY COLLEGE OF DENTISTRY

Sec. 61.091. DEFINITIONS. In this subchapter:

(1) "Bona fide Texas resident" means a person defined as a "resident student" in Subchapter [B](#), Chapter [54](#) of this code, and rules, regulations, and interpretations promulgated under that subchapter by the board or the Commission on Higher Education.

(2) "Established public medical schools" means The University of Texas Medical Branch and Southwestern Medical School.

(3) "Undergraduate medical student" means a person enrolled for a regular schedule of courses in pursuit of a Doctor of Medicine degree.



(4) "Scholastic year of disbursement" means the period of time commencing on September 1 of each calendar year and terminating on August 31 of the next succeeding calendar year. The first scholastic year of disbursement commences on September 1, 1970, and terminates on August 31, 1971.

(5) "Average annual state tax support per undergraduate medical student enrolled at the established public medical schools" means an amount calculated by dividing the net general revenue appropriations to the established public medical schools for the fiscal year next preceding the scholastic year of disbursement by the total number of undergraduate medical students enrolled in those schools on October 15 of the fiscal year. Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971.

Sec. 61.092. CONTRACTS WITH BAYLOR COLLEGE OF MEDICINE.

(a) The board may contract with Baylor College of Medicine for the administration, direction, and performance of all services and the provision, maintenance, operation, and repair of all buildings, facilities, structures, equipment, and materials necessary or proper to the education, training, preparation, or instruction of bona fide Texas resident undergraduate medical students.

(b) Funds received by Baylor College of Medicine under Subchapter A or B, Chapter 63, may be used only to support programs that benefit medical research, health education, or treatment programs at the institution.

(c) If Baylor College of Medicine elects to administer the fund established for the institution under Subchapter B, Chapter 63, Baylor College of Medicine and the board must enter into a contract that requires Baylor College of Medicine to administer the fund in the same manner and subject to the same regulations, including disclosure requirements, as would apply to the comptroller if the comptroller were administering a fund under Subchapter B, Chapter 63.

(d) This subchapter may not be construed to empower the board to limit, alter, modify, or in any other manner change or approve, or negotiate for changes in or approval of, the

administration, direction, and performance of these services or the provision, maintenance, operation, and repair of buildings, facilities, structures, equipment, or materials.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1999, 76th Leg., ch. 1402, Sec. 2, eff. Aug. 30, 1999.

Sec. 61.093. DISBURSEMENTS. (a) In the exercise of the authority described in Section [61.092](#) of this code, the board may disburse to Baylor College of Medicine, during each scholastic year of disbursement, an amount equal to the average annual state tax support per undergraduate medical student at the established public medical schools, multiplied by the number of bona fide Texas resident undergraduate medical students enrolled at Baylor College of Medicine. However, the board may never disburse an amount exceeding the amount appropriated by the legislature for this purpose.

(b) Subject to the limitations described in Subsection (a) of this section, the board may establish, by contract with Baylor College of Medicine, the method by which the disbursement shall be accomplished, and may prescribe reasonable rules and regulations necessary to ascertain the average annual state tax support per undergraduate medical student at the established public medical schools.

(c) Money appropriated for payment of contracts under the authority of Section [61.092](#) shall be paid to Baylor College of Medicine as follows:

(1) 40 percent of the yearly entitlement shall be paid in two equal installments to be made on or before the 25th day of September and October; and

(2) 60 percent of the yearly entitlement shall be paid in six equal installments to be made on or before the 25th day of November, December, January, February, March, and April.

(d) The amount of any installment required by this section may be modified to provide the Baylor College of Medicine and the Baylor College of Dentistry with the proper amount to which each college may be entitled by law and to correct errors in the

allocation or distribution of funds. If an installment under this section is required to be equal to other installments, the amount of other installments may be adjusted to provide for that equality. A payment under this section is not invalid because it is not equal to other installments.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, Sec. 1, eff. Sept. 1, 1971. Amended by Acts 1984, 68th Leg., 2nd C.S., ch. 10, art. 1, Sec. 5, eff. Sept. 1, 1984; Acts 2003, 78th Leg., ch. 820, Sec. 21, eff. Sept. 1, 2003.

Sec. 61.095. RESTRICTIONS. The rights, powers, and authority granted in this subchapter shall not be subject to restriction, limitation, obligation, or requirement provided in Section [61.058](#) of this code or Articles 665 through 678m, inclusive, of Vernon's Texas Civil Statutes, notwithstanding any other provision in this subchapter.

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

Sec. 61.097. CONTRACTS WITH RESPECT TO RESIDENT PHYSICIANS. (a) The board shall contract with Baylor College of Medicine for the administration, direction, and performance of services necessary or proper to the education, training, development, and preparation of resident physicians for a career in medicine.

(b) In the exercise of the authority under Subsection (a), the board shall disburse to Baylor College of Medicine the money appropriated by the legislature to the board for that purpose. The money disbursed to Baylor College of Medicine under this section shall be spent by the school exclusively for the education, training, development, and preparation of resident physicians for a career in medicine.

Added by Acts 1981, 67th Leg., p. 3248, ch. 855, Sec. 2, eff. Aug. 31, 1981.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 44 (H.B. [3456](#)), Sec. 1, eff. May 19, 2009.

## SUBCHAPTER F. TUITION EQUALIZATION GRANTS

Sec. 61.221. TUITION EQUALIZATION GRANTS AUTHORIZED. In order to provide the maximum possible utilization of existing educational resources and facilities within this state, both public and private, the coordinating board is authorized to provide tuition equalization grants to Texas residents enrolled in any approved private Texas college or university, based on student financial need, but not to exceed a grant amount of more than that specified in the appropriation by the legislature or as provided by Section [61.227](#).

Added by Acts 1973, 63rd Leg., p. 78, ch. 51, Sec. 1, eff. Aug. 27, 1973. Amended by Acts 2001, 77th Leg., ch. 144, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 824 (H.B. [2907](#)), Sec. 1, eff. June 17, 2011.

Sec. 61.222. APPROVED INSTITUTIONS. (a) The coordinating board shall approve only those private or independent colleges or universities that are private or independent institutions of higher education as defined by Section [61.003](#) or are located within this state and meet the same program standards and accreditation as public institutions of higher education as determined by the board.

(b) The coordinating board may temporarily approve a private or independent institution of higher education as defined by Section [61.003](#) that previously qualified under Subsection (a) but no longer holds the same accreditation as public institutions of higher education. To qualify under this subsection, an institution must be:

- (1) accredited by an accreditor recognized by the board;
- (2) actively working toward the same accreditation as public institutions of higher education;
- (3) participating in the federal financial aid program under 20 U.S.C. Section 1070a; and
- (4) a "part B institution" as defined by 20 U.S.C.

Section 1061(2) and listed in 34 C.F.R. Section 608.2.

(c) The coordinating board may grant temporary approval for a period of two years and may renew the approval twice.

(d) The coordinating board shall approve a private or independent institution of higher education as defined by Section 61.003 that previously qualified under Subsection (a) but no longer holds the same accreditation as public institutions of higher education. To qualify under this subsection, an institution must be:

(1) accredited by an accreditor recognized by the board;

(2) a work college, as that term is defined by 20 U.S.C. Section 1087-58; and

(3) participating in the federal financial aid program under 20 U.S.C. Section 1070a.

Added by Acts 1973, 63rd Leg., p. 78, ch. 51, Sec. 1, eff. Aug. 27, 1973. Amended by Acts 2001, 77th Leg., ch. 144, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1341 (S.B. 976), Sec. 1, eff. June 14, 2013.

Acts 2017, 85th Leg., R.S., Ch. 538 (S.B. 331), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 444 (S.B. 1680), Sec. 1, eff. June 4, 2019.

Sec. 61.223. NONDISCRIMINATION REGULATIONS. The coordinating board shall make such regulations as may be necessary to insure compliance with the Civil Rights Act of 1964, Title VI (Public Law 88-352), in regard to nondiscrimination in admissions or employment.

Added by Acts 1973, 63rd Leg., p. 78, ch. 51, Sec. 1, eff. Aug. 27, 1973.

Sec. 61.224. APPLICATION OF GENERAL APPROPRIATIONS ACT RIDERS. Those riders in the General Appropriations Act that apply to expenditure of state funds at state-supported colleges and

universities shall also apply to expenditure of state funds at any college or university attended by a student receiving aid under this subchapter.

Added by Acts 1973, 63rd Leg., p. 78, ch. 51, Sec. 1, eff. Aug. 27, 1973.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 824 (H.B. [2907](#)), Sec. 1, eff. June 17, 2011.

Sec. 61.2251. ELIGIBILITY FOR GRANT; PERSONS INITIALLY AWARDED GRANTS DURING OR AFTER 2005-2006 ACADEMIC YEAR. (a) This section does not apply to a person who initially received a tuition equalization grant before the 2005-2006 academic year.

(b) To be eligible for a tuition equalization grant in the first academic year in which the person receives the grant, a person must:

(1) be a Texas resident as defined under Subchapter [B](#), Chapter [54](#), and meet, at a minimum, the resident requirements defined by law for Texas resident tuition in fully state-supported institutions of higher education;

(2) be enrolled in at least three-fourths of a full course load conforming to an individual degree plan in an approved college or university;

(3) be required to pay more tuition than is required at a public college or university and be charged no less than the regular tuition required of all students enrolled at the institution;

(4) establish financial need in accordance with procedures and regulations of the coordinating board;

(5) not be a recipient of any form of athletic scholarship while receiving a tuition equalization grant;

(6) make satisfactory academic progress toward a degree or certificate as determined by the institution at which the person is enrolled; and

(7) have complied with other requirements adopted by the coordinating board under this subchapter.

(c) After qualifying for a tuition equalization grant under

Subsection (b), a person may receive a tuition equalization grant in a subsequent academic year in which the person is enrolled at an approved institution only if the person:

(1) meets the requirements of Subsection (b), including, as of the end of the full academic year in which the person initially receives a tuition equalization grant, making satisfactory academic progress toward a degree or certificate as determined by the institution at which the person is enrolled;

(2) as of the end of each subsequent academic year in which the person receives a tuition equalization grant, has completed at least:

(A) 24 semester credit hours in the person's most recent full academic year, if the person is enrolled in an undergraduate degree or certificate program; or

(B) 18 semester credit hours in the person's most recent full academic year, if the person is enrolled in a graduate or professional degree program;

(3) has earned an overall grade point average of at least 2.5 on a four-point scale or the equivalent on coursework previously attempted at public or private institutions of higher education; and

(4) has completed at least 75 percent of the semester credit hours attempted in the person's most recent full academic year.

(d) Notwithstanding Subsections (b) and (c), a person's eligibility for a tuition equalization grant ends on:

(1) the fifth anniversary of the initial award of a tuition equalization grant to the person, if the person is enrolled in an undergraduate degree or certificate program of four years or less; or

(2) the sixth anniversary of the initial award of a tuition equalization grant to the person, if the person is enrolled in an undergraduate degree program of more than four years.

(e) The coordinating board shall adopt rules to allow a person who is otherwise eligible to receive a tuition equalization grant, in the event of a hardship or for other good cause shown, to receive a tuition equalization grant if the person does not:

(1) make satisfactory academic progress as required under Subsection (b)(6) or (c)(1);

(2) complete the semester credit hours required by Subsection (c)(2) or (4);

(3) maintain the grade point average required by Subsection (c)(3); or

(4) complete the person's certificate or degree program within the period prescribed by Subsection (d).

Added by Acts 2005, 79th Leg., Ch. 1230 (H.B. [1172](#)), Sec. 15, eff. June 18, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 200 (H.B. [4476](#)), Sec. 1, eff. May 27, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 824 (H.B. [2907](#)), Sec. 3, eff. June 17, 2011.

Sec. 61.2252. REESTABLISHING ELIGIBILITY FOR GRANT. If a person who receives an initial tuition equalization grant after the 2004-2005 academic year fails to meet any of the applicable requirements of this subchapter after the completion of any semester or term, the person may not receive a tuition equalization grant during the next semester or term in which the person enrolls. The person may become eligible to receive a tuition equalization grant in a subsequent semester or term if the person:

(1) completes a semester or term during which the student is not eligible for a tuition equalization grant; and

(2) meets all the applicable requirements of this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1181 (S.B. [1227](#)), Sec. 50, eff. September 1, 2005.

Redesignated from Education Code, Section [61.2251](#) by Acts 2011, 82nd Leg., R.S., Ch. 824 (H.B. [2907](#)), Sec. 4, eff. June 17, 2011.

Sec. 61.226. APPLICATION OF LAWS TO RECEIVING INSTITUTIONS. Any college or university receiving any benefit under the provisions of this subchapter, either directly or indirectly, shall be subject to all present or future laws enacted by the legislature.



Added by Acts 1973, 63rd Leg., p. 78, ch. 51, Sec. 1, eff. Aug. 27, 1973.

Sec. 61.227. PAYMENT OF GRANT; AMOUNT. (a) On determination of a person's financial need, the institution at which the student is enrolled shall certify the amount of the tuition equalization grant based on financial need but not to exceed a grant amount of more than that specified in the appropriation by the legislature, or more than the difference between the tuition at the private institution attended and the tuition at public colleges and universities.

(b) The proper amount of the tuition equalization grant shall be paid to the student through the college or university in which the student is enrolled.

(c) In no event shall a tuition equalization grant paid pursuant to this subchapter in behalf of any student during any one fiscal year exceed an amount equal to 50 percent of the average state appropriation in the biennium preceding the biennium in which the grant is made for a full-time student or the equivalent at public senior colleges and universities, as determined by the board.

(d) Notwithstanding any other law, a student enrolled in a private or independent institution of higher education may not receive a tuition equalization grant under this subchapter and a TEXAS grant under Subchapter M, Chapter 56, for the same semester or other term, regardless of whether the student is otherwise eligible for both grants during that semester or term. A student who but for this subsection would be awarded both a tuition equalization grant and a TEXAS grant for the same semester or other term is entitled to receive only the grant of the greater amount.

(e) Notwithstanding any restrictions provided by Subsection (c) on the amount of a grant, a tuition equalization grant for an academic period for an undergraduate student who establishes exceptional financial need in accordance with the procedures and rules of the coordinating board may be certified by the institution at which the undergraduate student is enrolled in an amount not to exceed 150 percent of the amount of the grant that the student would

otherwise have been awarded for that period under the other provisions of this section.

Added by Acts 1973, 63rd Leg., p. 78, ch. 51, Sec. 1, eff. Aug. 27, 1973. Amended by Acts 1979, 66th Leg., p. 93, ch. 56, Sec. 2, eff. Aug. 27, 1979; Acts 2001, 77th Leg., ch. 144, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1181 (S.B. [1227](#)), Sec. 51, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1230 (H.B. [1172](#)), Sec. 16, eff. June 18, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 824 (H.B. [2907](#)), Sec. 5, eff. June 17, 2011.

Sec. 61.228. IMPLEMENTATION OF GRANT PROGRAM. This subchapter applies to freshmen (first year) students beginning in the fall semester of 1971; to freshmen and sophomores in 1972; to freshmen, sophomores, and juniors in 1973; and to all students attending approved private institutions in 1974 and thereafter.

Added by Acts 1973, 63rd Leg., p. 78, ch. 51, Sec. 1, eff. Aug. 27, 1973.

Sec. 61.229. PROMULGATION AND DISTRIBUTION OF REGULATIONS.

(a) The coordinating board may make reasonable regulations, consistent with the purposes and policies of this subchapter, to enforce the requirements, conditions, and limitations expressed in this subchapter.

(b) The coordinating board shall make such regulations as may be necessary to comply with the provisions of Article I, Section 7, Article III, Section 51, and other parts of the Texas Constitution.

(c) The coordinating board shall distribute copies of all regulations adopted pursuant to this subchapter to each eligible institution.

Added by Acts 1973, 63rd Leg., p. 78, ch. 51, Sec. 1, eff. Aug. 27, 1973.

Sec. 61.230. ANNUAL REPORT. The coordinating board shall include in its annual report to the legislature on financial aid in this state a breakdown of tuition equalization grant recipients by ethnicity indicating the percentage of each ethnic group that received tuition equalization grant money at each institution.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.22, eff. Sept. 1, 1989.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 824 (H.B. [2907](#)), Sec. 6, eff. June 17, 2011.

#### SUBCHAPTER G. REGULATION OF PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTIONS

Sec. 61.301. PURPOSE. It is the policy and purpose of the State of Texas to prevent deception of the public resulting from the conferring and use of fraudulent or substandard college and university degrees; it is also the purpose of this subchapter to regulate the use of academic terminology in naming or otherwise designating educational institutions, the advertising, solicitation or representation by educational institutions or their agents, and the maintenance and preservation of essential academic records. Because degrees and equivalent indicators of educational attainment are used by employers in judging the training of prospective employees, by public and private professional groups in determining qualifications for admission to and continuance of practice, and by the general public in assessing the competence of persons engaged in a wide range of activities necessary to the general welfare, regulation by law of the evidences of college and university educational attainment is in the public interest. To the same end the protection of legitimate institutions and of those holding degrees from them is also in the public interest.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975.

Sec. 61.302. DEFINITIONS. In this subchapter:

(1) "Degree" means any title or designation, mark, abbreviation, appellation, or series of letters or words, including associate, bachelor's, master's, doctor's, and their equivalents, which signifies, purports to, or is generally taken to signify satisfactory completion of the requirements of all or part of a program of study leading to an associate, bachelor's, master's, or doctor's degree or its equivalent.

(2) "Private postsecondary educational institution" or "institution" means an educational institution which:

(A) is not an institution of higher education as defined by Section [61.003](#);

(B) is incorporated under the laws of this state, maintains a place of business in this state, has a representative present in this state, or solicits business in this state; and

(C) furnishes or offers to furnish courses of instruction in person, by electronic media, or by correspondence leading to a degree or providing credits alleged to be applicable to a degree.

(3) "Agent" means a person employed by or representing a private postsecondary educational institution who solicits students for enrollment in the institution.

(4) "Commissioner" means the Commissioner of Higher Education.

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

(6) "Person" means any individual, firm, partnership, association, corporation, or other private entity or combination thereof.

(7) "Program of study" means any course or grouping of courses which are alleged to entitle a student to a degree or to credits alleged to be applicable to a degree.

(8) "Recognized accrediting agency" means an association or organization so designated by rule of the board for the purposes of this subchapter.

(9) "Educational or training establishment" means an enterprise offering a course of instruction, education, or training that the establishment does not represent to be applicable to a

degree.

(10) "Representative" includes a recruiter, agent, tutor, counselor, instructor, and other instructional and support personnel.

(11) "Fraudulent or substandard degree" means:

(A) a degree conferred by a private postsecondary educational institution or other person that, at the time the degree was conferred, was operating in this state in violation of this subchapter;

(B) if the degree is not approved through the review process described by Section [61.3021](#), a degree conferred by a private educational institution or other person that, at the time the degree was conferred, was not eligible to receive a certificate of authority under this subchapter and was operating in another state:

(i) in violation of a law regulating the conferral of degrees in that state or in the state in which the degree recipient was residing; or

(ii) without accreditation by a recognized accrediting agency; or

(C) if conferred by a private educational institution or other person not described by Paragraph (A) or (B), including a private educational institution or other person that, at the time the degree was conferred, was not eligible to receive a certificate of authority under this subchapter and was operating outside the United States, a degree that the board, through the review process described by Section [61.3021](#), determines is not the equivalent of an accredited or authorized degree as described by that section.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2729, ch. 745, Sec. 1, eff. June 16, 1981; Acts 1985, 69th Leg., ch. 76, Sec. 1, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 516, Sec. 5, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 232, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1039 (H.B. [1173](#)), Sec. 1, eff. September 1, 2005.

Sec. 61.3021. REVIEW OF DEGREE NOT OTHERWISE REGULATED BY SUBCHAPTER. (a) The board by rule shall establish a process for reviewing and approving a degree conferred by a person described by Section 61.302(11)(B) or (C). The review process must include a determination by the board whether the degree is the equivalent of a degree granted by a private postsecondary educational institution or other person in accordance with the person's accreditation by a recognized accrediting agency or with the person's certificate of authority under this subchapter.

(b) The board may charge an applicant for a review under this section a fee in an amount the board determines will cover the cost of conducting the review.

Added by Acts 2005, 79th Leg., Ch. 1039 (H.B. 1173), Sec. 2, eff. September 1, 2005.

See note following this section.

Sec. 61.3025. DEFINITION: ACADEMIC RECORDS. (a) In this subchapter, "academic records" means any information that is:

(1) directly related to a student's educational efforts;

(2) intended to support the student's progress toward completing a degree program; and

(3) regardless of the format or manner in which or the location where the information is held, maintained by an institution for the purpose of sharing among academic officials.

(b) The term "academic records" includes a student's educational history but does not include medical records, alumni records other than educational history, human resources records, or criminal history record information or other law enforcement records.

Text of section effective on September 1, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. 1781), Sec. 9, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Added by Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. [1781](#)), Sec. 1, eff. September 1, 2017.

Sec. 61.303. EXEMPTIONS. (a) Unless specifically provided otherwise, the provisions of this subchapter do not apply to an institution that is fully accredited by, and is not operating under sanctions imposed by, a recognized accrediting agency, or an institution or degree program that has received approval by a state agency authorizing the institution's graduates to take a professional or vocational state licensing examination administered by that agency. The granting of permission by a state agency to a graduate of an institution to take a licensing examination does not by itself constitute approval of the institution or degree program required for an exemption under this subsection.

(b) The exemptions provided by Subsection (a) apply only to the degree level for which an institution is accredited, and if an institution offers to award a degree at a level for which it is not accredited, the exemption does not apply.

(c) Except as provided by Subsection (c-1), the board may approve the issuance of a certificate of authorization to grant degrees to an exempt institution or person. The board may adopt rules regarding a process to allow an exempt institution or person to apply and receive approval for a certificate of authorization under this section.

(c-1) The board may not approve the issuance of a certificate of authorization for an exempt institution to grant a professional degree or to represent that credits earned in this state are applicable toward a professional degree except to the extent allowed for an authorized institution operating under a State Authorization Reciprocity Agreement (SARA). In this subsection, "professional degree" includes Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).

(d) The board by rule may require an exempt institution or person to ensure that the financial resources and financial

stability of the institution or person are adequate to provide education of a good quality and to fulfill the institution's or person's commitments to its enrolled students and may require the institution or person to provide to the board documentation of the institution's or person's compliance with those requirements. Rules adopted under this subsection must:

(1) require the institution or person to maintain reserves, lines of credit, or surety instruments that, when combined with tuition and fee receipts, are sufficient to allow the institution or person to fulfill its educational obligations to its enrolled students if the institution or person is unable to continue to provide instruction to its enrolled students for any reason; and

(2) require that the financial resources maintained under Subdivision (1) be conditioned to allow only the board to withdraw funds for the benefit of the institution's or person's enrolled students under the circumstance described by Subdivision (1).

(e) To enable the board to verify the conditions under which a certificate of authorization issued under this section is held, the board by rule may require an exempt institution or person to report to the board on a continuing basis other appropriate information in addition to the documentation required under Subsection (d).

(f) An exempt institution or person continues in that status only if the institution or person maintains accreditation by, and is not operating under sanctions imposed by, a recognized accrediting agency or otherwise meets the provisions of Subsection (a).

(g) The board by rule shall provide for due process and shall provide procedures for revoking or placing conditions on the exemption status of an institution or person or for revoking or placing conditions on a previously issued certificate of authorization.

(h) Under the rules described by Subsection (g), the board may revoke or place conditions on an institution's or person's exemption status or certificate of authorization only if the board



has reasonable cause to believe that the institution or person has violated this subchapter or any rule adopted under this subchapter.

(i) Before revoking or placing conditions on an institution's or person's exemption status or certificate of authorization under Subsection (h), the board must provide to the institution or person written notice of the board's impending action and include the grounds for that action.

(j) If the board places conditions on an institution's or person's exemption status or certificate of authorization under Subsection (h), until the board removes the conditions, the board may reexamine the applicable institution or person at least twice annually following the date the board provided notice under Subsection (i).

(k) A private postsecondary educational institution may not establish or operate a branch campus, extension center, or other off-campus unit in Texas except as provided by this subsection or the rules of the board. This subsection does not apply to a private or independent institution of higher education as defined by Section [61.003](#).

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2729, ch. 745, Sec. 2, eff. June 16, 1981; Acts 1985, 69th Leg., ch. 76, Sec. 2, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 516, Sec. 6, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 232, Sec. 2, eff. Sept. 1, 1997.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. [1781](#)), Sec. 2, eff. September 1, 2017.

Reenacted and amended by Acts 2021, 87th Leg., R.S., Ch. 439 (S.B. [1490](#)), Sec. 1, eff. September 1, 2021.

Sec. 61.304. REQUISITE AUTHORITY TO GRANT DEGREES AND OFFER COURSES; OFFENSES. (a) A person may not grant or award a degree or offer to grant or award a degree on behalf of a private postsecondary educational institution unless the institution has been issued a certificate of authority to grant the degree by the board in accordance with the provisions of this subchapter.

(b) A person may not represent that credits earned or

granted by that person or institution are applicable for credit toward a degree to be granted by some other person or institution except under conditions and in a manner specified and approved by the board.

(c) The board is empowered to specify and regulate the manner, condition, and language used by an institution or person or agents thereof in making known that the person or institution holds a certificate of authority and the interpretation of the significance of such certificate.

(d) A person commits an offense if the person:

(1) grants or awards a degree or offers to grant or award a degree in violation of this section;

(2) represents in violation of this section that a credit earned or granted by the person can be applied toward a degree offered by another person;

(3) grants or offers to grant a credit for which a representation is made as described by Subdivision (2); or

(4) solicits another person to seek a degree or to earn a credit the actor knows is offered in violation of this section.

(e) An offense under Subsection (d) is a Class A misdemeanor.

(f) In addition to any other venue authorized by law, venue for the prosecution of an offense under Subsection (d) is in the county in which an element of the offense occurs or in Travis County.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1985, 69th Leg., ch. 76, Sec. 3, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 516, Sec. 7, eff. Sept. 1, 1993.

Amended by:

Acts 2005, 79th Leg., Ch. 1039 (H.B. [1173](#)), Sec. 3, eff. September 1, 2005.

Sec. 61.305. APPLICATION FOR CERTIFICATE OF AUTHORITY. (a) A private postsecondary educational institution that has been in operation for not less than two years may apply to the board for a certificate of authority to grant a degree in a specified program of

study on application forms provided by the board.

(b) The application form shall contain the name and address of the institution; purpose of the institution; names of the sponsors or owners of the institution; regulations, rules, constitutions, bylaws, or other regulations established for the government and operation of the institution; the names and addresses of the chief administrative officer, the principal administrators, and each member of the board of trustees or other governing board; the names of members of the faculty who will, in fact, teach in the program of study, with the highest degree held by each; a full description of the degree or degrees to be awarded and the course or courses of study prerequisite thereto; a description of the facilities and equipment utilized by the institution; and any additional information which the board may request.

(c) The application must be accompanied by an initial fee set by the board in an amount not to exceed the average cost of reviewing the application, including the cost of necessary consultants.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2729, ch. 745, Sec. 3, eff. June 16, 1981; Acts 1985, 69th Leg., ch. 76, Sec. 4, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 516, Sec. 8, eff. Sept. 1, 1993.

Sec. 61.306. ISSUANCE OF CERTIFICATE. (a) Subject to Subsections (c) and (c-1), the board may issue a certificate of authority to grant a degree or degrees and to enroll students for courses which may be applicable toward a degree if it finds that the applicant meets the standards established by the board for certification.

(b) A certificate of authority to grant a degree or degrees is valid for a period of two years from the date of issuance.

(c) The board may not issue a certificate of authority for a private postsecondary educational institution to grant a professional degree or to represent that credits earned in this state are applicable toward a professional degree if the institution is chartered in a foreign country or has its principal office or primary educational program in a foreign country.

(c-1) The board may issue a certificate of authority for a private postsecondary educational institution to grant a professional degree or to represent that credits earned in this state are applicable toward a professional degree only if the board determines that:

(1) the capacity and ability of similar professional degree programs at institutions of higher education and private or independent institutions of higher education are insufficient to meet the state's current market needs;

(2) the institution seeking the certificate of authority:

(A) has the necessary faculty and other resources to ensure student success; and

(B) is subject to and agrees to meet the same standards for approval and all academic criteria applicable to similar professional degree programs offered by institutions of higher education and private or independent institutions of higher education; and

(3) sufficient placements are available to students for required field-based experience, such as clinicals or clerkships, for the proposed professional degree.

(d) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section [61.003](#).

(2) "Professional degree" includes a Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1985, 69th Leg., ch. 76, Sec. 7, eff. Sept. 1, 1985.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 47, eff. September 1, 2013.

Acts 2021, 87th Leg., R.S., Ch. 439 (S.B. [1490](#)), Sec. 2, eff. September 1, 2021.

Sec. 61.307. AMENDMENTS TO APPLICATIONS. (a) The chief administrative officers of each institution which has been issued a certificate of authority shall immediately notify the board of any change in administrative personnel, faculty, or facilities at the institution or any other changes of a nature specified by the board.

(b) An institution which wishes to amend an existing program of study to award a new or different degree during the period of time covered by a current certificate may file an application for amendment of the certificate with the board. The application shall be accompanied by a fee set by the board to cover the cost of program evaluation. If the board finds that the new program of study meets the required standards, the board may amend the institution's certificate accordingly.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1997, 75th Leg., ch. 232, Sec. 3, eff. Sept. 1, 1997.

See note following this section.

Sec. 61.3075. REQUIRED FINANCIAL RESOURCES. The board by rule may require an institution operating under a certificate of authority, or seeking to operate under a certificate of authority, to ensure that the financial resources and financial stability of the institution are adequate to provide education of a good quality and to fulfill the institution's commitments to its enrolled students and may require the institution to provide to the board documentation of the institution's compliance with those requirements. Rules adopted under this subsection must:

(1) require the institution to maintain reserves, lines of credit, or surety instruments that, when combined with tuition and fee receipts, are sufficient to allow the institution to fulfill its educational obligations to its enrolled students if the institution is unable to continue to provide instruction to its enrolled students for any reason; and

(2) require that the financial resources maintained under Subdivision (1) be conditioned to allow only the board to withdraw funds for the benefit of the institution's enrolled

students under the circumstance described by Subdivision (1).

Text of section effective on September 1, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. [1781](#)), Sec. 9, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Added by Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. [1781](#)), Sec. 3, eff. September 1, 2017.

Sec. 61.308. RENEWAL OF CERTIFICATE. (a) A private postsecondary educational institution which desires to renew its certificate of authority shall apply to the board at least 180 days prior to the expiration of the current certificate.

(b) The application for renewal shall be made on forms provided by the board and shall be accompanied by a renewal fee set by the board in an amount not to exceed the average cost of reviewing the application, including the cost of necessary consultants.

(c) The board shall renew the certificate if it finds that the institution has maintained all requisite standards and has complied with all rules and regulations promulgated by the board.

(d) A private postsecondary educational institution may be granted successive certificates of authority for a period not to exceed the number of years provided by rule of the board. The board rules must recognize that certification by the state is intended to safeguard the public interest until an institution has developed the strength to satisfy appropriate accreditation standards and it is intended that an institution advance from certification status to fully accredited status in due course.

(e) If, after a good-faith effort, an institution cannot achieve accreditation within the period of time prescribed by the board, the institution may appeal for extension of eligibility for certification because of having been denied accreditation due to policies of the institution based on religious beliefs or other good and sufficient cause as defined by rule of the board. The board shall consider the application of any accreditation standard

that prohibited accreditation of the institution on the basis of religious policies practiced by the institution as a prima facie justification for extending the eligibility for certification if all other standards of the board are satisfied.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2729, ch. 745, Sec. 4, eff. June 16, 1981; Acts 1993, 73rd Leg., ch. 516, Sec. 9, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 232, Sec. 4, eff. Sept. 1, 1997.

Sec. 61.309. REVOCATION OF CERTIFICATE OF AUTHORITY. The board may revoke a certificate of authority to grant degrees at any time if it finds that:

(1) any statement contained in an application for a certificate is untrue;

(2) the institution has failed to maintain the faculty, facilities, equipment, and programs of study on the basis of which the certificate was issued;

(3) advertising utilized on behalf of the institution is deceptive or misleading; or

(4) the institution has violated any rule or regulation promulgated by the board under the authority of this subchapter.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975.

Sec. 61.310. APPEAL. An institution whose application for an original, amended, or renewal certificate of authority to grant degrees is denied by the board is entitled to written notice of the reasons for the denial and may request a hearing under Chapter [2001](#), Government Code. The hearing shall be held within 120 days after written request is received by the board.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2730, ch. 745, Sec. 5, eff. June 16, 1981; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(49), eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 232, Sec. 5, eff. Sept. 1, 1997.

Sec. 61.311. RULES AND REGULATIONS. (a) The board shall promulgate standards, rules, and regulations governing the administration of this subchapter.

(b) The board may delegate to the commissioner such authority and responsibility conferred on the board by this subchapter as the board deems appropriate for the effective administration of this subchapter.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1997, 75th Leg., ch. 232, Sec. 6, eff. Sept. 1, 1997.

Sec. 61.312. HONORARY DEGREES; OFFENSES. (a) No person may award or offer to award an honorary degree on behalf of a private postsecondary educational institution subject to the provisions of this subchapter unless the institution has been issued a certificate of authority to award such a degree. The honorary degree shall plainly state on its face that it is honorary.

(b) A person commits an offense if the person:

(1) grants or offers to grant an honorary degree in violation of this section; or

(2) solicits another person to seek or accept an honorary degree the actor knows is offered in violation of this section.

(c) An offense under Subsection (b) is a Class A misdemeanor.

(d) In addition to any other venue authorized by law, venue for the prosecution of an offense under Subsection (b) is in the county in which an element of the offense occurs or in Travis County.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1993, 73rd Leg., ch. 516, Sec. 10, eff. Sept. 1, 1993.

Amended by:

Acts 2005, 79th Leg., Ch. 1039 (H.B. [1173](#)), Sec. 4, eff. September 1, 2005.



Sec. 61.313. USE OF PROTECTED TERM IN NAME OF INSTITUTION; OFFENSES. (a) Unless the institution has been issued a certificate of authority under this subchapter, a person may not:

(1) use the term "college," "university," "seminary," "school of medicine," "medical school," "health science center," "school of law," "law school," or "law center" in the official name or title of a nonexempt private postsecondary educational institution; or

(2) describe an institution using a term listed in Subdivision (1) or a term having a similar meaning.

(b) An institution not exempt from this subchapter that has not been issued a certificate of authority, but is otherwise legally operating, and that has in its official name or title a term protected under Subsection (a) shall remove the protected term from the name or title not later than September 1, 1999.

(c) A person may not use the term "college," "university," "seminary," "school of medicine," "medical school," "health science center," "school of law," "law school," or "law center" in the official name or title of an educational or training establishment.

(d) This section does not apply to an institution of higher education or a private institution of higher education as defined by Section [61.003](#).

(e) This section does not apply to a person who on September 1, 1997, used the term "college" or "university" in the official name or title of a private postsecondary educational institution that was established before September 1, 1975. A person covered by this subsection is not required to remove the term "college" or "university" from the name or title of the institution established before September 1, 1975.

(f) A person covered by Subsection (e) may use the term "college" in the official name or title of another private postsecondary educational institution in this state if:

(1) the person's business name on September 1, 1995, included the term "college"; and

(2) the other institution offers the same or similar educational programs and is located in the same county as the

institution established before September 1, 1975.

(g) A person covered by Subsection (e) may use the term "college" in the official name or title of another private postsecondary educational institution in this state if:

(1) the person operated at least four private postsecondary educational institutions in this state on September 1, 1985, for which the person was permitted to use the term "college" in the official name or title; and

(2) the other institution offers the same or similar educational programs as the institutions described by Subdivision (1) and has enrolled students in educational programs continuously since before September 1, 1995.

(h) A person commits an offense if the person:

(1) uses a term in violation of this section; or

(2) solicits another person to seek a degree or to earn a credit the actor knows is offered by an institution or establishment that is using a term in violation of this section.

(i) An offense under Subsection (h) is a Class A misdemeanor.

(j) In addition to any other venue authorized by law, venue for the prosecution of an offense under Subsection (h) is in the county in which an element of the offense occurs or in Travis County.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1985, 69th Leg., ch. 76, Sec. 5, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 516, Sec. 11, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 232, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 284, Sec. 1, eff. May 29, 1999; Acts 2003, 78th Leg., ch. 820, Sec. 22, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1039 (H.B. [1173](#)), Sec. 5, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1039 (H.B. [1173](#)), Sec. 6, eff. September 1, 2005.

Sec. 61.314. ADVISORY COUNCIL ON PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTIONS. (a) The board shall appoint an advisory

council on private postsecondary educational institutions consisting of six members with experience in the field of higher education, three of whom must be representatives of private institutions of higher education as defined by Section 61.003 in the State of Texas which are exempt from the provisions of this subchapter. Council members serve for terms of two years from the date of their appointment and are entitled to reimbursement for actual expenses incurred in carrying out the work of the council.

(b) The council shall advise the board on standards and procedures to be used in carrying out the provisions of this subchapter.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1993, 73rd Leg., ch. 516, Sec. 12, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 232, Sec. 8, eff. Sept. 1, 1997.

See note following this section.

Sec. 61.315. AGENTS AND RECORDS; ACADEMIC RECORDS REPOSITORY. (a) The authorized or certified institutions may be required to provide a list of their agents to the board, and to maintain in a manner specified by the board the academic records of enrolled or former students, including records of credits and degrees awarded, and provide those records to the board on request.

(b) The board may maintain a repository for academic records from closed institutions that were exempt or were authorized to operate under a certificate of authorization or certificate of authority. The board may discontinue its maintenance of the repository if adequate funding is not provided for that maintenance. The academic records repository is considered to be a repository of last resort. If a closed institution is part of a larger educational system or corporation, that system or corporation shall maintain the academic records. If students of the closed institution transfer to another institution through an agreement between the institutions to continue the students' degree programs, the institution responsible for accepting the transferring students shall maintain those academic records.

Amendments to this section made by Acts 2017, 85th Leg., R.S., Ch.

940 (S.B. [1781](#)), take effect on September 1, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. [1781](#)), Sec. 9, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. [1781](#)), Sec. 4, eff. September 1, 2017.

See note following this section.

Sec. 61.316. ADMINISTRATIVE PENALTIES. (a) If a person violates a provision of this subchapter, the commissioner may assess an administrative penalty against the person as provided by this section. The commissioner may adopt rules relating to the imposition of administrative penalties under this section.

(b) Any person who confers or offers to confer a degree on behalf of a private postsecondary educational institution subject to the provisions of this subchapter which has not been issued a certificate of authority to grant degrees or who represents that credits earned or granted by that person or institution are applicable for credit toward a degree to be granted by another person or institution except under conditions and in a manner specified and approved by the board shall be assessed an administrative penalty of not less than \$1,000 or more than \$5,000. Each degree conferred without authority constitutes a separate offense. Any person who confers or offers to confer a degree on behalf of a private postsecondary educational institution subject to the provisions of this subchapter which has not been issued a certificate of authority to grant degrees or who represents that credits earned or granted by that person or institution are applicable for credit toward a degree to be granted by another person or institution except under conditions and in a manner specified and approved by the board shall be assessed an administrative penalty of not less than \$1,000 or more than \$5,000.

Each degree conferred without authority constitutes a separate offense.

(c) Any person who establishes a private postsecondary educational institution that is not exempt from this subchapter and uses a term protected under this subchapter in the official name of the institution without first having been issued a certificate of authority for the institution under this subchapter or any person who establishes an educational or training establishment and uses a term protected under this subchapter in the official name or title of the establishment shall be assessed an administrative penalty of not less than \$1,000 or more than \$3,000.

(d) Any agent who solicits students for enrollment in a private postsecondary educational institution subject to the provisions of this subchapter without a certificate of registration shall be assessed an administrative penalty of not less than \$500 or more than \$1,000. Each student solicited without authority constitutes a separate offense.

(e) Any operations which are found after due process to be in violation of this subchapter shall be terminated.

(e-1) Any authorized or certified institution that fails to maintain in a manner specified by the board the academic records of enrolled or former students, including records of credits and degrees awarded, or that fails to protect the personally identifiable information of enrolled or former students shall be assessed an administrative penalty of not less than \$100 or more than \$500 for each student whose academic record was not maintained or whose personally identifiable information was not protected.

(f) An institution that is assessed an administrative penalty under this section is entitled to written notice of the reasons for the penalty. An institution may appeal an administrative penalty in the manner provided by Chapter 2001, Government Code.

Text of Subsection (e-1) effective on September 1, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. 1781), Sec. 9, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations

act of the 85th Legislature.

Added by Acts 1975, 64th Leg., p. 1867, ch. 587, Sec. 1, eff. June 19, 1975. Amended by Acts 1985, 69th Leg., ch. 76, Sec. 6, eff. Sept. 1, 1985; Acts 1993, 73rd Leg., ch. 516, Sec. 13, eff. Sept. 1, 1993. Redesignated from Education Code Sec. 61.317 and amended by Acts 1997, 75th Leg., ch. 232, Sec. 9, eff. Sept. 1, 1997.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. [1781](#)), Sec. 5, eff. September 1, 2017.

Sec. 61.318. INJUNCTIONS. (a) The commissioner may report information concerning a possible violation of this subchapter to the attorney general. The attorney general shall make the necessary investigations and shall bring suit to enjoin any violation of this subchapter.

(b) An action for an injunction under this section shall be brought in a district court in Travis County.

Added by Acts 1997, 75th Leg., ch. 232, Sec. 10, eff. Sept. 1, 1997.

Sec. 61.319. CIVIL PENALTY. (a) A person who violates this subchapter or a rule adopted under this subchapter is liable for a civil penalty in addition to any injunctive relief or any other remedy. A civil penalty may not exceed \$1,000 a day for each violation.

(b) The attorney general, at the request of the board, shall bring a civil action to collect a civil penalty under this section.

Added by Acts 1997, 75th Leg., ch. 232, Sec. 10, eff. Sept. 1, 1997.

Sec. 61.320. APPLICATION OF DECEPTIVE TRADE PRACTICES ACT.

(a) A person who violates this subchapter commits a false, misleading, or deceptive act or practice within the meaning of Section [17.46](#), Business & Commerce Code.

(b) A public or private right or remedy under Chapter [17](#), Business & Commerce Code, may be used to enforce this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1039 (H.B. [1173](#)), Sec. 7, eff. September 1, 2005.

Sec. 61.321. INFORMATION PROVIDED TO PROTECT PUBLIC FROM FRAUDULENT, SUBSTANDARD, OR FICTITIOUS DEGREES. To protect the public from private postsecondary educational institutions or other persons that confer or offer to confer fraudulent or substandard degrees and from persons that use or hold fraudulent or substandard degrees or that use or claim to hold fictitious degrees, the board shall disseminate the following information through the board's Internet website:

(1) to the extent known by the board, the accreditation status or the status regarding authorization or approval under this subchapter, as applicable, of each private postsecondary educational institution or other person that is regulated by this subchapter or for which a determination is made under Section [61.3021](#), including:

(A) the name of each educational institution accredited, authorized, or approved to offer or grant degrees in this state;

(B) the name of each educational institution whose degrees the board has determined may not be legally used in this state; and

(C) the name of each educational institution that the board has determined to be operating in this state in violation of this subchapter; and

(2) any other information considered by the commissioner to be useful to protect the public from fraudulent, substandard, or fictitious degrees.

Added by Acts 2005, 79th Leg., Ch. 1039 (H.B. [1173](#)), Sec. 7, eff. September 1, 2005.

#### SUBCHAPTER H. REGULATION OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION ESTABLISHED OUTSIDE THE BOUNDARIES OF THE STATE OF TEXAS

Sec. 61.401. DEFINITIONS. In this subchapter:

(1) "Public institution of higher education" includes any senior college, university, community college, technical institute, or junior college or the equivalent which is controlled by a public body organized outside the boundaries of the State of

Texas.

(2) "Coordinating board" means the Texas Higher Education Coordinating Board.

Added by Acts 1975, 64th Leg., p. 1843, ch. 573, Sec. 1, eff. June 19, 1975.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 124 (S.B. [1470](#)), Sec. 2, eff. May 23, 2015.

Sec. 61.402. REQUISITE APPROVAL. (a) Public institutions of higher education established outside the boundaries of the State of Texas must have the approval of the coordinating board before offering a course or a grouping of courses within the State of Texas.

(b) Notwithstanding Subsection (a), a public institution of higher education established outside the boundaries of the State of Texas may offer a course within this state without the approval of the coordinating board if the course is provided in accordance with a state authorization reciprocity agreement established under Section [61.05121](#).

Added by Acts 1975, 64th Leg., p. 1843, ch. 573, Sec. 1, eff. June 19, 1975.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 124 (S.B. [1470](#)), Sec. 3, eff. May 23, 2015.

Sec. 61.403. RULES AND REGULATIONS. The coordinating board shall prepare rules and regulations which, when properly followed, may qualify a public institution of higher education established outside the boundaries of the State of Texas to offer a course or a grouping of courses within the State of Texas.

Added by Acts 1975, 64th Leg., p. 1843, ch. 573, Sec. 1, eff. June 19, 1975.

Sec. 61.404. PROCEDURES IN CASE OF VIOLATION. If the coordinating board obtains evidence that a public institution of higher education established outside the boundaries of the State of



Texas is in apparent violation of this subchapter or of rules and regulations adopted pursuant to this subchapter, the coordinating board shall take appropriate action to terminate its operation within the boundaries of the State of Texas regardless of whether the institution participates in a state authorization reciprocity agreement established under Section [61.05121](#).

Added by Acts 1975, 64th Leg., p. 1843, ch. 573, Sec. 1, eff. June 19, 1975.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 124 (S.B. [1470](#)), Sec. 4, eff. May 23, 2015.

Sec. 61.405. ADVISORY COMMITTEES. The coordinating board may appoint such advisory committees as deemed useful for the effective administration of this subchapter.

Added by Acts 1975, 64th Leg., p. 1843, ch. 573, Sec. 1, eff. June 19, 1975.

#### SUBCHAPTER I. CONTRACTS FOR MEDICAL RESIDENCY PROGRAMS

Sec. 61.501. DEFINITIONS. As used in this subchapter:

(1) "Medical school" means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Southwestern Medical Center, the medical school at The University of Texas Health Science Center at San Antonio, The University of Texas Medical Branch at Galveston, the medical school at The University of Texas at Austin, the medical school at The University of Texas Rio Grande Valley, the medical education program of The University of Texas Health Science Center at Tyler, the medical school at the Texas Tech University Health Sciences Center, the medical school at the Texas Tech University Health Sciences Center at El Paso, the Sam Houston State University College of Osteopathic Medicine, the University of Houston College of Medicine, the Baylor College of Medicine, the college of osteopathic medicine at the University of North Texas Health Science Center at Fort Worth, or the medical school at the Texas A&M University Health Science Center.

(2) "Approved family practice residency training program" means a graduate medical education program operated by a medical school, licensed hospitals, or nonprofit corporations which has been approved for training physicians in family practice and for the receipt of state funds for that purpose by the board after receiving the recommendation of the Family Practice Residency Advisory Committee.

Added by Acts 1977, 65th Leg., p. 109, ch. 53, Sec. 2, eff. Aug. 29, 1977. Amended by Acts 1993, 73rd Leg., ch. 408, Sec. 10, eff. Aug. 30, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 65 (S.B. [120](#)), Sec. 12, eff. May 18, 2013.

Acts 2015, 84th Leg., R.S., Ch. 28 (S.B. [1466](#)), Sec. 1, eff. May 15, 2015.

Acts 2019, 86th Leg., R.S., Ch. 8 (H.B. [826](#)), Sec. 6, eff. May 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 294 (H.B. [2867](#)), Sec. 6, eff. May 29, 2019.

Sec. 61.502. CONTRACTS. The board may contract with a medical school, licensed hospitals, or nonprofit corporations for the purpose of establishing and operating an approved Family Practice Residency Training Program and may compensate the medical school, licensed hospitals, or nonprofit corporations on a formula approved by the board based upon the number of resident physicians in the training program.

Added by Acts 1977, 65th Leg., p. 109, ch. 53, Sec. 2, eff. Aug. 29, 1977.

Sec. 61.503. RULES AND REGULATIONS. The board shall adopt rules and regulations to implement this subchapter, including rules providing for:

(1) prior consultation on the annual budget with the board;

(2) a postaudit in a manner acceptable to the state auditor of expenditures related to the residency training program

of a medical school, licensed hospitals, or nonprofit corporations with which the board has contracted; and

(3) distribution of family physicians and improvement of medical care in underserved urban and rural areas of the state and, insofar as possible and prudent, encouraging the permanent location in underserved areas of family physicians trained in these programs.

Added by Acts 1977, 65th Leg., p. 109, ch. 53, Sec. 2, eff. Aug. 29, 1977.

Sec. 61.504. DISBURSEMENTS. (a) Pursuant to a contract, the board may disburse through the designated project director to a medical school, licensed hospitals, or nonprofit corporations funds for the purpose of the graduate training of physicians in an approved family practice residency training program. The project director shall be the chairman of the Department of Family Practice in a medical school or the program director of an approved family practice residency training program operated by licensed hospitals or nonprofit corporations. The project director shall, in accordance with such rules as the board may adopt, make timely reports directly to the board concerning the development and progress of the family practice training program.

(b) The board may establish by contract the method or manner of the disbursement to the project director.

Added by Acts 1977, 65th Leg., p. 109, ch. 53, Sec. 2, eff. Aug. 29, 1977.

Sec. 61.505. ADVISORY COMMITTEE. (a) The Family Practice Residency Advisory Committee is created and shall consist of 12 members. One member shall be a licensed physician appointed by the Texas Osteopathic Medical Association; two members shall be licensed physicians appointed by the Association of Directors of Family Practice Training Programs; two members shall be administrators of hospitals in which an approved family practice residency training program operates and shall be appointed by the Texas Hospital Association; one member shall be a licensed physician appointed by the Texas Medical Association; two members

shall be licensed physicians appointed by the Texas Academy of Family Physicians; three members of the public shall be appointed to the committee by the governor; and by virtue of his office, the president of the Texas Academy of Family Physicians shall be a member of the committee.

(b) The terms of office of each member, excluding the term of office of the president of the Texas Academy of Family Physicians, shall be for three years. Each member shall serve until his replacement has been appointed to the committee.

(c) The members of the committee shall not be compensated for their service, but shall be reimbursed by the board for actual expenses incurred in the performance of duties as members of the committee.

(d) The committee shall meet at least annually and so often as requested by the board or called into meeting by the chairman.

(e) The chairman shall be elected by the members of the committee for one year.

(f) The committee shall:

(1) review for the board applications for approval and funding of family practice residency training programs and related support programs;

(2) make recommendations to the board relating to:

(A) the standards and criteria for approval of residency training and related support programs; and

(B) the effectiveness of the programs the board administers that provide incentives to physicians to practice in underserved areas of this state; and

(3) perform such other duties as may be directed by the board.

Added by Acts 1977, 65th Leg., p. 109, ch. 53, Sec. 2, eff. Aug. 29, 1977. Amended by Acts 1983, 68th Leg., p. 882, ch. 203, Sec. 1, eff. May 24, 1983; Acts 1989, 71st Leg., ch. 1084, Sec. 1.24, eff. Sept. 1, 1989.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1240](#), 89th Legislature, Regular Session, for amendments affecting the

following section.

Sec. 61.506. FAMILY PRACTICE RESIDENCY TRAINING PILOT PROGRAMS. (a) The Family Practice Residency Advisory Committee shall work to enhance approved family practice residency programs and to establish not less than three or more than five pilot programs to provide a major source of indigent health care and to train family practice resident physicians.

(b) Each of the pilot programs must provide services to an economically depressed or rural medically underserved area of the state. One pilot program must be located in an urban area, one pilot program must be located in a rural area, and the remaining pilot program or programs must be located in the border region as defined by Section [481.001](#), Government Code.

(c) An approved family practice residency program that wants to participate in or sponsor a pilot program must make a proposal to the advisory committee.

(d) The advisory committee shall review all proposals submitted under Subsection (c) of this section and shall recommend to the board approved family practice residency programs to participate in or sponsor pilot programs.

(e) The board shall select approved family practice residency programs to participate in or sponsor pilot programs on the basis of each program's commitment to indigent health care and to training family practice resident physicians.

(f) The advisory committee shall use financial reports, audits, and performance evaluations currently required under this subchapter or by board rule to assess annually the financial feasibility and effective performance of the pilot programs. The advisory committee may require additional reports as necessary.

(g) Repealed by Acts 2019, 86th Leg., R.S., Ch. 573 (S.B. [241](#)), Sec. 3.01(1), eff. September 1, 2019.

(h) If the advisory committee determines that a pilot program is not financially feasible or that it does not perform effectively, the advisory committee shall recommend to the board discontinuation of funding for the pilot program.

Added by Acts 1993, 73rd Leg., ch. 665, Sec. 1, eff. Aug. 30, 1993.

Amended by Acts 1995, 74th Leg., ch. 349, Sec. 2, eff. Sept. 1,

1995.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 573 (S.B. [241](#)), Sec. 3.01(1), eff. September 1, 2019.

#### SUBCHAPTER J. REPAYMENT OF CERTAIN PHYSICIAN EDUCATION LOANS

Sec. 61.531. REPAYMENT AUTHORIZED. (a) The coordinating board may provide, using funds appropriated for that purpose and in accordance with this subchapter and rules of the board, assistance in the repayment of student loans for physicians who apply and qualify for the assistance.

(b) Repealed by Acts 2009, 81st Leg., R.S., Ch. 285, Sec. 17, eff. September 1, 2009.

(c) Repealed by Acts 2009, 81st Leg., R.S., Ch. 285, Sec. 17, eff. September 1, 2009.

Added by Acts 1985, 69th Leg., ch. 517, Sec. 1, eff. Sept. 1, 1985.  
Amended by Acts 1995, 74th Leg., ch. 349, Sec. 3, eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 1420, Sec. 21.002(5), eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. [2154](#)), Sec. 17, eff. September 1, 2009.

Sec. 61.532. ELIGIBILITY. (a) To be eligible to receive repayment assistance, a physician must:

- (1) apply to the coordinating board;
- (2) at the time of application, be licensed to practice medicine under Subtitle B, Title 3, Occupations Code;
- (3) have completed one, two, three, or four consecutive years of practice:

(A) in a health professional shortage area designated by the Department of State Health Services; or

(B) in accordance with Subsection (b), after funds have been fully allocated for the program year to physicians qualifying under Paragraph (A); and

- (4) provide health care services to:

(A) recipients under the medical assistance program authorized by Chapter 32, Human Resources Code;

(B) enrollees under the child health plan program authorized by Chapter 62, Health and Safety Code; or

(C) persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(b) A physician may complete one or more years of practice required by Subsection (a)(3) in a location other than a health professional shortage area designated by the Department of State Health Services if, during the applicable year or years, the physician provides health care services to a designated number of patients who are recipients under the medical assistance program authorized by Chapter 32, Human Resources Code, or the Texas Women's Health Program according to criteria established by the board in consultation with the Health and Human Services Commission. The Health and Human Services Commission shall verify a physician's compliance with this subsection, and the board and the commission shall enter into a memorandum of understanding for that purpose.

(c) The board annually shall solicit and collect information regarding the specific number of patients described by Subsection (a)(4)(A) who are treated by each physician receiving loan repayment assistance under this subchapter.

Added by Acts 1985, 69th Leg., ch. 517, Sec. 1, eff. Sept. 1, 1985.

Amended by Acts 1993, 73rd Leg., ch. 585, Sec. 1, eff. June 13, 1993; Acts 1995, 74th Leg., ch. 349, Sec. 4, eff. Sept. 1, 1995; Acts 2003, 78th Leg., ch. 820, Sec. 23, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. 2154), Sec. 1, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. 2154), Sec. 17, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 295 (H.B. 1908), Sec. 1, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1015 (H.B. 2550), Sec. 4, eff. September 1, 2013.

Sec. 61.533. LIMITATION. (a) A physician may receive repayment assistance grants for not more than four years.

(b) Repayment assistance grants paid in relation to services described by Section 61.532(4)(C) are limited to the first 10 physicians who establish eligibility for those grants each year. Added by Acts 1985, 69th Leg., ch. 517, Sec. 1, eff. Sept. 1, 1985. Amended by:

Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. 2154), Sec. 2, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 295 (H.B. 1908), Sec. 2, eff. June 17, 2011.

Sec. 61.534. ELIGIBLE LOANS. (a) The coordinating board may provide repayment assistance for the repayment of any student loan for education at an institution of higher education, including loans for undergraduate education, received by a physician through any lender.

(b) The coordinating board may not provide repayment assistance for a student loan that is in default at the time of the physician's application.

(c) Each fiscal biennium, the coordinating board shall attempt to allocate all funds appropriated to it for the purpose of providing repayment assistance under this subchapter.

Added by Acts 1985, 69th Leg., ch. 517, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 1027, Sec. 13, eff. Sept. 1, 1989; Acts 1989, 71st Leg., ch. 1084, Sec. 1.26, eff. Sept. 1, 1989.

Sec. 61.535. REPAYMENT. (a) The coordinating board shall deliver any repayment made under this subchapter in a lump sum payable:

(1) to both the physician and the lender or other holder of the affected loan; or

(2) directly to the lender or other holder of the loan



on the physician's behalf.

(b) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 581, Sec. 1, eff. June 17, 2011.

Added by Acts 1985, 69th Leg., ch. 517, Sec. 1, eff. Sept. 1, 1985.

Amended by Acts 1989, 71st Leg., ch. 1084, Sec. 1.27, eff. Sept. 1, 1989.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. [2154](#)), Sec. 3, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 581 (H.B. [3579](#)), Sec. 1, eff. June 17, 2011.

Sec. 61.536. ADVISORY COMMITTEES. The coordinating board may appoint advisory committees from outside the board's membership to assist the board in performing its duties under this subchapter.

Added by Acts 1985, 69th Leg., ch. 517, Sec. 1, eff. Sept. 1, 1985.

Amended by Acts 1989, 71st Leg., ch. 1027, Sec. 14, eff. Sept. 1, 1989; Acts 1989, 71st Leg., ch. 1084, Sec. 1.28, eff. Sept. 1, 1989.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. [2154](#)), Sec. 4, eff. September 1, 2009.

Sec. 61.5361. ACCEPTANCE OF FUNDS. The coordinating board may accept gifts, grants, and donations for the purposes of this subchapter.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.28, eff. Sept. 1, 1989.

Sec. 61.537. RULES. (a) The coordinating board shall adopt rules necessary for the administration of this subchapter.

(b) The coordinating board shall distribute to each medical unit and professional association copies of the rules adopted under this section and pertinent information in this subchapter.

Added by Acts 1985, 69th Leg., ch. 517, Sec. 1, eff. Sept. 1, 1985.

Amended by Acts 1993, 73rd Leg., ch. 585, Sec. 2, eff. June 13,

1993; Acts 1995, 74th Leg., ch. 349, Sec. 5, eff. Sept. 1, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. [2154](#)), Sec. 5, eff. September 1, 2009.

Sec. 61.538. AMOUNT OF REPAYMENT ASSISTANCE. (a) A physician may receive repayment assistance under this subchapter in the amount determined by board rule, not to exceed the following amounts for each year for which the physician establishes eligibility for the assistance:

- (1) for the first year, \$30,000;
- (2) for the second year, \$40,000;
- (3) for the third year, \$50,000; and
- (4) for the fourth year, \$60,000.

(b) The total amount of repayment assistance distributed by the board may not exceed the total amount of money available in the physician education loan repayment program account.

(c) The total amount of repayment assistance made under this subchapter to an individual physician may not exceed \$180,000.

Added by Acts 1993, 73rd Leg., ch. 585, Sec. 3, eff. June 13, 1993.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. [2154](#)), Sec. 6, eff. September 1, 2009.

Acts 2019, 86th Leg., R.S., Ch. 1114 (H.B. [2261](#)), Sec. 1, eff. September 1, 2019.

Sec. 61.5391. PHYSICIAN EDUCATION LOAN REPAYMENT PROGRAM ACCOUNT. (a) The physician education loan repayment program account is an account in the general revenue fund. The account is composed of:

- (1) gifts and grants contributed to the account;
- (2) earnings on the principal of the account; and
- (3) other amounts deposited to the credit of the account, including:
  - (A) money deposited under Section [61.5392](#);
  - (B) legislative appropriations; and
  - (C) money deposited under Section [155.2415](#), Tax

Code.

(b) Money in the account may not be appropriated for any purpose except:

(1) to provide loan repayment assistance to eligible physicians under this subchapter; or

(2) to provide loan repayment assistance under Subchapter JJ if reallocated under Section [61.9826](#).

(c) Money deposited to the credit of the account under Section [61.5392](#) may be used only to provide loan repayment assistance to physicians who establish eligibility for the assistance under Section [61.532](#)(a)(4)(A) or (b).

Added by Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. [2154](#)), Sec. 8, eff. September 1, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. [2099](#)), Sec. 4, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1015 (H.B. [2550](#)), Sec. 5, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. [7](#)), Sec. 10, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 21.002(4), eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1245 (H.B. [2396](#)), Sec. 1, eff. June 20, 2015.

Sec. 61.5392. FEDERAL MATCHING FUNDS. (a) For the purposes of this subchapter, the Health and Human Services Commission shall seek any federal matching funds that are available for the purposes of this section.

(b) Any amount received under Subsection (a) shall be transferred to the comptroller to be deposited in the physician education loan repayment program account established under Section 61.5391. Section [403.095](#), Government Code, does not apply to any amount deposited under this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1015 (H.B. [2550](#)), Sec. 6, eff. September 1, 2013.

Sec. 61.540. LOAN REPAYMENT ASSISTANCE UNDER FORMER LAW; SAVING PROVISION. (a) This subsection applies only to a person who entered into a written agreement to perform service as a physician in exchange for loan repayment assistance under this subchapter before September 1, 2003. The agreement continues in effect and this subchapter, as it existed when the person entered into the agreement, is continued in effect for purposes of that agreement until the person satisfies all the conditions of the agreement or repays all amounts due under the agreement if the person does not satisfy the conditions of the agreement.

(b) A person receiving loan repayment assistance under this subchapter immediately before the effective date of the amendments made to this subchapter by the 81st Legislature, Regular Session, 2009, may continue to receive loan repayment assistance under this subchapter, as this subchapter applied to the person immediately before the effective date of those amendments, until the person is no longer eligible for loan repayment assistance under this subchapter, as this subchapter existed on that date, and the former law is continued in effect for that purpose.

(c) A person to whom this section applies is not eligible to receive repayment assistance under another provision of this subchapter.

Added by Acts 2003, 78th Leg., ch. 820, Sec. 24, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 285 (H.B. [2154](#)), Sec. 9, eff. September 1, 2009.

#### SUBCHAPTER K. REPAYMENT OF CERTAIN MENTAL HEALTH PROFESSIONAL EDUCATION LOANS

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [2598](#) and S.B. [646](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.601. DEFINITION. In this subchapter, "mental health professional" means:

- (1) a licensed physician who is:

(A) a graduate of an accredited psychiatric residency training program; or

(B) certified in psychiatry by:

(i) the American Board of Psychiatry and Neurology; or

(ii) the American Osteopathic Board of Neurology and Psychiatry;

(2) a psychologist, as defined by Section 501.002, Occupations Code;

(3) a licensed professional counselor, as defined by Section 503.002, Occupations Code;

(4) an advanced practice registered nurse, as defined by Section 301.152, Occupations Code, who holds a nationally recognized board certification in psychiatric or mental health nursing;

(5) a licensed clinical social worker, as defined by Section 505.002, Occupations Code;

(6) a licensed specialist in school psychology, as defined by Section 501.002, Occupations Code;

(7) a chemical dependency counselor, as defined by Section 504.001, Occupations Code; and

(8) a licensed marriage and family therapist, as defined by Section 502.002, Occupations Code.

Added by Acts 1987, 70th Leg., ch. 956, Sec. 8.12, eff. Sept. 1, 1987. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.738, eff. Sept. 1, 2001.

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. 239), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 891 (H.B. 3083), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1101 (H.B. 3808), Sec. 1, eff. September 1, 2017.

Reenacted and amended by Acts 2023, 88th Leg., R.S., Ch. 678 (H.B. 1211), Sec. 2, eff. September 1, 2023.

Sec. 61.602. REPAYMENT AUTHORIZED. If the legislature

appropriates funds for purposes of this subchapter, the board shall establish a program to provide, in accordance with this subchapter and rules of the board, assistance in the repayment of student loans for mental health professionals who apply and qualify for the assistance.

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. [239](#)), Sec. 1, eff. September 1, 2015.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [646](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Text of section as amended by Acts 2023, 88th Leg., R.S., Ch. 705 (H.B. [2100](#)), Sec. 1

For text of section as amended by Acts 2023, 88th Leg., R.S., Ch. 678 (H.B. [1211](#)), Sec. 3, see other Sec. 61.603.

For text of section as amended by Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. [532](#)), Sec. 2, see other Sec. 61.603.

Sec. 61.603. ELIGIBILITY. (a) Except as provided by Subsection (b), to be eligible to receive repayment assistance under this subchapter, a mental health professional must:

- (1) apply to the board;
- (2) have completed one, two, three, four, or five consecutive years of practice in a mental health professional shortage area designated by the Department of State Health Services; and
- (3) provide mental health services in this state to:
  - (A) recipients under the medical assistance program authorized by Chapter [32](#), Human Resources Code;
  - (B) enrollees under the child health plan program authorized by Chapter [62](#), Health and Safety Code; or
  - (C) persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(b) A mental health professional may also establish

eligibility for the repayment assistance under this subchapter by satisfying the requirements of this subsection. To establish eligibility under this subsection, the mental health professional must:

- (1) apply to the board;
- (2) provide mental health services to:
  - (A) patients in a state hospital, as defined by Section [552.0011](#), Health and Safety Code; or
  - (B) individuals receiving community-based mental health services from a local mental health authority that provides the services in accordance with Subchapter [B](#), Chapter [534](#), Health and Safety Code; and
- (3) have completed one, two, three, four, or five consecutive years of practice in this state as described by Subdivision (2).

(c) In addition to satisfying the requirements under Subsection (a) or (b), for a licensed physician to be eligible to receive repayment assistance under this subchapter after the physician's third consecutive year of practice described under Subsection (a)(2) or (b)(3), as applicable, the physician must be certified in psychiatry by:

- (1) the American Board of Psychiatry and Neurology; or
- (2) the American Osteopathic Board of Neurology and Psychiatry.

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. [239](#)), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 705 (H.B. [2100](#)), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [646](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Text of section as amended by Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. [532](#)), Sec. 2

For text of section as amended by Acts 2023, 88th Leg., R.S., Ch.

678 (H.B. 1211), Sec. 3, see other Sec. 61.603.

For text of section as amended by Acts 2023, 88th Leg., R.S., Ch.

705 (H.B. 2100), Sec. 1, see other Sec. 61.603.

Sec. 61.603. ELIGIBILITY. (a) Except as provided by Subsection (b), to be eligible to receive repayment assistance under this subchapter, a mental health professional must:

(1) apply to the board;

(2) have completed one, two, or three consecutive years of practice in a mental health professional shortage area designated by the Department of State Health Services; and

(3) provide mental health services in this state to:

(A) recipients under the medical assistance program authorized by Chapter 32, Human Resources Code;

(B) enrollees under the child health plan program authorized by Chapter 62, Health and Safety Code; or

(C) persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(b) A mental health professional may also establish eligibility for the repayment assistance under this subchapter by satisfying the requirements of this subsection. To establish eligibility under this subsection, the mental health professional must:

(1) apply to the board;

(2) provide mental health services to:

(A) patients in a state hospital, as defined by Section 552.0011, Health and Safety Code; or

(B) individuals receiving community-based mental health services from a local mental health authority that provides the services in accordance with Subchapter B, Chapter 534, Health and Safety Code; and

(3) have completed one, two, or three consecutive years of practice in this state as described by Subdivision (2).

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. 239), Sec. 1, eff. September 1, 2015.



Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. [532](#)), Sec. 2, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [646](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Text of section as amended by Acts 2023, 88th Leg., R.S., Ch. 678 (H.B. [1211](#)), Sec. 3

For text of section as amended by Acts 2023, 88th Leg., R.S., Ch. 705 (H.B. [2100](#)), Sec. 1, see other Sec. 61.603.

For text of section as amended by Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. [532](#)), Sec. 2, see other Sec. 61.603.

Sec. 61.603. ELIGIBILITY. (a) Except as provided by Subsection (b), to be eligible to receive repayment assistance under this subchapter, a mental health professional must:

(1) apply to the board;

(2) have completed one, two, three, four, or five consecutive years of practice in a mental health professional shortage area designated by the Department of State Health Services; and

(3) provide mental health services in this state to:

(A) recipients under the medical assistance program authorized by Chapter [32](#), Human Resources Code;

(B) enrollees under the child health plan program authorized by Chapter [62](#), Health and Safety Code; or

(C) persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(b) To be eligible to receive repayment assistance under this subchapter, a mental health professional described by Section [61.601](#)(6) must:

(1) apply to the board;

(2) be employed by:

(A) a school district all or part of which is located in a federally designated mental health care health professional shortage area;

(B) an open-enrollment charter school that is located in a shortage area described by Paragraph (A); or

(C) a public school that receives federal funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.);

(3) provide mental health services to students enrolled in that district or school, as applicable; and

(4) have completed one, two, three, four, or five consecutive years of practice in this state as described by Subdivisions (2) and (3).

(c) In addition to satisfying the requirements under Subsection (a), for a licensed physician to be eligible to receive repayment assistance under this subchapter after the physician's third consecutive year of practice described under Subsection (a)(2), the physician must be certified in psychiatry by:

(1) the American Board of Psychiatry and Neurology; or

(2) the American Osteopathic Board of Neurology and Psychiatry.

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. [239](#)), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 678 (H.B. [1211](#)), Sec. 3, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [646](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.604. LIMITATIONS. (a) A mental health professional may receive repayment assistance under this subchapter for not more than three years.

(b) Not more than 10 percent of the number of repayment assistance grants paid under this subchapter each year may be awarded to mental health professionals providing mental health

services described by Section [61.603\(a\)\(3\)\(C\)](#).

(c) Not more than 30 percent of the number of repayment assistance grants paid under this subchapter each year may be awarded to mental health professionals in any one of the professions listed in Section [61.601](#).

(d) The board may award a grant under this subchapter to a mental health professional described by Section [61.601\(8\)](#) only in accordance with Subsection (e).

(e) If in a state fiscal year there are funds available for purposes of the program after funding grants to all eligible mental health professionals described by Sections [61.601\(1\)-\(7\)](#), the board may allocate any unused funds to award repayment assistance grants to mental health professionals in any of the professions listed in Section [61.601](#) except that priority must be given to awarding grants to mental health professionals described by Sections [61.601\(1\)-\(7\)](#). The limitations prescribed by Subsections (b) and (c) do not apply to grants awarded under this subsection.

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. [239](#)), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 891 (H.B. [3083](#)), Sec. 2, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1101 (H.B. [3808](#)), Sec. 2, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 678 (H.B. [1211](#)), Sec. 4, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 678 (H.B. [1211](#)), Sec. 6(1), eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. [532](#)), Sec. 3, eff. September 1, 2023.

Sec. 61.605. ELIGIBLE LOANS. (a) The board may provide repayment assistance under this subchapter for the repayment of any student loan for education at an institution of higher education, a private or independent institution of higher education, or a public or private out-of-state institution of higher education accredited by a recognized accrediting agency, including loans for

undergraduate education, received by an eligible person through any lender.

(b) The board may not provide repayment assistance for a student loan that is in default at the time of the person's application.

(c) In each state fiscal biennium, the board shall attempt to allocate all funds appropriated to the board for the purpose of providing loan repayment assistance under this subchapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. [239](#)), Sec. 1, eff. September 1, 2015.

Sec. 61.606. REPAYMENT. (a) The board shall deliver any repayment under this subchapter in a lump sum payable:

(1) to both the lender or other holder of the loan and the mental health professional; or

(2) directly to the lender or other holder of the loan on the mental health professional's behalf.

(b) A repayment under this subchapter may be applied to any amount due in connection with the loan.

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. [239](#)), Sec. 1, eff. September 1, 2015.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [646](#) and H.B. [2598](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.607. AMOUNT OF REPAYMENT ASSISTANCE.

(a) A mental health professional may receive repayment assistance under this subchapter for each year the mental health professional establishes eligibility for the assistance in an amount determined by applying the following applicable percentage to the maximum total amount of assistance allowed for the mental health professional under Subsection (b):

(1) for the first year, 33.33 percent;

(2) for the second year, 33.33 percent; and

(3) for the third year, 33.33 percent.

(b) The total amount of repayment assistance received by a

mental health professional under this subchapter may not exceed:

(1) \$160,000, for assistance from the state received by a licensed physician;

(2) \$80,000, for assistance from the state received by:

(A) a psychologist;

(B) a licensed clinical social worker, if the social worker has received a doctoral degree related to social work;

(C) a licensed professional counselor, if the counselor has received a doctoral degree related to counseling; or

(D) a licensed marriage and family therapist, if the marriage and family therapist has received a doctoral degree related to marriage and family therapy;

(3) \$60,000, for assistance from the state received by an advanced practice registered nurse;

(4) \$40,000, for assistance from the state received by:

(A) a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional counselor who is not described by Subdivision (2); or

(B) a licensed specialist in school psychology; and

(5) \$10,000, for assistance from the state received by a licensed chemical dependency counselor, if the chemical dependency counselor has received an associate degree related to chemical dependency counseling or behavioral science.

(c) The total amount of repayment assistance provided under this subchapter may not exceed the sum of:

(1) the total amount of gifts and grants accepted by the board for the repayment assistance;

(2) legislative appropriations for the repayment assistance; and

(3) other funds available to the board for the repayment assistance.

(d) The board may adjust in an equitable manner the distribution amounts that mental health professionals would

otherwise receive under Subsection (a) for a year as necessary to comply with Subsection (c).

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. [239](#)), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 891 (H.B. [3083](#)), Sec. 3, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1101 (H.B. [3808](#)), Sec. 3, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. [4170](#)), Sec. 5.030, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 678 (H.B. [1211](#)), Sec. 5, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. [532](#)), Sec. 4, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [646](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.608. RULES; ADMINISTRATION. (a) The board shall adopt rules necessary to administer this subchapter.

(b) The board shall distribute to each institution of higher education or private or independent institution of higher education and to any appropriate state agency and professional association copies of the rules adopted under this section and other pertinent information relating to this subchapter.

(c) The board shall adopt rules establishing a process for allocating any unused funds under the program in a state fiscal year in accordance with Section [61.604](#)(e).

(d) The board shall administer the program under this subchapter in a manner that maximizes any matching funds available through the state loan repayment program under the National Health Service Corps program of the United States Department of Health and Human Services Health Resources and Services Administration.

(e) The board shall administer the program under this subchapter in a manner that, as program openings occur, allows for

the continuous:

- (1) approval or disapproval of applications;
- (2) determination of applicant eligibility; and
- (3) acceptance of eligible applicants into the program.

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. [239](#)), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 891 (H.B. [3083](#)), Sec. 4, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 891 (H.B. [3083](#)), Sec. 5, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1101 (H.B. [3808](#)), Sec. 4, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 678 (H.B. [1211](#)), Sec. 6(2), eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. [532](#)), Sec. 5, eff. September 1, 2023.

Sec. 61.609. SOLICITATION AND ACCEPTANCE OF FUNDS. (a) The board may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter.

(b) The board annually shall seek the maximum amount of funds available through the state loan repayment program under the National Health Service Corps program of the United States Department of Health and Human Services Health Resources and Services Administration.

Added by Acts 2015, 84th Leg., R.S., Ch. 322 (S.B. [239](#)), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 891 (H.B. [3083](#)), Sec. 6, eff. September 1, 2017.

SUBCHAPTER L. FINANCIAL AID FOR PROFESSIONAL NURSING STUDENTS AND VOCATIONAL NURSING STUDENTS AND LOAN REPAYMENT PROGRAM FOR CERTAIN NURSES

Sec. 61.651. DEFINITIONS. In this subchapter:

(1) "Professional nursing student" means a student enrolled in a course of study leading to an initial or an advanced degree in professional nursing at:

(A) an institution of higher education;

(B) a private or independent institution of higher education; or

(C) a nonprofit, tax-exempt, regionally accredited college or university operating in accordance with a memorandum of understanding with this state under an executive order issued by the governor.

(2) "Vocational nursing student" means a student enrolled in a nonprofit school or program that is preparing the student for licensure as a licensed vocational nurse.

Added by Acts 1989, 71st Leg., ch. 1262, Sec. 2, eff. June 18, 1989.

Amended by Acts 2001, 77th Leg., ch. 1489, Sec. 5, eff. Sept. 1, 2001.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 1, eff. June 18, 2023.

Sec. 61.652. SCHOLARSHIP PROGRAM. The Texas Higher Education Coordinating Board shall establish and administer, using funds appropriated for that purpose and in accordance with this subchapter and board rules, a scholarship program for professional nursing students and vocational nursing students.

Added by Acts 1989, 71st Leg., ch. 1262, Sec. 2, eff. June 18, 1989.

Sec. 61.654. LOAN REPAYMENT PROGRAM. The board shall establish and administer, using funds appropriated for that purpose and in accordance with this subchapter and board rules, an educational loan repayment program for registered nurses and licensed vocational nurses.

Added by Acts 1989, 71st Leg., ch. 1262, Sec. 2, eff. June 18, 1989.

Sec. 61.655. PURPOSE; ELIGIBILITY. (a) A scholarship program or loan repayment program established under this subchapter



shall be established and administered in a manner that the board determines best promotes the health care and educational needs of this state.

(b) The board may establish multiple categories of persons to receive scholarships and loan repayments. The board may include faculty from professional nursing programs with master's degrees or doctorates among the categories of persons authorized to receive loan repayments.

(c) Each year funds are available, the board shall establish the categories of persons eligible to receive scholarships and loan repayments and the criteria for selecting persons to be assisted under each category. The criteria:

(1) must include that the person be enrolled in, or have outstanding student loans for education received at, as applicable to the program:

(A) an institution of higher education;

(B) a private or independent institution of higher education; or

(C) a nonprofit college or university described by Section [61.651\(1\)\(C\)](#); and

(2) may include:

(A) scholastic ability and performance;

(B) financial need;

(C) the geographical area in which the person is likely to practice;

(D) whether the person receives Temporary Assistance for Needy Families or participates in another public welfare program;

(E) employment by a state agency;

(F) employment on a nursing school faculty or a person's intention to seek employment on a nursing school faculty;

(G) whether the person is practicing in a geographical area, a practice setting, or an area of practice with an acute nursing shortage or is likely to practice in such an area;

(H) the type of certificate or academic degree held or pursued; or

(I) any additional factors the board considers

relevant to promoting the health care and educational needs of the state.

Added by Acts 1989, 71st Leg., ch. 1262, Sec. 2, eff. June 18, 1989.

Amended by Acts 2001, 77th Leg., ch. 1489, Sec. 7, eff. Sept. 1, 2001.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 2, eff. June 18, 2023.

Sec. 61.656. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter.

(b) The board shall adopt rules relating to the establishment of the scholarship program under Section 61.652 of this code, including rules providing eligibility criteria and the maximum amount of any scholarship, and rules relating to the establishment and administration of the loan repayment program under Section 61.654 of this code, including rules providing eligibility criteria and the maximum amount of loan repayment available.

(c) Repealed by Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 9(2), eff. June 18, 2023.

(d) The board shall distribute information about the scholarship program and loan repayment program established under this subchapter to:

(1) employers of registered nurses or licensed vocational nurses;

(2) associations of employers;

(3) schools and educational programs for registered nurses or licensed vocational nurses; and

(4) professional associations of registered nurses or licensed vocational nurses.

(e) The rules adopted under this section must provide that not more than 10 percent of the total amount of scholarships or repayment assistance awarded under a program established under this subchapter in a year may be awarded to persons enrolled in, or for the repayment of student loans for education received at, as applicable to the program, a nonprofit college or university

described by Section 61.651(1)(C).

Added by Acts 1989, 71st Leg., ch. 1262, Sec. 2, eff. June 18, 1989.

Amended by Acts 2001, 77th Leg., ch. 1489, Sec. 8, eff. Sept. 1, 2001.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 3, eff. June 18, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 9(2), eff. June 18, 2023.

Sec. 61.658. FUNDING. (a) In addition to funds appropriated by the legislature, the board may accept gifts, grants, and donations of real or personal property from any individual, group, association, or corporation or the United States, subject to limitations or conditions set by law, for the purposes of this subchapter.

(b) The board may structure the scholarship program and the loan repayment program established under this subchapter to secure funds available under federal matching programs.

Added by Acts 1989, 71st Leg., ch. 1262, Sec. 2, eff. June 18, 1989.

Amended by Acts 2001, 77th Leg., ch. 1489, Sec. 9, eff. Sept. 1, 2001.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 4, eff. June 18, 2023.

Sec. 61.659. ADMINISTRATIVE COSTS. A reasonable amount, not to exceed 10 percent, of the funds appropriated by the legislature to fund the programs established under this subchapter, may be used by the board to pay administrative costs of operating the programs.

Added by Acts 2001, 77th Leg., ch. 1489, Sec. 10, eff. Sept. 1, 2001.

## SUBCHAPTER M. REPAYMENT OF CERTAIN TEACHER AND FACULTY EDUCATION

### LOANS

Sec. 61.701. REPAYMENT AUTHORIZED. The board may provide, in accordance with this subchapter and board rules, assistance in the repayment of student loans for persons who apply and qualify for the assistance.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.30, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 627, Sec. 2, eff. Sept. 1, 1993; Acts 1999, 76th Leg., ch. 1590, Sec. 10, eff. June 19, 1999.

Sec. 61.702. ELIGIBILITY FOR CLASSROOM TEACHER REPAYMENT ASSISTANCE. (a) To be eligible to receive repayment assistance for classroom teachers, a person must apply to the board and must:

(1) have completed at least one year of employment as a full-time classroom teacher at the preschool, primary, or secondary level in a public school in this state in an area or field of acute teacher shortage as designated by the commissioner of education; and

(2) be employed as a full-time classroom teacher at the preschool, primary, or secondary level in a public school in this state in an area or field described by Subdivision (1).

(b) A person is not eligible for repayment assistance for classroom teachers under this subchapter if the person has received a Teach for Texas grant or other financial assistance under Subchapter O, Chapter 56, or under former Section 56.309.

(c) The board shall give priority in granting repayment assistance for classroom teachers to a person who received repayment assistance for classroom teachers for the preceding school year. The priority terminates if the person does not apply for or is not eligible for that assistance. In extraordinary circumstances, the board may allow a person to maintain the priority after one or more years in which the person is unable to teach as a classroom teacher.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.30, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 1590, Sec. 10, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 1261, Sec. 8, eff. June 15, 2001.

Sec. 61.7021. ELIGIBILITY FOR BORDER INSTITUTION FACULTY REPAYMENT ASSISTANCE. To be eligible to receive repayment assistance for border institution faculty, a person must apply to the board and must:

(1) have received a doctoral degree not earlier than September 1, 1994, from a public or private institution of higher education accredited as required by the board; and

(2) be employed as a full-time faculty member with instructional duties in an institution of higher education located in a county that borders the United Mexican States.

Added by Acts 2001, 77th Leg., ch. 1261, Sec. 8, eff. June 15, 2001.

Sec. 61.703. LIMITATION. A person may not receive repayment assistance grants for more than 10 years.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.30, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 1590, Sec. 10, eff. June 19, 1999.

Sec. 61.704. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any student loan for education at a public or private institution of higher education, including loans for undergraduate and graduate education, received by a person through any lender.

(b) The board may not provide repayment assistance for a student loan that is in default at the time of the person's application.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.30, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 1590, Sec. 10, eff. June 19, 1999.

Sec. 61.705. REPAYMENT. (a) The board shall deliver any repayment made under this subchapter in a lump sum payable to the lender and the person, in accordance with federal law.

(b) A repayment made under this subchapter may be applied to the principal amount of the loan and to interest that accrues.

(c) The minimum amount of repayment assistance that may be awarded in one year to a person who qualifies for the assistance

under Section [61.702](#) is the lesser of:

- (1) \$1,000; or
- (2) the amount of principal and accrued interest that is due on eligible loans in that year.

(d) A person may not receive repayment assistance for classroom teachers under this subchapter in a total amount that exceeds \$5,000, and may not receive that repayment assistance for more than five years.

(e) The minimum amount of repayment assistance that may be awarded in one year to a person who qualifies for the assistance under Section [61.7021](#) is 50 percent of the amount of principal and accrued interest that is due on eligible loans that year.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.30, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 627, Sec. 3, eff. Sept. 1, 1993; Acts 1999, 76th Leg., ch. 1590, Sec. 10, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 1261, Sec. 9, eff. June 15, 2001.

Sec. 61.706. ADVISORY COMMITTEES. The board may appoint advisory committees from outside the board's membership to assist the board in performing its duties under this subchapter.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.30, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 1590, Sec. 10, eff. June 19, 1999.

Sec. 61.707. ACCEPTANCE OF FUNDS. The board may solicit and accept gifts, grants, and donations for the purposes of this subchapter.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.30, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 1590, Sec. 10, eff. June 19, 1999.

Sec. 61.708. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter, including a rule that sets a maximum amount of repayment assistance that may be received in one year by a person who qualifies for the assistance under Section [61.7021](#).

(b) The board shall distribute a copy of the rules adopted

under this section and pertinent information in this subchapter to:

- (1) each institution of higher education that offers a teacher education program;
- (2) the personnel office at each institution of higher education located in a county that borders the United Mexican States;
- (3) any other appropriate state agency; and
- (4) any appropriate professional association.

Added by Acts 1989, 71st Leg., ch. 1084, Sec. 1.30, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 1590, Sec. 10, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 1261, Sec. 10, eff. June 15, 2001.

#### SUBCHAPTER O. CONTRACTS WITH TEXAS CHIROPRACTIC COLLEGE AND PARKER COLLEGE OF CHIROPRACTIC

Sec. 61.771. DEFINITIONS. In this subchapter:

(1) "Texas resident" means a person entitled to pay resident tuition under Subchapter B, Chapter 54, of this code.

(2) "Undergraduate chiropractic student" means a person enrolled at an institution of higher education for a regular schedule of courses in pursuit of a Doctor of Chiropractic degree. Added by Acts 1993, 73rd Leg., ch. 146, Sec. 1, eff. Aug. 30, 1993.

Sec. 61.772. CONTRACTS WITH TEXAS CHIROPRACTIC COLLEGE AND PARKER COLLEGE OF CHIROPRACTIC. The board may contract with Texas Chiropractic College and Parker College of Chiropractic for the preparation or instruction of Texas resident undergraduate chiropractic students as doctors of chiropractic. Added by Acts 1993, 73rd Leg., ch. 146, Sec. 1, eff. Aug. 30, 1993. Amended by Acts 1997, 75th Leg., ch. 86, Sec. 1, eff. May 15, 1997.

Sec. 61.773. ADOPTION AND DISTRIBUTION OF RULES. (a) The board may adopt rules to administer this subchapter.

(b) The board shall distribute to each state medical school copies of all rules adopted under this subchapter.

Added by Acts 1993, 73rd Leg., ch. 146, Sec. 1, eff. Aug. 30, 1993.

## SUBCHAPTER P-1. ENGINEERING RECRUITMENT PROGRAMS

Sec. 61.791. ENGINEERING SUMMER PROGRAM. (a) The board shall establish and administer, using funds appropriated for that purpose, a one-week summer program to take place on the campus of each general academic teaching institution or private or independent institution of higher education that offers an engineering degree program. The summer program must be designed for middle and high school students and to expose those students to math, science, and engineering concepts that a student in an engineering degree program may encounter.

(b) The board by rule shall establish the requirements for admission to a summer program established under this section. In adopting rules under this subsection, the board must consider the demographics of the state and adopt rules that encourage the program to enroll students in the program that reflect the demographics of the state. The governing board of each institution to which this section applies shall cooperate with the board in administering this section.

Redesignated from Education Code, Subchapter Q, Chapter 61 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 27.001(10), eff. September 1, 2011.

Sec. 61.792. ENGINEERING SCHOLARSHIP PROGRAM. (a) The board shall establish and administer, using funds appropriated for that purpose, scholarships for students pursuing a degree in engineering at a general academic teaching institution or a private or independent institution of higher education.

(b) To qualify for a scholarship under this section, a student must:

(1) have graduated with a grade point average in the top 20 percent of the student's high school graduating class;

(2) have graduated from high school with a grade point average of at least 3.5 on a four-point scale or the equivalent in mathematics and science courses offered under the foundation high school program under Section [28.025](#); and



(3) maintain an overall grade point average of at least 3.0 on a four-point scale at the general academic teaching institution or the private or independent institution of higher education in which the student is enrolled.

(c) The board shall adopt rules as necessary for the administration of this section, including rules providing for the determination of the amount of each scholarship.

Redesignated from Education Code, Subchapter Q, Chapter 61 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(10), eff. September 1, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. 5), Sec. 70(a), eff. June 10, 2013.

Sec. 61.793. FUNDING. The board shall administer this subchapter using available appropriations and gifts, grants, and donations made for the purposes of this subchapter.

Redesignated from Education Code, Subchapter Q, Chapter 61 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(10), eff. September 1, 2011.

#### SUBCHAPTER Q. TEXAS PARTNERSHIP AND SCHOLARSHIP PROGRAM

#### SUBCHAPTER S. TRANSFER OF CREDIT

Sec. 61.821. DEFINITIONS. In this subchapter:

(1) "Core curriculum" means the curriculum in liberal arts, humanities, and sciences and political, social, and cultural history that all undergraduate students of an institution of higher education are required to complete before receiving an academic undergraduate degree.

(2) "Field of study curriculum" means a set of courses that will satisfy the lower division requirements for a bachelor's degree in a specific academic area at a general academic teaching institution.

(3) "Faculty member" means a person who is employed full-time by an institution of higher education as a member of the

faculty whose primary duties include teaching, research, academic service, or administration. However, the term does not include a person holding faculty rank who spends a majority of the person's time for the institution engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, or dean.

(4) "Meta major" means a collection of programs of study or academic disciplines that share common foundational skills.

Added by Acts 1997, 75th Leg., ch. 1016, Sec. 1, eff. June 19, 1997.

Amended by Acts 1999, 76th Leg., ch. 1584, Sec. 1, eff. June 19, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1210 (S.B. 25), Sec. 8, eff. June 14, 2019.

Sec. 61.822. TRANSFER OF CREDITS; CORE CURRICULUM.

(a) The board shall encourage the transferability of lower division course credit among institutions of higher education.

(a-1) The board, with the assistance of advisory committees composed of representatives of institutions of higher education, shall develop a recommended core curriculum of at least 42 semester credit hours, including a statement of the content, component areas, and objectives of the core curriculum. At least a majority of the members of any advisory committee named under this section shall be faculty members of an institution of higher education. An institution shall consult with the faculty of the institution before nominating or recommending a person to the board as the institution's representative on an advisory committee.

(b) Each institution of higher education shall adopt a core curriculum of no less than 42 semester credit hours, including specific courses comprising the curriculum. The core curriculum shall be consistent with the common course numbering system approved by the board and with the statement, recommendations, and rules issued by the board. An institution may have a core curriculum of other than 42 semester credit hours only if approved by the board. The board by rule may approve a core curriculum of

fewer than 42 semester credit hours for an associate degree program if the board determines that the approval would facilitate the award of a degree or transfer of credit consistent with this subchapter.

(c) If a student successfully completes the core curriculum at an institution of higher education, that block of courses may be transferred to any other institution of higher education and must be substituted for the receiving institution's core curriculum. A student shall receive academic credit for each of the courses transferred and may not be required to take additional core curriculum courses at the receiving institution unless the board has approved a larger core curriculum at the institution.

(d) A student who transfers from one institution of higher education to another without completing the core curriculum of the sending institution shall receive academic credit from the receiving institution for each of the courses that the student has successfully completed in the core curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy further course requirements in the core curriculum of the receiving institution.

(e) The governing board of a general academic teaching institution that offers a joint baccalaureate degree program under a contract with a foreign college or university may, in consultation with the foreign college or university, identify and approve courses offered by the foreign college or university that are equivalent to, and may substitute for, courses in the core curriculum of a student enrolled in the joint degree program who is considered to be primarily a student of the general academic teaching institution.

Added by Acts 1997, 75th Leg., ch. 1016, Sec. 1, eff. June 19, 1997.

Amended by Acts 1999, 76th Leg., ch. 1584, Sec. 2, eff. June 19, 1999; Acts 2003, 78th Leg., ch. 820, Sec. 25, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 539 (S.B. [1051](#)), Sec. 3, eff. June 16, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. [215](#)), Sec. 48, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1155 (S.B. 215), Sec. 49, eff. September 1, 2013.

Acts 2023, 88th Leg., R.S., Ch. 165 (S.B. 1887), Sec. 5, eff. May 23, 2023.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 27, eff. September 1, 2023.

Sec. 61.823. FIELD OF STUDY CURRICULUM. (a) The board, with the assistance of advisory committees composed of representatives of institutions of higher education, shall develop field of study curricula. Each advisory committee shall be equitably composed of representatives of institutions of higher education. Each university system or institution of higher education which offers a degree program for which a field of study curriculum is proposed shall be offered participation on the advisory committee for that particular field of study. At least a majority of the members of any advisory committee named under this section shall be faculty members of an institution of higher education. An institution shall consult with the faculty of the institution before nominating or recommending a person to the board as the institution's representative on an advisory committee.

(a-1) The board by rule may authorize a general academic teaching institution to adopt, for each field of study curriculum developed by the board for which the institution offers a degree program, a set of courses specific to that field of study, for a total of at least six semester credit hours or the equivalent, that must be completed as part of the field of study curriculum for that institution. Each general academic teaching institution that adopts a set of courses for a field of study curriculum under this subsection shall post on the institution's Internet website in a manner easily accessible to students the set of courses with the associated course numbers under the common course numbering system.

(b) If a student successfully completes a field of study curriculum developed by the board, that block of courses may be transferred to a general academic teaching institution and, subject to completion of the set of courses adopted by the institution for that field of study under Subsection (a-1), must be substituted for

that institution's lower division requirements for the degree program for the field of study into which the student transfers, and the student shall receive full academic credit toward the degree program for the block of courses transferred.

(c) A student who transfers from one institution of higher education to another without completing the field of study curriculum of the sending institution shall receive academic credit from the receiving institution for each of the courses that the student has successfully completed in the field of study curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy further course requirements in the field of study curriculum of the receiving institution.

(d) In developing field of study curricula, the board shall pursue a management strategy that maximizes efficiency, including a management strategy that provides for the decentralization of advisory committees to enable concurrent development of curricula for different fields of study.

(e) The board, with the assistance of an appropriate advisory committee, shall periodically review each field of study curriculum to ensure alignment with student interest and academic and industry needs.

(f) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(21), eff. June 17, 2011.

Added by Acts 1997, 75th Leg., ch. 1016, Sec. 1, eff. June 19, 1997.

Amended by Acts 1999, 76th Leg., ch. 1584, Sec. 3, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 841, Sec. 1, eff. June 14, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. [1179](#)), Sec. 25(21), eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 320 (H.B. [2628](#)), Sec. 1, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 165 (S.B. [1887](#)), Sec. 6, eff. May 23, 2023.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. [8](#)), Sec. 28, eff. June 9, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [530](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.8235. CAREER AND TECHNICAL EDUCATION PROGRAM OF STUDY CURRICULA. (a) The board, with the assistance of institutions of higher education, career and technical education experts, and college and career readiness experts, shall establish alignment between the college and career readiness standards and the knowledge, skills, and abilities students are expected to demonstrate in career and technical education by establishing programs of study that:

(1) incorporate rigorous college and career readiness standards, including career and technical education standards that address both academic and technical content;

(2) support attainment of employability and career readiness skills;

(3) progress in content specificity by beginning with all aspects of an industry or career cluster and leading to more occupationally specific instruction or by preparing students for ongoing postsecondary career preparation;

(4) incorporate multiple entry and exit points with portable demonstrations of technical or career competency, which may include credit transfer agreements or industry-recognized certifications; and

(5) culminate in the attainment of:

(A) an industry-recognized certification, credential, or license;

(B) a registered apprenticeship or credit-bearing postsecondary certificate; or

(C) an associate or baccalaureate degree.

(b) The board, with the assistance of advisory committees composed of representatives of secondary education, postsecondary education, business and industry, other state agencies or licensing bodies, and other career and technical education experts, shall develop career and technical education program of study curricula. Each advisory committee shall have at least one representative from

each identified group. The advisory committees shall identify the knowledge, skills, and abilities required to prepare students for high-skill, high-wage jobs in high-demand occupations.

(c) In developing program of study curricula under Subsection (b), the board shall pursue a management strategy that maximizes efficiency, including a management strategy that provides for the decentralization of advisory committees to enable concurrent development of curricula for different programs of study.

(d) The board may partner with the Texas Education Agency, the Texas Workforce Commission, and other state agencies to develop programs of study under this section.

(e) A program of study established under this section must:

(1) focus on the current and future needs of employers in this state;

(2) clearly define career pathways with logical entry and exit points for students;

(3) indicate the types of careers and the names of certifications or licenses aligned to the program of study;

(4) provide for students who begin a program of study at a public junior college, public state college, or public technical institute to transfer to another public junior college, public state college, or public technical institute without having to repeat classes or incur significant interruption of their ability to progress through the program of study;

(5) be designed to meet the needs of business and industry with a high degree of commonality across the state;

(6) align with the college and career readiness standards; and

(7) be revised on a reoccurring schedule, not to exceed once every five years, to ensure the programs of study remain current and relevant to the needs of business and industry.

(f) A student enrolled in a board-established program of study who transfers from a public junior college, public state college, or public technical institute to another public junior college, public state college, or public technical institute that offers a similar program, regardless of whether the institution has

adopted the board-established program of study, shall receive academic credit from the institution to which the student transferred for each of the courses that the student has successfully completed in the program of study curriculum. Unless otherwise required by the Commission on Colleges of the Southern Association of Colleges and Schools, the student may complete the program of study at the institution to which the student transferred by completing only the remaining number of semester credit hours the student would need to complete the program of study at the institution from which the student transferred.

(g) The board, the Texas Education Agency, and the Texas Workforce Commission may adopt rules as necessary for the administration of this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 320 (H.B. [2628](#)), Sec. 2, eff. September 1, 2015.

Sec. 61.824. INSTITUTIONAL EVALUATIONS. Each institution shall review and evaluate the institution's core curriculum and applicable field of study curricula at intervals specified by the board and shall report the results of that review to the board.

Added by Acts 1997, 75th Leg., ch. 1016, Sec. 1, eff. June 19, 1997.

Sec. 61.825. BOARD EVALUATIONS. The board shall develop criteria to evaluate the transfer practices of each institution of higher education and shall evaluate the transfer practices of each institution based on those criteria.

Added by Acts 1997, 75th Leg., ch. 1016, Sec. 1, eff. June 19, 1997.

Sec. 61.826. DISPUTE RESOLUTION. (a) The board by rule shall adopt procedures to be followed by:

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

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

(b) Each institution of higher education shall publish in



its course catalogs the procedures adopted by the board under Subsection (a).

(c) If an institution of higher education proposes to deny the application toward the institution's core curriculum or a field of study curriculum developed by the board under Section 61.823 of course credit earned by a student at another institution of higher education in the other institution's core curriculum or in a field of study curriculum, that institution must:

(1) give written notice to the student and the other institution of that institution's intent to deny the application of the course credit to the institution's core curriculum or field of study curriculum and the reasons for the proposed denial;

(2) attempt to resolve the application of the course credit to the institution's core curriculum or field of study curriculum with the other institution and the student in accordance with this section and board rules;

(3) resolve the dispute not later than the 45th day after the date on which the student enrolls in that institution; and

(4) if the dispute is not resolved to the satisfaction of the student or the institution at which the credit was earned, notify the commissioner of higher education of its denial to apply the course credit to the institution's core curriculum or field of study curriculum and the reasons for the denial.

(d) Not later than the 20th business day after the date the commissioner of higher education receives notice of a dispute concerning the application of course credit to an institution of higher education's core curriculum or field of study curriculum under Subsection (c)(4), the commissioner or the commissioner's designee shall make the final determination about the dispute and give written notice of the determination to the involved student and institutions. If the commissioner or the commissioner's designee determines that the institution may not deny the application of course credit described by Subsection (c) to the institution's core curriculum or field of study curriculum, the institution shall apply that course credit toward the institution's core curriculum or field of study curriculum, as applicable. A determination by the commissioner or the commissioner's designee

under this subsection is final and may not be appealed.

(e) The board shall:

(1) collect data on the types of transfer disputes that are reported and the disposition of each case that is considered by the commissioner of higher education or the commissioner's designee; and

(2) post on the board's Internet website a list of each case that is considered by the commissioner of higher education or the commissioner's designee under this section, including the disposition of the case.

Added by Acts 1997, 75th Leg., ch. 1016, Sec. 1, eff. June 19, 1997.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 165 (S.B. [1887](#)), Sec. 7, eff. May 23, 2023.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. [8](#)), Sec. 29, eff. June 9, 2023.

Sec. 61.827. RULES. (a) The board is authorized to adopt rules implementing the provisions of this subchapter.

(b) In adopting rules regarding the recommended core curriculum developed under Section [61.822](#), the board shall appoint a committee to advise the board under Section [2001.031](#), Government Code.

Added by Acts 1997, 75th Leg., ch. 1016, Sec. 1, eff. June 19, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1210 (S.B. [25](#)), Sec. 10, eff. June 14, 2019.

Acts 2023, 88th Leg., R.S., Ch. 165 (S.B. [1887](#)), Sec. 8, eff. May 23, 2023.

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. [8](#)), Sec. 30, eff. September 1, 2023.

Sec. 61.828. CONCURRENTLY ENROLLED STUDENTS. A student concurrently enrolled at more than one institution of higher education shall follow the core curriculum or the field of study curriculum of the institution in which the student is classified as a degree-seeking student.

Added by Acts 1997, 75th Leg., ch. 1016, Sec. 1, eff. June 19, 1997.

Sec. 61.829. EFFECT ON OTHER POLICIES. This subchapter does not affect the authority of an institution of higher education to adopt its own admission standards in compliance with this title or its own grading policies.

Added by Acts 1997, 75th Leg., ch. 1016, Sec. 1, eff. June 19, 1997.

Sec. 61.830. PUBLICATION OF GUIDELINES ADDRESSING TRANSFER PRACTICES. In its course catalogs and on its website, each institution of higher education shall publish guidelines addressing the practices of the institution regarding the transfer of course credit. In the guidelines, the institution must identify a course by using the common course numbering system approved by the board.

Added by Acts 2001, 77th Leg., ch. 841, Sec. 2, eff. June 14, 2001.

Amended by Acts 2003, 78th Leg., ch. 820, Sec. 26, eff. Sept. 1, 2003.

Sec. 61.831. PURPOSE OF SUBCHAPTER. The purpose of this subchapter is to develop a seamless system of higher education with respect to student transfers between institutions of higher education, including student transfers from public junior colleges to general academic teaching institutions.

Added by Acts 2001, 77th Leg., ch. 841, Sec. 2, eff. June 14, 2001.

Sec. 61.832. COMMON COURSE NUMBERING SYSTEM. (a) The board shall approve a common course numbering system for lower-division courses to facilitate the transfer of those courses among institutions of higher education by promoting consistency in course designation and identification.

(b) The board may approve only a common course numbering system already in common use in this state by institutions of higher education.

(c) The board shall cooperate with institutions of higher education in any additional development or alteration of the common course numbering system, including the taxonomy to be used, and in

the development of rules for the administration and applicability of the system.

(d) An institution of higher education shall include in its course listings the applicable course numbers from the common course numbering system approved by the board under this section. For good cause, the board may grant to an institution of higher education an exemption from the requirements of this subsection. Added by Acts 2003, 78th Leg., ch. 820, Sec. 27, eff. Sept. 1, 2003.

Sec. 61.833. CREDIT TRANSFER FOR ASSOCIATE DEGREE. (a) In this section:

(1) "Lower-division institution of higher education" means a public junior college, public state college, or public technical institute.

(2) "Reverse transfer data sharing platform" means:

(A) the National Student Clearinghouse; or

(B) a similar national electronic data sharing and exchange platform operated by an agent of the institution that meets nationally accepted standards, conventions, and practices.

(b) Subsection (c) applies to a student enrolled in a general academic teaching institution who:

(1) transferred to the institution from or previously attended a lower-division institution of higher education;

(2) earned at least 30 credit hours for course work successfully completed at the lower-division institution of higher education;

(3) has earned a cumulative total of at least 66 credit hours for course work successfully completed; and

(4) has not submitted a signed consent form by the method described in Section [51.9715\(a\)](#).

(c) As soon as practicable after a student who is enrolled in a general academic teaching institution has met the criteria established by Subsection (b)(3), the institution by e-mail or other reasonable method shall request authorization from the student for the institution to release the student's academic course, grade, and credit information to each lower-division institution of higher education that the student previously

attended or to a reverse transfer data sharing platform for the purpose of determining whether the student has earned the credits required for an associate degree awarded by a lower-division institution of higher education. On receipt of a student's authorization under this subsection, the general academic teaching institution shall release the student's academic course, grade, and credit information to the lower-division institution of higher education or to a reverse transfer data sharing platform.

(c-1) After a student who has submitted a signed consent form by the method described in Section 51.9715(a) completes a semester or term at a general academic teaching institution, the institution by the method described in Section 51.9715(b) shall release the student's academic course, grade, and credit information to a lower-division institution of higher education that the student previously attended for the purpose of determining whether the student has earned the credits required for an associate degree awarded by the lower-division institution of higher education.

(d) After receiving student information from a general academic teaching institution under Subsection (c) or Subsection (c-1), a lower-division institution of higher education shall review the information and, if the lower-division institution of higher education determines the student has earned the credits required to receive an associate degree awarded by the lower-division institution of higher education, may award the student the degree.

(e) Nothing in this section affects the ability of a lower-division institution of higher education to determine the course work required to earn an associate degree awarded by that institution.

(f) Annually, each lower-division institution of higher education shall produce a report recording the number of degrees awarded by the institution in the previous academic year under this section. An institution shall:

- (1) make the report publicly available; and
- (2) submit the information to a reverse transfer data sharing platform.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1038 (H.B. 3025), Sec. 2, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 529 (S.B. 498), Sec. 1, eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 635 (S.B. 1714), Sec. 2, eff. June 16, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 6.005, eff. September 1, 2017.

Sec. 61.834. TEXAS DIRECT ASSOCIATE DEGREE. A public junior college, public state college, or public technical institute shall award a student a "Texas Direct" associate degree and include an appropriate notation on the student's transcript if the student completes a field of study curriculum developed by the board under Section 61.823 and:

(1) the college's core curriculum; or

(2) an abbreviated core curriculum related to a specific approved field of study curriculum transferable to one or more general academic teaching institutions.

Added by Acts 2023, 88th Leg., R.S., Ch. 165 (S.B. 1887), Sec. 9, eff. May 23, 2023.

Added by Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 31, eff. June 9, 2023.

See note following this section.

Sec. 61.835. TRANSFERABLE COLLEGE CREDIT FOR HEROES CURRICULA. (a) To promote the purposes of the College Credit for Heroes program established under Section 302.0031, Labor Code, the board, in consultation with the Texas Workforce Commission, the Texas Veterans Commission, and institutions of higher education, shall:

(1) develop standardized curricula within degree and certificate programs commonly offered by institutions of higher education toward which qualified veterans or military service members may be awarded appropriate academic credit for experience, education, and training earned during military service; and

(2) require the transferability between institutions of higher education of course credit for curricula developed under this section that is awarded to qualified veterans or military service members.

(b) The board shall adopt rules for the administration of this section.

Text of section effective on September 1, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. [1781](#)), Sec. 9, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Added by Acts 2017, 85th Leg., R.S., Ch. 940 (S.B. [1781](#)), Sec. 6, eff. September 1, 2017.

#### SUBCHAPTER T-1. CAREER AND TECHNICAL EDUCATION

Sec. 61.861. DEVELOPMENT OF MATHEMATICS AND SCIENCE COURSES FOR HIGH-DEMAND OCCUPATIONS. (a) The commissioner of higher education and the commissioner of education, in consultation with the comptroller and the Texas Workforce Commission, may award a grant in an amount not to exceed \$1 million to an institution of higher education to develop advanced mathematics and science courses to prepare high school students for employment in a high-demand occupation. The commissioner of higher education, the commissioner of education, the comptroller, and the Texas Workforce Commission shall jointly determine what is considered a high-demand occupation for purposes of this subchapter.

(b) An institution of higher education shall work in partnership with at least one independent school district and a business entity in developing a course for purposes of this section.

(c) A course developed for purposes of this section must:

(1) provide content that enables a student to develop the relevant and critical skills needed to be prepared for employment or additional training in a high-demand occupation;

(2) incorporate college and career readiness skills as

part of the curriculum;

(3) be offered for dual credit; and

(4) satisfy a mathematics or science requirement under the foundation high school program as determined under Section [28.025](#).

(d) An institution of higher education shall periodically review and revise the curriculum for a course developed for purposes of this section to accommodate changes in industry standards for the high-demand occupation.

Added by Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 63, eff. June 19, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. [5](#)), Sec. 73(a), eff. June 10, 2013.

Sec. 61.862. GRANT APPLICATION CRITERIA. The commissioner of higher education and the commissioner of education, in consultation with the comptroller and the Texas Workforce Commission, shall establish application criteria for a grant under this subchapter and in making an award shall give priority to courses that:

(1) will prepare students for high-demand, high-wage, and high-skill occupations and further postsecondary study;

(2) may be transferred as college credit to multiple institutions of higher education; and

(3) are developed as part of a sequence of courses that includes statewide availability of the instructional materials and training for the courses at a nominal cost to public educational institutions in this state.

Added by Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 63, eff. June 19, 2009.

Sec. 61.863. USE OF FUNDS. An institution of higher education may use funds awarded under this section to develop, in connection with a course described by Section [61.861](#):

(1) curriculum;

(2) assessments;



(3) instructional materials, including technology-based supplemental materials; or

(4) professional development programs for secondary grade-level teachers teaching a course described by Section [61.861](#). Added by Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 63, eff. June 19, 2009.

Sec. 61.864. REVIEW OF COURSES. Courses for which a grant is awarded under this subchapter shall be reviewed by the commissioner of higher education and the commissioner of education, in consultation with the comptroller and the Texas Workforce Commission, once every four years to determine whether the course:

(1) is being used by public educational institutions in this state;

(2) prepares high school students with the skills necessary for employment in the high-demand occupation and further postsecondary study; and

(3) satisfies a mathematics or science requirement for the foundation high school program as determined under Section [28.025](#).

Added by Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 63, eff. June 19, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. [5](#)), Sec. 74(a), eff. June 10, 2013.

Sec. 61.865. MATCHING CONTRIBUTION REQUIRED. An institution of higher education awarded a grant under this subchapter must obtain from one or more business entities in the industry for which students taking courses developed under Section [61.861](#) are training, in a total amount equal to the amount of the state grant:

(1) gifts, grants, or donations of funds; or

(2) contributions of property that may be used in providing the courses.

Added by Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 63, eff. June 19, 2009.

Sec. 61.866. LIMITATION ON TOTAL AMOUNT OF GRANTS. In any state fiscal biennium, the total amount of grants awarded under this subchapter may not exceed \$10 million.

Added by Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. 3), Sec. 63, eff. June 19, 2009.

Sec. 61.867. FUNDING OF GRANTS. The commissioner of higher education shall administer this section using available appropriations and gifts, grants, and donations made for the purposes of this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. 3), Sec. 63, eff. June 19, 2009.

SUBCHAPTER T-2. TEXAS RESKILLING AND UPSKILLING THROUGH EDUCATION  
(TRUE) PROGRAM

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 3204, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.881. DEFINITIONS. In this subchapter:

(1) "Eligible entity" means:

(A) a lower-division institution of higher education;

(B) a consortium of lower-division institutions of higher education; or

(C) a local chamber of commerce, trade association, or economic development corporation that partners with a lower-division institution of higher education or a consortium of lower-division institutions of higher education.

(2) "Lower-division institution of higher education" means a public junior college, public state college, or public technical institute.

(3) "Program" means the Texas Reskilling and Upskilling through Education (TRUE) Program established under this subchapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 601 (S.B. [1102](#)), Sec. 1, eff. June 14, 2021.

Sec. 61.882. ESTABLISHMENT; ADMINISTRATION; PURPOSE.

(a) The Texas Reskilling and Upskilling through Education (TRUE) Program is established to strengthen the Texas workforce and build a stronger Texas economy.

(b) The board shall administer the program in accordance with this subchapter and rules adopted under this subchapter.

(c) Under the program, using funds appropriated or otherwise available for the purpose, the board shall award grants to eligible entities for creating, redesigning, or expanding workforce training programs and delivering education and workforce training that:

(1) lead to postsecondary industry certifications or other workforce credentials required for high-demand occupations;

(2) are developed and provided in consultation with employers who are hiring in high-demand occupations; and

(3) create pathways to employment for students and learners.

(d) In awarding grants under this subchapter, the board:

(1) shall, to the greatest extent practicable:

(A) award grants to at least one eligible entity in each region of the state; and

(B) ensure that each training program:

(i) matches regional workforce needs;

(ii) is supported by a labor market analysis of job postings and employers hiring roles with the skills developed by the program; and

(iii) does not duplicate existing program offerings except as necessary to accommodate regional demand; and

(2) may give preference to applicants that:

(A) represent a consortium of lower-division institutions of higher education;

(B) prioritize training to displaced workers;

(C) offer affordable training programs to students; or

(D) partner with employers, local chambers of commerce, trade associations, economic development corporations, and local workforce boards to analyze job postings and identify employers hiring roles with the skills developed by the training programs.

Added by Acts 2021, 87th Leg., R.S., Ch. 601 (S.B. [1102](#)), Sec. 1, eff. June 14, 2021.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. [8](#)), Sec. 32, eff. September 1, 2023.

Sec. 61.883. USE OF GRANT. (a) A grant awarded to an eligible entity under this subchapter may be used only for the support and maintenance of educational and general activities that promote workforce learning, including:

(1) providing training in existing, new, or redesigned accelerated programs that teach high-demand skills and lead to postsecondary industry certifications or other workforce credentials valued in growing occupations;

(2) developing new industry-aligned, high-demand postsecondary industry certifications or other workforce credentials and certificate programs or other courses of instruction leading to those certifications or credentials that can be completed in six months or less;

(3) redesigning existing postsecondary industry certifications or credentials and certificate programs or other courses of instruction leading to those certifications or credentials to meet the standards under Subdivision (2);

(4) expanding institutional capacity to provide high-demand postsecondary industry certifications or other workforce credentials that are stackable in high-demand career pathways and address the needs of high-demand occupations identified by the Texas Workforce Commission or applicable local workforce development boards;

(5) providing student aid awards to incentivize enrollment in and completion of industry-aligned, high-demand postsecondary industry certifications or other workforce

credentials and certificate programs or other courses of instruction leading to those certifications or credentials; and

(6) tracking and reporting enrollment, credential completion, and employment outcomes for students in courses and programs described by this subsection to gauge the impact on student success.

(b) Money received by an eligible entity under the program in a fiscal year that is not used by the entity in that fiscal year may be held and used by the entity in the subsequent fiscal year for the purposes prescribed in this section if the entity provides to the board a reasonable explanation for holding and using the money in the subsequent fiscal year.

Added by Acts 2021, 87th Leg., R.S., Ch. 601 (S.B. [1102](#)), Sec. 1, eff. June 14, 2021.

#### Sec. 61.884. RECOGNIZED CERTIFICATIONS OR CREDENTIALS.

(a) The board, in collaboration with eligible entities, the Texas Workforce Commission, and private employers, shall identify existing and new postsecondary industry certifications or other workforce credentials valued in high-demand occupations.

(b) The board, in consultation with eligible entities, shall:

(1) identify postsecondary industry certifications or other workforce credentials developed or redesigned using grant funds under the program; and

(2) establish methods for collecting and reporting data related to the certifications or credentials identified under Subdivision (1).

(c) An eligible entity awarded a grant under this subchapter may recommend outcomes related to the achievement or development of postsecondary industry certifications or other workforce credentials identified under this section to be considered by the board for inclusion in the state's long-range master plan for higher education developed under Section [61.051](#).

(d) Repealed by Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. [8](#)), Sec. 52, eff. September 1, 2023.

Added by Acts 2021, 87th Leg., R.S., Ch. 601 (S.B. [1102](#)), Sec. 1,

eff. June 14, 2021.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 378 (H.B. 8), Sec. 52, eff. September 1, 2023.

Sec. 61.885. GRANTS, GIFTS, AND DONATIONS. The board may solicit, accept, and spend grants, gifts, and donations from any public or private source for the purposes of this subchapter. Added by Acts 2021, 87th Leg., R.S., Ch. 601 (S.B. 1102), Sec. 1, eff. June 14, 2021.

Sec. 61.886. RULES. The board shall adopt rules for the administration of this subchapter, including rules requiring eligible entities awarded a grant under this subchapter to report necessary information to the board. Added by Acts 2021, 87th Leg., R.S., Ch. 601 (S.B. 1102), Sec. 1, eff. June 14, 2021.

#### SUBCHAPTER T-3. TEXAS LEADERSHIP SCHOLARS PROGRAM

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 2055, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.891. DEFINITIONS. In this subchapter:

(1) "Leadership scholarship" means a scholarship awarded to an undergraduate student under the program.

(2) "Program" means the Texas Leadership Scholars Program established under this subchapter.

(3) "Research scholarship" means a scholarship awarded to a graduate student under the program.

Added by Acts 2023, 88th Leg., R.S., Ch. 695 (H.B. 1590), Sec. 1, eff. June 12, 2023.

Sec. 61.892. ESTABLISHMENT; ADMINISTRATION. (a) The Texas Leadership Scholars Program is established to serve as a merit-based scholarship and leadership opportunity program for

high-achieving, emerging leaders with financial need.

(b) Using money appropriated or otherwise available for the purpose, the board shall award scholarships and provide academic achievement support and leadership development to eligible students under the program.

(c) The board shall administer the program. The board may contract with one or more institutions of higher education to assist in administering the program, including receiving and reviewing applications, recommending the distribution of funds to institutions of higher education, and developing criteria for the selection of students for the program.

(d) The board may establish one or more advisory committees for the purpose of recommending rules for the administration of the program.

Added by Acts 2023, 88th Leg., R.S., Ch. 695 (H.B. [1590](#)), Sec. 1, eff. June 12, 2023.

Sec. 61.893. INITIAL ELIGIBILITY. (a) To be initially eligible for the award of a leadership scholarship, an undergraduate student must:

(1) have graduated from a public high school in this state;

(2) either:

(A) have qualified for automatic admission to a general academic teaching institution under Section [51.803](#); or

(B) be nominated by the student's high school for participation in the program and hold another academic distinction recognized by the board;

(3) be enrolled in a baccalaureate degree program at a general academic teaching institution;

(4) be economically disadvantaged, as determined by board rule; and

(5) comply with any additional requirement adopted by the board.

(b) To be initially eligible for the award of a research scholarship, a graduate student must:

(1) be enrolled in a research doctoral degree program

at a general academic teaching institution;

(2) either:

(A) have graduated from a public high school in this state during the 10 years preceding the date of the student's application to the program; or

(B) have graduated from an institution of higher education or a private or independent institution of higher education;

(3) be economically disadvantaged, as determined by board rule;

(4) be nominated by the institution at which the student is enrolled on the basis of the student's academic merit and leadership potential; and

(5) comply with any additional requirements adopted by the board.

Added by Acts 2023, 88th Leg., R.S., Ch. 695 (H.B. 1590), Sec. 1, eff. June 12, 2023.

Sec. 61.894. CONTINUING ELIGIBILITY. After establishing initial eligibility to participate in the program under Section 61.893, a student may continue participating in the program only if the student:

(1) remains:

(A) for a leadership scholarship, enrolled in a baccalaureate degree program at a general academic teaching institution; or

(B) for a research scholarship, enrolled in a research doctoral degree program at a general academic teaching institution;

(2) maintains a minimum overall grade point average determined by board rule; and

(3) complies with any additional requirement adopted by the board.

Added by Acts 2023, 88th Leg., R.S., Ch. 695 (H.B. 1590), Sec. 1, eff. June 12, 2023.

Sec. 61.895. ACADEMIC ACHIEVEMENT SUPPORT AND LEADERSHIP



DEVELOPMENT. The board may enter into agreements with general academic teaching institutions or other institutions of higher education to provide students participating in the program with:

(1) research-based support to make satisfactory academic progress and graduate on time; and

(2) leadership development opportunities, including:

(A) program cohort learning communities;

(B) mentoring, research, and internship opportunities;

(C) networking with state government, business, and civic leaders; and

(D) statewide cohort learning institutes or seminars.

Added by Acts 2023, 88th Leg., R.S., Ch. 695 (H.B. [1590](#)), Sec. 1, eff. June 12, 2023.

Sec. 61.896. GRANTS, GIFTS, AND DONATIONS. The board may solicit, accept, and spend grants, gifts, and donations from any public or private source for the purposes of the program.

Added by Acts 2023, 88th Leg., R.S., Ch. 695 (H.B. [1590](#)), Sec. 1, eff. June 12, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [2055](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.897. RULES. (a) The board, in consultation with general academic teaching institutions, shall adopt rules for the administration of the program, including rules providing for the amount and permissible uses of a scholarship awarded under the program. The rules must provide that:

(1) the amount of a research scholarship is at least 150 percent of the amount of a leadership scholarship; and

(2) a student may not receive a scholarship under the program for more than four years.

(b) Notwithstanding Section [61.033](#), the board is not required to use negotiated rulemaking procedures under Chapter

2008, Government Code, for the adoption of rules under this subchapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 695 (H.B. 1590), Sec. 1, eff. June 12, 2023.

#### SUBCHAPTER V. REPAYMENT OF CERTAIN DENTAL EDUCATION LOANS

Sec. 61.901. REPAYMENT AUTHORIZED. The board may provide, using funds appropriated for that purpose and in accordance with this subchapter and rules of the board, assistance in the repayment of student loans for dentists who apply and qualify for the assistance.

Added by Acts 1999, 76th Leg., ch. 1480, Sec. 1, eff. Sept. 1, 1999.

Sec. 61.902. ELIGIBILITY. (a) To be eligible to receive repayment assistance, a dentist must apply to the board and have completed at least one year of dental practice in an area of the state that is underserved with respect to dental care.

(b) The board by rule may provide for repayment assistance on a pro rata basis for dentists in part-time practice described by Subsection (a).

Added by Acts 1999, 76th Leg., ch. 1480, Sec. 1, eff. Sept. 1, 1999.

Sec. 61.904. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any student loan for education at a public or private institution of higher education, including loans for undergraduate education, received by a dentist through any lender.

(b) The board may withhold repayment assistance for a student loan that is in default at the time of the dentist's application.

(c) Each fiscal biennium, the board shall attempt to allocate all funds appropriated to it for the purpose of providing repayment assistance under this subchapter.

Added by Acts 1999, 76th Leg., ch. 1480, Sec. 1, eff. Sept. 1, 1999.

Amended by Acts 2001, 77th Leg., ch. 1470, Sec. 6.01, eff. Sept. 1, 2001.

Sec. 61.905. REPAYMENT. (a) The coordinating board shall deliver any repayment made under this subchapter in a lump sum payable to the lender and the dentist, in accordance with any applicable federal law.

(b) A repayment made under this subchapter may be applied to any amount due in connection with the loan.

Added by Acts 1999, 76th Leg., ch. 1480, Sec. 1, eff. Sept. 1, 1999.

Sec. 61.906. ADVISORY COMMITTEES. The board may:

(1) appoint advisory committees from outside the board's membership to assist the board in performing its duties under this subchapter; and

(2) request the assistance of the Oral Health Services Advisory Committee in performing those duties.

Added by Acts 1999, 76th Leg., ch. 1480, Sec. 1, eff. Sept. 1, 1999.

Sec. 61.907. ACCEPTANCE OF FUNDS. The board may accept gifts, grants, and donations for the purposes of this subchapter.

Added by Acts 1999, 76th Leg., ch. 1480, Sec. 1, eff. Sept. 1, 1999.

Sec. 61.908. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter, including a rule that sets a maximum amount of repayment assistance that may be received by a dentist in one year. The board may consult with the Oral Health Services Advisory Committee to assist the board in establishing priorities among eligible dentists for repayment assistance, taking into account the degree of an area's shortage of dental services, geographic locations, whether the dentist is or will be providing service in an underserved area with respect to dental services, and other criteria the board considers appropriate.

(b) The coordinating board shall distribute to each dental school in this state and to appropriate state agencies and professional associations copies of the rules adopted under this section and other pertinent information relating to this subchapter.

Added by Acts 1999, 76th Leg., ch. 1480, Sec. 1, eff. Sept. 1, 1999.

Sec. 61.909. TOTAL AMOUNT OF REPAYMENT ASSISTANCE. The total amount of repayment assistance distributed by the board under this subchapter may not exceed the total amount of gifts and grants accepted by the board for repayment assistance, dental school tuition set aside under Section 61.910, legislative appropriations for repayment assistance, and other funds available to the board for purposes of this subchapter.

Added by Acts 1999, 76th Leg., ch. 1480, Sec. 1, eff. Sept. 1, 1999.

Sec. 61.910. DENTAL SCHOOL TUITION SET ASIDE FOR CERTAIN LOAN REPAYMENTS. (a) The governing board of each dental school of an institution of higher education shall set aside two percent of tuition charges for resident students enrolled in a degree program for training dentists.

(b) The amount set aside shall be transferred to the comptroller of public accounts to be maintained in the state treasury for the sole purpose of repayment of student loans of dentists under this subchapter. Section 403.095(b), Government Code, does not apply to the amount set aside by this section.

Added by Acts 1999, 76th Leg., ch. 1480, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER X. REPAYMENT OF CERTAIN LAW SCHOOL EDUCATION LOANS:  
ATTORNEY OF NONPROFIT ORGANIZATION SERVING INDIGENT PERSONS

Sec. 61.951. REPAYMENT ASSISTANCE AUTHORIZED. (a) The board shall provide, in accordance with this subchapter and board rules, assistance in the repayment of law school education loans for attorneys who apply and qualify for the assistance.

(b) The provision of financial assistance in the repayment of education loans under this subchapter promotes a public purpose.  
Added by Acts 2001, 77th Leg., ch. 1320, Sec. 1, eff. Sept. 1, 2001.

Sec. 61.952. ELIGIBILITY. To be eligible to receive repayment assistance, an attorney must:

- (1) apply to the board;

(2) be a full-time employee of the eligible organization; and

(3) be currently practicing in this state as an attorney employed by an organization that:

(A) qualifies for an exemption from federal income taxes under Section 501(c)(3), Internal Revenue Code of 1986, as amended, that is prohibited from providing representation in a class-action lawsuit; and

(B) receives funds for providing legal services to indigent individuals from:

(i) the Interest on Lawyers' Trust Accounts program administered by the Texas Equal Access to Justice Foundation; or

(ii) the basic civil legal services account under Section 51.943, Government Code.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 1, eff. Sept. 1, 2001.

Sec. 61.953. LIMITATIONS. (a) An attorney may receive repayment assistance grants for each of not more than 10 years.

(b) The amount of loan repayment assistance received by an attorney under this subchapter may not exceed 50 percent of the total amount of the attorney's outstanding law school loans, including scheduled interest payments that would become due if the loan is not prepaid, when the attorney enters into the agreement.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 1, eff. Sept. 1, 2001.

Sec. 61.954. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any education loan received by the attorney through any lender for education at a school of law authorized by the board to award a degree that satisfies the law study requirements for licensure as an attorney in this state.

(b) The board may not provide repayment assistance for an education loan that is in default at the time of the attorney's application.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 1, eff. Sept. 1, 2001.

Sec. 61.955. REPAYMENT. (a) The board shall deliver any repayment assistance made under this subchapter in a lump sum payable to the lender and the attorney and in accordance with any applicable federal law.

(b) Loan repayment assistance received under this subchapter may be applied to the principal amount of the loan and to interest that accrues.

(c) Any repayment assistance shall be reasonably related to the amount of time an attorney is employed by the eligible organization.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 1, eff. Sept. 1, 2001.

Sec. 61.956. ADVISORY COMMITTEE. The board may appoint an advisory committee to assist the board in performing the board's duties under this subchapter.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 1, eff. Sept. 1, 2001.

Sec. 61.957. ACCEPTANCE OF GIFTS. The board may solicit and accept gifts, grants, and donations for the purposes of this subchapter.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 1, eff. Sept. 1, 2001.

Sec. 61.958. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter, including a rule that sets a maximum amount of repayment assistance that an attorney may receive in one year.

(b) The board shall distribute a copy of the rules adopted under this section and pertinent information in this subchapter to:

(1) each school of law authorized by the board to award a degree described by Section [61.954\(a\)](#);

(2) any appropriate state agency; and

(3) any appropriate professional association.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 1, eff. Sept. 1, 2001.

#### SUBCHAPTER Y. REPAYMENT OF CERTAIN LAW SCHOOL EDUCATION LOANS:

##### ASSISTANT DISTRICT OR COUNTY ATTORNEY

Sec. 61.9601. DEFINITION. In this subchapter, "rural county" means a county with a population of 50,000 or less.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 2, eff. Sept. 1, 2001.

Sec. 61.9602. REPAYMENT ASSISTANCE AUTHORIZED. (a) The board shall provide, using funds appropriated for that purpose and in accordance with this subchapter and board rules, assistance in the repayment of law school education loans for attorneys who apply and qualify for the assistance.

(b) The provision of financial assistance in the repayment of education loans under this subchapter promotes a public purpose.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 2, eff. Sept. 1, 2001.

Sec. 61.9603. ELIGIBILITY. To be eligible to receive repayment assistance, an attorney must:

(1) apply to the board;

(2) be currently employed as an attorney by a district or county attorney's office that serves a rural county; and

(3) enter into an agreement to remain employed by the district or county attorney's office as provided by Section [61.9605](#).

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 2, eff. Sept. 1, 2001.

Sec. 61.9604. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any education loan received by the attorney through any lender for education at a school of law authorized by the board to award a degree that satisfies the law study requirements for licensure as an attorney in this state.

(b) The board may not provide repayment assistance for an education loan that is in default at the time of the attorney's application.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 2, eff. Sept. 1, 2001.

Sec. 61.9605. AGREEMENT. (a) To qualify for loan repayment assistance under this subchapter, a person must enter into a written agreement with the board as provided by this section. The

agreement must specify the conditions the person must satisfy to receive repayment assistance.

(b) The agreement must require the person to be employed for a period of five years with a district or county attorney's office that serves a rural county. Only employment with that district or county attorney's office as an attorney after the date the person enters into the agreement may be used to satisfy the employment requirement under the agreement.

(c) The agreement must provide that the repayment assistance the person receives before the person has been employed for five years as required by the agreement constitutes a loan until the person completes the five years of employment and satisfies any other applicable conditions of the agreement. The agreement must require the person to sign a promissory note acknowledging the conditional nature of the repayment assistance received and promising to repay the amount of that assistance received plus applicable interest and reasonable collection costs if the person does not satisfy the applicable conditions. The board shall determine the terms of the promissory note. To the extent practicable, the terms must be the same as those applicable to state or federally guaranteed student loans made at the same time. All amounts collected in repayment of a loan under this subsection, including interest, but excluding collection costs paid by the board to another person to collect or assist in collecting the amount, shall be deposited to the credit of the trust fund established by Section [61.9608](#).

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 2, eff. Sept. 1, 2001.

Sec. 61.9606. REPAYMENT. (a) Except as provided by Section [61.9609](#)(a), the board shall provide repayment assistance under this subchapter in the following amounts:

(1) 60 percent of each payment due on an attorney's eligible loans during the first 12-month period after the attorney enters into the agreement under Section [61.9605](#);

(2) 80 percent of each payment due on an attorney's eligible loans during the second 12-month period after the attorney enters into the agreement; and



(3) 100 percent of each payment due on an attorney's eligible loans during the third 12-month period after the attorney enters into the agreement.

(b) The board shall deliver any repayment assistance made under this subchapter in a lump sum payable to the lender and the attorney and in accordance with any applicable federal law.

(c) Loan repayment assistance received under this subchapter may be applied to the principal amount of the loan and to interest that accrues.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 2, eff. Sept. 1, 2001.

Sec. 61.9607. ADVISORY COMMITTEE. The board may appoint an advisory committee from outside the board's membership to assist the board in performing the board's duties under this subchapter.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 2, eff. Sept. 1, 2001.

Sec. 61.9608. FUNDING. (a) The loan repayment assistance program established by this subchapter is funded from the rural district and county attorney student loan assistance trust fund. The trust fund is established outside the treasury and is administered by the comptroller. Money in the trust fund may be spent without appropriation and only to fund the program. Interest and income from the assets of the trust fund shall be credited to and deposited in the trust fund.

(b) The board may solicit and accept gifts, grants, and donations from any public or private source for the purposes of this subchapter and shall deposit money accepted under this subsection to the credit of the trust fund.

(c) The legislature may appropriate money to the trust fund.  
Added by Acts 2001, 77th Leg., ch. 1320, Sec. 2, eff. Sept. 1, 2001.

Sec. 61.9609. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter, including a rule that sets the maximum amount of loan repayment assistance that an attorney may receive in one year.

(b) The board shall distribute a copy of the rules adopted under this section and pertinent information in this subchapter to:

(1) each school of law authorized by the board to award a degree described by Section [61.9604\(a\)](#); and

(2) any appropriate district or county attorneys.

Added by Acts 2001, 77th Leg., ch. 1320, Sec. 2, eff. Sept. 1, 2001.

#### SUBCHAPTER Z. PROFESSIONAL NURSING SHORTAGE REDUCTION PROGRAM

Sec. 61.9621. DEFINITION. In this subchapter, "professional nursing program" means an educational program offered by a public or private institution of higher education for preparing students for initial licensure as registered nurses.

Added by Acts 2001, 77th Leg., ch. 1489, Sec. 3, eff. Sept. 1, 2001.

Renumbered from Education Code Sec. 61.921 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(42), eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1042 (H.B. [4471](#)), Sec. 1, eff. June 19, 2009.

Sec. 61.9622. PROGRAM. A professional nursing shortage reduction program is established. The board shall administer the professional nursing shortage reduction program to make grants to professional nursing programs and other entities involved with a professional nursing program in the preparation of students for initial licensure as registered nurses in order to increase the number and types of registered nurses to meet the needs for registered nurses in the state.

Added by Acts 2001, 77th Leg., ch. 1489, Sec. 3, eff. Sept. 1, 2001.

Renumbered from Education Code Sec. 61.922 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(42), eff. Sept. 1, 2003.

Sec. 61.9623. GRANTS. (a) A grant from the professional nursing shortage reduction program to a professional nursing program or other entity involved with a professional nursing program in the preparation of students for initial licensure as registered nurses must be:

(1) expended exclusively on costs related to:

(A) enrolling additional students;

(B) nursing faculty enhancement in accordance with Section [61.96231](#);

(C) encouraging innovation in the recruitment and retention of students, including the recruitment and retention of Spanish-speaking and bilingual students; or

(D) identifying, developing, or implementing innovative methods to make the most effective use of limited professional nursing program faculty, instructional or clinical space, and other resources, including:

(i) sharing curriculum and administrative or instructional personnel, facilities, and responsibilities between two or more professional nursing programs located in the same region of this state; and

(ii) using preceptors or part-time faculty to provide clinical instruction in order to address the need for qualified faculty to accommodate increased student enrollment in the professional nursing program;

(2) contingent on the professional nursing program's having been approved as a professional nursing program by the board or the Texas Board of Nursing, as appropriate;

(3) contingent on the professional nursing program's not being on probation with the Texas Board of Nursing or other accrediting body; and

(4) if granted to increase enrollments, contingent on the professional nursing program's ability to enroll additional students, including having the necessary classroom space and clinical slots.

(b) Funds not expended on the costs described by Subsection (a)(1) shall be returned to the board.

Added by Acts 2001, 77th Leg., ch. 1489, Sec. 3, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.923 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(42), eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 674 (S.B. [132](#)), Sec. 3, eff. June 17, 2005.

Acts 2007, 80th Leg., R.S., Ch. 360 (S.B. [289](#)), Sec. 1, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. [2426](#)), Sec. 52, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1042 (H.B. [4471](#)), Sec. 2, eff. June 19, 2009.

Sec. 61.96231. NURSING FACULTY ENHANCEMENT GRANTS. (a) Under the professional nursing shortage reduction program, the board may award nursing faculty enhancement grants to professional nursing programs to assist the programs in the education, recruitment, and retention of a sufficient number of faculty members to enable the programs to enroll a sufficient number of students to meet the state's need for registered nurses.

(b) A grant awarded under this section may be used only for the purposes specified by Subsection (a), including providing salary supplements and enhancements and reducing the number of hours a faculty member must teach.

(c) In awarding a grant under this section, the board may require matching funds from a professional nursing program or may give preference in awarding a grant to a program providing matching funds.

(d) The board may appoint an advisory committee to advise the board on successful strategies, in addition to the grants awarded under this section, for educating, recruiting, and retaining qualified professional nursing program faculty members who hold master's or doctoral degrees.

Added by Acts 2005, 79th Leg., Ch. 674 (S.B. [132](#)), Sec. 4, eff. June 17, 2005.

Sec. 61.96232. GRANTS TO INCREASE NUMBER OF GRADUATES: APPLICATION PROCESS. (a) The board by rule shall establish a process under which a public or private institution of higher education that offers a professional nursing program may apply for a grant under this subchapter and the commissioner of higher education, contingent on appropriations of money for the grants, selects one or more applicants to receive a grant based on criteria established by board rule. The criteria must include the institution's agreement that the institution's professional

nursing program will enroll additional students or graduate additional students prepared for initial licensure as registered nurses.

(b) The process established under Subsection (a) may authorize the commissioner of higher education to accept a joint application from multiple institutions that agree to cooperate on a regional or joint basis for their professional nursing programs to enroll additional students or graduate additional students prepared for initial licensure as registered nurses.

(c) The application for a grant under this section must require the institution applying for a grant to:

(1) state the number of additional students that the institution's professional nursing program intends to enroll or graduate;

(2) identify benchmarks for determining adequate progress toward enrolling or graduating those additional students;

(3) state the amount of grant money requested; and

(4) describe a proposed payment schedule for distribution of the grant money to the institution seeking the grant.

(d) The commissioner of higher education may negotiate changes to the application before approving the application.

(e) If a professional nursing program fails to enroll or graduate the number of additional students stated in the approved application or does not meet a benchmark identified in the approved application, the commissioner of higher education may:

(1) require the institution offering the professional nursing program to return any unearned grant money awarded to the program under this subchapter;

(2) withhold future grant awards that would otherwise be made under this subchapter in accordance with the approved application;

(3) renegotiate the terms of the approved application;

or

(4) rescind approval of the application.

(f) The board may appoint an advisory committee to advise the commissioner of higher education and the board on

implementation of this section. The board may assign to the committee the responsibility for evaluating applications and recommending to the commissioner applications for approval.

Added by Acts 2009, 81st Leg., R.S., Ch. 1042 (H.B. [4471](#)), Sec. 3, eff. June 19, 2009.

Sec. 61.96233. NEW PROFESSIONAL NURSING PROGRAMS. (a) The board shall adopt rules for permitting newly established professional nursing programs to participate in and receive grant awards under the program established under this subchapter.

(b) The rules the board adopts under Subsection (a) must include:

(1) a process for ensuring that newly established professional nursing programs are treated equitably with established programs in the award of grants under this subchapter; and

(2) a method for calculating increases in enrollment or graduates if grants are awarded based on such increases.

Added by Acts 2009, 81st Leg., R.S., Ch. 1042 (H.B. [4471](#)), Sec. 3, eff. June 19, 2009.

Sec. 61.9624. ADMINISTRATION. The board shall adopt rules for the administration of the professional nursing shortage reduction program. The board shall grant funds under Sections [61.9623](#)(a)(1)(A) and (D) in an equitable manner among the various types of professional nursing programs. The board shall grant funds under Section [61.9623](#)(a)(1)(C) in a manner that best promotes innovation in the recruitment and retention of nursing students, including the recruitment and retention of Spanish-speaking and bilingual students.

Added by Acts 2001, 77th Leg., ch. 1489, Sec. 3, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.924 and amended by Acts 2003, 78th Leg., ch. 1275, Sec. 2(42), 3(10), eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 674 (S.B. [132](#)), Sec. 5, eff. June 17, 2005.

Sec. 61.9625. GRANTS, GIFTS, AND DONATIONS. In addition to funds appropriated by the legislature, the board may solicit, receive, and spend grants, gifts, and donations from public or private sources for the purposes of this subchapter.

Added by Acts 2001, 77th Leg., ch. 1489, Sec. 3, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.925 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(42), eff. Sept. 1, 2003.

Sec. 61.9626. ANNUAL REPORT. (a) Each institution of higher education that has a professional nursing program shall submit an annual report to the board detailing its strategy for increasing the number of students that graduate from the program prepared for licensure as registered nurses. The report must include:

(1) the capacity of the program, either alone or in cooperation with one or more other programs, to graduate more students prepared for licensure as registered nurses; and

(2) the resources allocated to increase the number of students that graduate from the program prepared for licensure as registered nurses.

(b) The board may adopt rules to implement this section.  
Added by Acts 2001, 77th Leg., ch. 1489, Sec. 3, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.926 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(42), eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 674 (S.B. [132](#)), Sec. 6, eff. June 17, 2005.

Sec. 61.9627. DISBURSEMENT AND ACCOUNTING OF APPROPRIATED FUNDS. (a) The board shall adopt procedures for assuring that money appropriated by the legislature specifically to fund enrollment growth in a professional nursing program is:

(1) distributed in a timely manner, including the forfeiture and reallocation of money if an institution fails to provide in a timely manner the information required for the money to be disbursed and if that failure prevents the timely disbursement of money to other institutions; and

(2) expended on the professional nursing program by institutions receiving the money.

(b) The procedures adopted under Subsection (a) must require each professional nursing program receiving money to file a report annually with the board accounting for all money received. Added by Acts 2003, 78th Leg., ch. 728, Sec. 1, eff. June 20, 2003.

Sec. 61.9628. ADMINISTRATIVE COSTS. A reasonable amount, not to exceed five percent, of the money appropriated by the legislature to increase enrollments in professional nursing programs may be used by the board to pay administrative costs of implementing this subchapter or administering the money. Added by Acts 2003, 78th Leg., ch. 728, Sec. 1, eff. June 20, 2003.

Sec. 61.9629. CONTINUED ELIGIBILITY OF PROGRAMS TO RECEIVE GRANTS. Notwithstanding Section [61.9621](#), a professional nursing program offered by an entity other than a public or private or independent institution of higher education that was eligible to receive grants from a program under this subchapter before September 1, 2009, remains eligible to receive a grant from such a program if the entity meets all criteria for a grant other than the criterion of being a program offered by an institution of higher education. Added by Acts 2009, 81st Leg., R.S., Ch. 1042 (H.B. [4471](#)), Sec. 3, eff. June 19, 2009.

#### SUBCHAPTER Z-1. GRANT PROGRAMS SUPPORTING NURSING EDUCATION AND TRAINING

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [3801](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.9641. DEFINITIONS. In this subchapter:

(1) "Clinical site" means an acute care or rehabilitation facility, a primary care setting, a long-term care facility, a nursing home, a residential care setting, or any other



site identified by the board as providing clinical learning experiences for nursing students.

(2) "Nursing advisory committee" means the nursing advisory committee established under Section 104.0155, Health and Safety Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 5, eff. June 18, 2023.

Sec. 61.9642. CLINICAL SITE NURSE PRECEPTOR GRANT PROGRAM.

(a) The board, in consultation with the nursing advisory committee, shall establish and administer a program to award grants to eligible clinical sites to support the use of nurse preceptors in providing clinical training to nursing students.

(b) To be eligible for a grant under this section, a clinical site must:

(1) provide clinical training to nursing students through the use of one or more nurse preceptors;

(2) comply with any clinical site requirements established by the board; and

(3) comply with any other requirements adopted by board rule.

Added by Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 5, eff. June 18, 2023.

Sec. 61.9643. CLINICAL SITE INNOVATION AND COORDINATION PROGRAM. The board shall establish and administer a program to award grants to eligible clinical sites that create and operate innovative pilot programs that will support nursing performed at clinical sites in this state by increasing the number of nurses, improving the working environment for nurses, improving the retention of nurses, addressing workplace safety, and coordinating with other clinical sites any solutions found to address common nursing concerns.

Added by Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 5, eff. June 18, 2023.

Sec. 61.9644. NURSING FACULTY GRANT PROGRAM: PART-TIME

POSITIONS. (a) The board shall award grants under a nursing faculty grant program to eligible institutions of higher education to provide funding for qualified nursing staff working at clinical sites who serve as part-time nursing faculty at those institutions.

(b) The amount of a grant and the number of grants to be awarded must be based on the total number of nursing staff serving as part-time faculty in institutions of higher education throughout the state in the year for which the grant is awarded.

(c) A grant received under this section must be expended to support the applicable nursing faculty positions, including the faculty stipend.

(d) An institution of higher education must certify in the grant application the number of unfilled faculty positions to which the application applies and, after a grant is awarded, must certify which of those positions have been filled before receipt of the grant funds.

(e) The board shall prescribe the dates for the submission of applications and the award of grants under this section to ensure that a grant recipient has sufficient time to prepare for receipt and effective use of the grant funds before the academic period for which the grant is awarded.

(f) Grant amounts are awarded under this section for two consecutive state fiscal years. The board may distribute a grant amount for nursing faculty only on receiving the certification from the institution of higher education that the applicable nurse faculty position has been filled. For each first-year nursing faculty position for which a clinical site receives an initial grant amount in a state fiscal year, the board shall make available an equal grant amount for the subsequent state fiscal year contingent on filling the part-time nursing faculty positions funded by the grant in that second year.

Added by Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 5, eff. June 18, 2023.

Sec. 61.9645. NURSING FACULTY GRANT PROGRAM: CLINICAL TRAINING. (a) The board shall award grants under a nursing faculty grant program to eligible clinical sites to provide funding

for qualified nursing faculty of institutions of higher education who seek to obtain additional clinical training by working part-time at a clinical site.

(b) The amount of a grant and the number of grants to be awarded must be based on the total number of nursing faculty in institutions of higher education throughout the state in the year for which the grant is awarded.

Added by Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 5, eff. June 18, 2023.

Sec. 61.9646. FUNDS. (a) In consultation with the nursing advisory committee, the board shall allocate funds appropriated for purposes of this subchapter and any other funds received as described by Subsection (b) as the board considers appropriate to further the purposes of this subchapter.

(b) In addition to money appropriated by the legislature, the board may solicit, accept, and spend gifts, grants, and donations from any public or private source for the purposes of the grant programs established under this subchapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 5, eff. June 18, 2023.

Sec. 61.9647. RULES. In consultation with the nursing advisory committee, the board shall adopt rules for the administration of the grant programs established under this subchapter. The rules must include:

(1) administrative provisions relating to the awarding of grants under this subchapter, such as:

(A) eligibility criteria for clinical sites or institutions of higher education, as applicable;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) procedures for evaluating grant applications; and

(E) procedures for monitoring the use of grants; and

(2) methods for tracking the effectiveness of grants

that:

(A) use data reasonably available to the board or the Texas Center for Nursing Workforce Studies; and

(B) evaluate transferability and scalability of innovation programs.

Added by Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 5, eff. June 18, 2023.

#### SUBCHAPTER AA. DENTAL HYGIENISTS STUDENT LOAN REPAYMENT PROGRAM

Sec. 61.9651. REPAYMENT AUTHORIZED. The board may provide, using funds appropriated for that purpose and in accordance with this subchapter and rules of the board, assistance in the repayment of student loans for dental hygienists who apply and qualify for the assistance.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.9401 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), eff. Sept. 1, 2003.

Sec. 61.9652. ELIGIBILITY. To be eligible to receive repayment assistance, a dental hygienist must:

(1) apply to the board;

(2) have graduated from a dental hygiene degree or certificate program at an institution of higher education; and

(3) have practiced dental hygiene under a license issued under Chapter 256, Occupations Code, for at least one year in an area of the state that is underserved with respect to dental hygiene services.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.9402 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), eff. Sept. 1, 2003.

Sec. 61.9653. LIMITATION. A dental hygienist may receive repayment assistance grants for each of not more than five years.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.9403 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), eff. Sept. 1, 2003.

Sec. 61.9654. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any student loan received by a dental hygienist through any lender for the costs of attendance at an institution of higher education while enrolled in any course work before the person received a degree or certificate in dental hygiene or while enrolled in a dental hygiene program.

(b) The board may not provide repayment assistance for a student loan that is in default at the time of the dental hygienist's application.

(c) Each state fiscal biennium, the board shall attempt to allocate all funds appropriated to it for the purpose of providing repayment assistance under this subchapter.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.9404 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), eff. Sept. 1, 2003.

Sec. 61.9655. REPAYMENT. (a) The coordinating board shall deliver any repayment made under this subchapter in a lump sum payable to the lender and the dental hygienist, in accordance with any applicable federal law.

(b) A repayment made under this subchapter may be applied to any amount due in connection with the loan.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.9405 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), eff. Sept. 1, 2003.

Sec. 61.9656. ADVISORY COMMITTEES. The board may:

(1) appoint advisory committees to assist the board in performing its duties under this subchapter; and

(2) request the assistance of the Oral Health Services Advisory Committee in performing those duties.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.9406 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), eff. Sept. 1, 2003.

Sec. 61.9657. ACCEPTANCE OF GIFTS AND GRANTS. The board may

accept gifts, grants, and donations for the purposes of this subchapter.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.9407 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), eff. Sept. 1, 2003.

Sec. 61.9658. RULES. (a) The board shall adopt rules to administer this subchapter, including a rule that sets a maximum amount of repayment assistance that may be received by a dental hygienist in one year. The board may consult with the Oral Health Services Advisory Committee to assist the board in establishing priorities among eligible dental hygienists for repayment assistance, taking into account the degree of an area's shortage of dental hygiene services, geographic locations, whether the dental hygienist is or will be providing service in an underserved area with respect to dental hygiene services, and other criteria the board considers appropriate.

(b) The coordinating board shall distribute to each dental hygiene school in this state and to appropriate state agencies and professional associations copies of the rules adopted under this section and other pertinent information relating to this subchapter.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.9408 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), eff. Sept. 1, 2003.

Sec. 61.9659. TOTAL AMOUNT OF REPAYMENT ASSISTANCE. The total amount of repayment assistance distributed by the board under this subchapter may not exceed the total amount of gifts and grants accepted by the board for repayment assistance, tuition set aside under Section [61.9660](#), legislative appropriations for repayment assistance, and other funds available to the board for purposes of this subchapter.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.9409 and amended by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), 3((11), eff. Sept. 1, 2003.

Sec. 61.9660. TUITION SET ASIDE FOR CERTAIN LOAN REPAYMENTS. (a) The governing board of each institution of higher education authorized by the board to award a degree or certificate in dental hygiene shall set aside two percent of tuition charges for resident students enrolled in the degree program.

(b) The amount set aside shall be transferred to the comptroller to be maintained in the state treasury for the sole purpose of repayment of student loans of dental hygienists under this subchapter. Section 403.095(b), Government Code, does not apply to the amount set aside under this section.

Added by Acts 2001, 77th Leg., ch. 1035, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.9410 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(43), eff. Sept. 1, 2003.

#### SUBCHAPTER BB. TEXAS FUND FOR GEOGRAPHY EDUCATION

Sec. 61.9681. PURPOSE. The purpose of this subchapter is to:

(1) create an endowment to support geographic education programs in Texas;

(2) improve the quality of geography education in Texas; and

(3) promote a better understanding of Texas by all of its residents.

Added by Acts 2001, 77th Leg., ch. 901, Sec. 1, eff. June 14, 2001.  
Renumbered from Education Code Sec. 61.941 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(44), eff. Sept. 1, 2003.

Sec. 61.9682. DEFINITION. In this subchapter, "fund" means the Texas Fund for Geography Education.

Added by Acts 2001, 77th Leg., ch. 901, Sec. 1, eff. June 14, 2001.  
Renumbered from Education Code Sec. 61.942 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(44), eff. Sept. 1, 2003.

Sec. 61.9683. FUND; GRANTS. (a) The board may enter into an agreement with the National Geographic Society of Washington, D.C., to operate an endowment fund for purposes of this subchapter

to be known as the Texas Fund for Geography Education.

(b) The agreement must include the following conditions:

(1) appropriated money may be deposited to the fund only in an amount equal to matching funds deposited to the fund by the National Geographic Society from other sources;

(2) the National Geographic Society shall provide to the board an annual report describing the fund's investments, earnings, operating procedures, and major programs; and

(3) if the board determines that the public purposes described by Section 61.9681 are not being accomplished, the fund shall be dissolved and the fund balance shall be distributed as follows:

(A) one-half to the general revenue fund; and

(B) the remainder to be returned to the donors of any amount deposited to the fund for the preceding five years in proportion to the amount of the donation, if the donor accepts the return of the donation, and any remainder to the National Geographic Society.

(c) The board may transfer to the National Geographic Society for deposit to the fund any amount appropriated to the board for that purpose.

(d) The National Geographic Society shall award grants from the fund to institutions of higher education and private or independent institutions of higher education as defined by Section 61.003(15) to promote the purposes of this subchapter.

Added by Acts 2001, 77th Leg., ch. 901, Sec. 1, eff. June 14, 2001. Renumbered from Education Code Sec. 61.943 and amended by Acts 2003, 78th Leg., ch. 1275, Sec. 2(44), 3(13), eff. Sept. 1, 2003.

Sec. 61.9684. GEOGRAPHY EDUCATION ADVISORY COMMITTEE. (a) The board shall appoint an advisory committee consisting of seven persons who have expertise and an interest in geography education to assist the National Geographic Society in awarding grants from the fund under this subchapter.

(b) The advisory committee on behalf of the National Geographic Society shall solicit proposals from institutions of higher education and private or independent institutions of higher



education as defined by Section [61.003](#)(15) for use of proceeds from the fund and shall recommend to the society those that best promote the purposes of this subchapter.

(c) The advisory committee is subject to Chapter [2110](#), Government Code.

Added by Acts 2001, 77th Leg., ch. 901, Sec. 1, eff. June 14, 2001.  
Renumbered from Education Code Sec. 61.944 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(44), eff. Sept. 1, 2003.

## SUBCHAPTER CC. PUBLIC AWARENESS CAMPAIGN PROMOTING HIGHER EDUCATION

Sec. 61.9701. PUBLIC AWARENESS CAMPAIGN. (a) The board shall establish a statewide public awareness campaign to promote the value and availability of higher education.

(b) The campaign must include the provision of information on:

(1) the benefits of obtaining a postsecondary education;

(2) the types of institutions of higher education and degree programs available;

(3) the academic preparation needed to successfully pursue a postsecondary education as determined under Section [28.008](#) and any other requirements for enrollment at an institution of higher education; and

(4) how to obtain financial aid and what forms of financial aid are available.

Added by Acts 2001, 77th Leg., ch. 148, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.951 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(45), eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1033 (H.B. [2909](#)), Sec. 4, eff. June 17, 2011.

Sec. 61.9702. TARGET AUDIENCE. (a) The campaign established by the board must target primary and secondary school students.

(b) The board shall give priority to reaching primary and secondary school students from groups or backgrounds that are traditionally underrepresented in higher education.

Added by Acts 2001, 77th Leg., ch. 148, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.952 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(45), eff. Sept. 1, 2003.

Sec. 61.9703. COORDINATION WITH OTHER ENTITIES. The board shall coordinate with the Texas Education Agency, the P-16 Council established under Section [61.076](#), and other appropriate entities, including regional P-16 councils and businesses, to implement the public awareness campaign.

Added by Acts 2001, 77th Leg., ch. 148, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.953 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(45), eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1033 (H.B. [2909](#)), Sec. 5, eff. June 17, 2011.

Sec. 61.9704. FUNDING. The board may use any available revenue, including legislative appropriations, and may solicit and accept gifts, grants, and donations to undertake the campaign.

Added by Acts 2001, 77th Leg., ch. 148, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.954 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(45), eff. Sept. 1, 2003.

Sec. 61.9705. SALE OF PROMOTIONAL ITEMS AND MEDIA AND TRAINING MATERIALS. (a) The board may sell or contract for the sale of promotional items, including clothing, posters, and banners, designed to promote the public awareness campaign. The board may use its Internet website to advertise and sell the items.

(b) The board may sell, contract for the sale of, or otherwise transfer the board's rights in media and training materials developed for the public awareness campaign.

(c) Money received under this section shall be deposited to the credit of the general revenue fund and used only by the board to further the purposes of the campaign.

Added by Acts 2003, 78th Leg., ch. 820, Sec. 31, eff. Sept. 1, 2003.  
Renumbered from Education Code, Section 61.955 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(22), eff. September 1, 2005.

SUBCHAPTER DD. REPAYMENT OF CERTAIN EDUCATION LOANS OWED BY CERTAIN  
STATE ATTORNEYS

Sec. 61.9721. REPAYMENT ASSISTANCE AUTHORIZED. (a) The board may provide, in accordance with this subchapter and board rules, assistance in the repayment of education loans for attorneys who apply and qualify for the assistance.

(b) The provision of financial assistance in the repayment of education loans under this subchapter promotes a public purpose. Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.951 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), eff. Sept. 1, 2003.

Sec. 61.9722. ELIGIBILITY. To be eligible to receive repayment assistance, an attorney must:

- (1) apply to the board; and
- (2) have been employed for at least one year by, and be currently employed by, the office of the attorney general at the time the attorney applies for the assistance.

Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.952 and amended by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), 3(12), eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 820, Sec. 30, eff. Sept. 1, 2003.

Sec. 61.9724. MAXIMUM AMOUNT OF REPAYMENT ASSISTANCE. (a) For each year that an attorney serves as an attorney with the office of the attorney general, the attorney may receive repayment assistance under this subchapter in an amount not to exceed \$6,000.

(b) An attorney may not receive repayment assistance under this subchapter for more than three years.

Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.954 and amended by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), 3(14), eff. Sept. 1, 2003;

Acts 2003, 78th Leg., ch. 820, Sec. 30, eff. Sept. 1, 2003.

Sec. 61.9725. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any education loan received by the attorney through any lender, other than a private individual, for:

(1) education at a school of law authorized by the board to award a degree that satisfies the law study requirements for licensure as an attorney in this state; or

(2) undergraduate education at an institution of higher education or an accredited private or independent institution of higher education.

(b) The board may not provide repayment assistance for an education loan that is in default at the time of the attorney's application.

(c) Each state fiscal biennium the board shall attempt to allocate all funds appropriated for the purpose of providing repayment assistance under this subchapter.

Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.955 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), eff. Sept. 1, 2003.

Sec. 61.9726. REPAYMENT. (a) The board shall deliver any repayment assistance made under this subchapter in a lump sum payable to the lender and the attorney and in accordance with any applicable federal law.

(b) Repayment assistance received under this subchapter may be applied to the principal amount of the loan and to interest that accrues.

Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001.  
Renumbered from Education Code Sec. 61.956 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), eff. Sept. 1, 2003.

Sec. 61.9727. ASSISTANCE AVAILABLE TO BOARD. The board may:

(1) appoint an advisory committee from outside the board's membership to assist the board in performing the board's

duties under this subchapter; and

(2) request the assistance of the State Bar of Texas and the office of the attorney general in performing those duties. Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.957 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), eff. Sept. 1, 2003.

Sec. 61.9728. ACCEPTANCE OF FUNDS. The board may solicit and accept gifts, grants, and donations for the purposes of this subchapter.

Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.958 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), eff. Sept. 1, 2003.

Sec. 61.9729. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter.

(b) The board shall distribute a copy of the rules adopted under this section and pertinent information in this subchapter to:

(1) each school of law authorized by the board to award a degree described by Section [61.9725](#)(a)(1);

(2) any appropriate state agency; and

(3) any appropriate professional association.

Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.959 and amended by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), 3(15), eff. Sept. 1, 2003.

Sec. 61.9730. TOTAL AMOUNT OF REPAYMENT ASSISTANCE. The total amount of repayment assistance distributed by the board under this subchapter may not exceed the total amount available for the program under Section [61.9732](#).

Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001. Renumbered from Education Code Sec. 61.960 and amended by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), 3(16), eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1245 (H.B. [2396](#)), Sec. 2, eff. June 20, 2015.

Sec. 61.9732. LIMITATIONS ON FUNDING. The loan repayment program under this subchapter may be funded only from:

(1) gifts, grants, and donations accepted by the board;

(2) legislative appropriations for the program; and

(3) money budgeted for the program by the office of the attorney general from appropriations made to that office.

Added by Acts 2001, 77th Leg., ch. 1403, Sec. 1, eff. Sept. 1, 2001.

Renumbered from Education Code Sec. 61.962 and amended by Acts 2003, 78th Leg., ch. 1275, Sec. 2(46), 3(17), eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1245 (H.B. [2396](#)), Sec. 2, eff. June 20, 2015.

#### SUBCHAPTER EE. TEXAS HOSPITAL-BASED NURSING EDUCATION

##### PARTNERSHIP GRANT PROGRAM

Sec. 61.9751. DEFINITIONS. In this subchapter:

(1) "Hospital-based nursing education partnership" means a partnership that:

(A) consists of one or more hospitals in this state that are not owned, maintained, or operated by the federal or state government or an agency of the federal or state government and one or more nursing education programs in this state; and

(B) serves to increase the number of students enrolled in and graduation rates for each nursing education program in the partnership.

(2) "Nursing education program" means an undergraduate professional nursing program or a graduate professional nursing program as those terms are defined by Section [54.355](#).

Added by Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. [2426](#)), Sec. 73, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 936 (H.B. [3443](#)), Sec. 1, eff. June 15, 2007.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 359 (S.B. [32](#)), Sec. 8, eff.

January 1, 2012.

Sec. 61.9752. PROGRAM: ESTABLISHMENT; ADMINISTRATION; PURPOSE. (a) The Texas hospital-based nursing education partnership grant program is established.

(b) The board shall administer the program in accordance with this subchapter and rules adopted under this subchapter.

(c) Under the program, to the extent funds are available under Section [61.9755](#), the board shall make grants to hospital-based nursing education partnerships to assist those partnerships to meet the state's needs for registered nurses by increasing the number of nursing education program graduates through innovative instruction, through collaboration between hospitals and nursing education programs, and the use of the existing expertise and facilities of those hospitals and programs. Added by Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. [2426](#)), Sec. 73, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 936 (H.B. [3443](#)), Sec. 1, eff. June 15, 2007.

Sec. 61.9753. GRANTS: CONDITIONS; LIMITATIONS. (a) The board may make a grant under this subchapter to a hospital-based nursing education partnership only if the board determines that:

(1) the partnership will meet applicable board and Texas Board of Nursing standards for instruction and student competency for the associate, bachelor of science, or master of science nursing degree granted by each nursing education program participating in the partnership;

(2) each nursing education program participating in the partnership will, as a result of the partnership, enroll in the nursing education program a sufficient number of additional students as established by the board;

(3) the marginal cost to the state of producing a graduate of a nursing education program participating in the partnership will be comparable, as determined under criteria established by board rule, to the marginal cost to the state of producing a graduate of a nursing education program

not participating in a partnership;

(4) each hospital participating in a partnership with a nursing education program will provide to students enrolled in the program clinical placements that:

(A) allow the students to take part in providing or to observe, as appropriate, medical services offered by the hospital; and

(B) meet the clinical education needs of the students; and

(5) the partnership will satisfy any other requirement established by board rule.

(b) In establishing the cost-comparison criteria under Subsection (a)(3), the board shall exclude reasonable development and initial implementation costs for the infrastructure necessary to support a hospital-based nursing education partnership.

(c) A grant under this subchapter may be spent only on costs related to the development or operation of a hospital-based nursing education partnership that:

(1) prepares a student to earn an associate or bachelor of science degree in nursing and to achieve initial licensure as a registered nurse, including by providing an accelerated program to prepare a student to earn a bachelor of science degree in nursing;

(2) prepares a student to earn a master of science degree in nursing with a concentration in education; or

(3) provides an articulation program providing for advancement from an associate degree to a bachelor of science degree in nursing or to a master of science degree in nursing with a concentration in education.

(d) A hospital-based nursing education partnership shall return to the board money granted to the partnership under this subchapter that the partnership does not spend on eligible costs under Subsection (c). As the board determines appropriate to best achieve the purposes of these programs, the board may:

(1) use the money to make grants to other hospital-based nursing education partnerships;

(2) use the money to make grants under the



professional nursing shortage reduction program established under Subchapter Z; or

(3) transfer the money to the permanent fund for higher education nursing, allied health, and other health-related programs established under Subchapter C, Chapter 63, for use in making grants under that subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. 2426), Sec. 73, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 936 (H.B. 3443), Sec. 1, eff. June 15, 2007.

Sec. 61.9754. PRIORITY FOR FUNDING. In awarding a grant under this subchapter, the board shall give priority to a hospital-based nursing education partnership that submits a proposal that:

(1) provides for collaborative educational models between one or more participating hospitals and one or more participating nursing education programs that have signed a memorandum of understanding or other written agreement under which the participants agree to comply with standards established by the board, including any standards the board may establish that:

(A) provide for program management that offers a centralized decision-making process allowing for inclusion of each entity participating in the partnership;

(B) provide for access to clinical training positions for students in nursing education programs that are not participating in the partnership; and

(C) specify the details of any requirement relating to a student in a nursing education program participating in the partnership being employed after graduation in a hospital participating in the partnership, including any details relating to the employment of students who do not complete the program, are not offered a nursing position at the hospital, or choose to pursue other employment;

(2) includes a demonstrable education model to:

(A) increase the number of students enrolled in, the number of students graduating from, and the number of nursing

faculty employed by each nursing education program participating in the partnership; and

(B) improve student retention in each nursing education program;

(3) indicates the availability of money to match all or a portion of the grant money, including matching money from a hospital, private or nonprofit entity, or institution of higher education;

(4) provides for completion of a class admitted under this project to be funded by all members of the partnership if the funded project ends before the class graduation date;

(5) can be replicated by other hospital-based nursing education partnerships or nursing education programs; and

(6) includes plans for sustainability of the partnership beyond the grant period.

Added by Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. [2426](#)), Sec. 73, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 936 (H.B. [3443](#)), Sec. 1, eff. June 15, 2007.

Sec. 61.9755. GRANTS, GIFTS, AND DONATIONS. In addition to money appropriated by the legislature, the board may solicit, receive, and spend grants, gifts, and donations from any public or private source for the purposes of this subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. [2426](#)), Sec. 73, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 936 (H.B. [3443](#)), Sec. 1, eff. June 15, 2007.

Sec. 61.9756. RULES. The board shall adopt rules for the administration of the Texas hospital-based nursing education partnership grant program. The rules must include:

(1) provisions relating to applying for a grant under this subchapter; and

(2) standards of accountability to be met by any hospital-based nursing education partnership awarded a grant under this subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. [2426](#)), Sec. 73, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 936 (H.B. [3443](#)), Sec. 1, eff. June 15, 2007.

Sec. 61.9757. APPROVAL AS NURSING EDUCATION PILOT PROGRAM. The board and the Texas Board of Nursing shall establish a single application process under which a hospital-based nursing education partnership may apply both for approval as a pilot program under Section [301.1605](#), Occupations Code, and for a grant under this subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. [2426](#)), Sec. 73, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 936 (H.B. [3443](#)), Sec. 1, eff. June 15, 2007.

Sec. 61.9758. REPORTING REQUIREMENTS. (a) Each hospital-based nursing education partnership that receives a grant under this subchapter shall submit to the board narrative and financial reports that include information concerning the extent to which during the reporting period the partnership has complied with accountability standards established by the board.

(b) Not later than December 31 of each even-numbered year, the board shall submit a report to the governor, lieutenant governor, and speaker of the house of representatives. The report shall include a list and description of partnerships created under this subchapter, and the number of new nursing student enrollees.

Added by Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. [2426](#)), Sec. 73, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 936 (H.B. [3443](#)), Sec. 1, eff. June 15, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](#)), Sec. 7.011, eff. September 1, 2009.

Sec. 61.9759. ADMINISTRATIVE COSTS. A reasonable amount, not to exceed three percent, of any money appropriated for purposes

of this subchapter may be used to pay the costs of administering this subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. [2426](#)), Sec. 73, eff. September 1, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 936 (H.B. [3443](#)), Sec. 1, eff. June 15, 2007.

#### SUBCHAPTER FF. TEXAS ARMED SERVICES SCHOLARSHIP PROGRAM

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [300](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.9771. SCHOLARSHIP PROGRAM; SCHOLARSHIP AMOUNT. (a) The board shall establish and administer, in accordance with this subchapter and board rules, the Texas Armed Services Scholarship Program under which the board provides an annual conditional scholarship to a student who meets the eligibility criteria prescribed by Section [61.9772](#) and is appointed to receive a scholarship.

(b) The amount of a scholarship under this subchapter in an academic year is the lesser of:

(1) \$15,000; or

(2) the amount available for each scholarship from appropriations that may be used for scholarships under this subchapter for that academic year.

Added by Acts 2009, 81st Leg., R.S., Ch. 1326 (H.B. [3452](#)), Sec. 1, eff. September 1, 2009.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [300](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.9772. ELIGIBILITY; NOMINATION AND SELECTION.

(a) To receive an initial scholarship under this subchapter, a student must:

(1) be enrolled in a public or private institution of

higher education in this state;

(2) enroll in and be a member in good standing of a Reserve Officers' Training Corps (ROTC) program or another undergraduate officer commissioning program such as the United States Marine Corps Platoon Leaders Class while enrolled in a public or private institution of higher education in this state;

(3) be appointed to receive a scholarship by the governor, the lieutenant governor, a state senator, or a state representative; and

(4) enter into an agreement with the board under Section [61.9773](#).

(b) In each year, the governor and the lieutenant governor may each appoint two students and two alternates and each state senator and each state representative may appoint one student and one alternate to receive an initial scholarship under this subchapter. If a student appointed under this subsection to receive a scholarship fails to initially meet eligibility or otherwise meet the requirements to initially receive the scholarship, the Texas Higher Education Coordinating Board must notify the alternate on file of their nomination.

(c) For a student to continue to receive a scholarship awarded under this subchapter, the student must maintain satisfactory academic progress as determined by the board.

(d) If the board determines that a student appointed under Subsection (b) to receive an initial scholarship under this subchapter has failed to maintain eligibility or otherwise meet the requirements to continue receiving the scholarship, beginning with the academic year following the determination, the elected official who appointed the student may appoint another eligible student under this subchapter to receive any available funds designated for the student who no longer meets the requirements for the scholarship.

Added by Acts 2009, 81st Leg., R.S., Ch. 1326 (H.B. [3452](#)), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 351 (H.B. [3470](#)), Sec. 1, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 230 (H.B. 66), Sec. 1, eff. September 1, 2018.

Acts 2017, 85th Leg., R.S., Ch. 251 (H.B. 1117), Sec. 1, eff. May 29, 2017.

Acts 2017, 85th Leg., R.S., Ch. 517 (S.B. 49), Sec. 1, eff. September 1, 2017.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 300, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.9773. AGREEMENT REQUIREMENTS. (a) To receive a scholarship under this subchapter, a student must enter into an agreement with the board as provided by this section. The agreement must require the student to:

(1) complete:

(A) one year of ROTC training for each year that the student receives the scholarship; or

(B) another undergraduate officer commissioning program such as the United States Marine Corps Platoon Leaders Class;

(2) graduate not later than six years after the date the student first enrolls in a public or private institution of higher education in this state;

(3) after graduation, enter into:

(A) a four-year commitment to be a member of the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine; or

(B) a contract to serve as a commissioned officer in any branch of the armed services of the United States;

(4) meet the physical examination requirements and all other prescreening requirements of the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine or the branch of the armed services with which the student enters into a contract; and

(5) agree to repay the scholarship if the student:

(A) fails to maintain satisfactory academic progress;

(B) withdraws from the scholarship program; or

(C) fails to fulfill a commitment or contract described by Subdivision (3).

(b) The board shall adopt rules to exempt a student from the repayment of a scholarship under an agreement entered into under this section if the student is unable to meet the obligations of the agreement solely as a result of physical inability.

Added by Acts 2009, 81st Leg., R.S., Ch. 1326 (H.B. 3452), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 351 (H.B. 3470), Sec. 2, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 251 (H.B. 1117), Sec. 2, eff. May 29, 2017.

Acts 2023, 88th Leg., R.S., Ch. 143 (S.B. 371), Sec. 1, eff. September 1, 2023.

Sec. 61.97731. NOTICE REGARDING MINIMUM AND REQUIRED ROTC TRAINING. The board shall post on the board's Internet website and provide to each student before the student enters into an agreement with the board under Section 61.9773 information regarding the number of years of ROTC training that each entity described by Section 61.9773(a)(3) requires or recommends before entering into a commitment or contract described by that subdivision.

Added by Acts 2023, 88th Leg., R.S., Ch. 143 (S.B. 371), Sec. 2, eff. September 1, 2023.

Sec. 61.9774. RULES. The board shall adopt rules as necessary for the administration of this subchapter, including rules regarding the eligibility criteria and the selection of scholarship recipients.

Added by Acts 2009, 81st Leg., R.S., Ch. 1326 (H.B. 3452), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 351 (H.B. 3470), Sec. 3, eff.

June 17, 2011.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [300](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 61.9775. LIMITATIONS ON SCHOLARSHIP. (a) A person may not receive a scholarship under this subchapter after earning a cumulative total of 150 credit hours or after being awarded a baccalaureate degree, whichever occurs first.

(b) A scholarship awarded to a student under this subchapter shall be reduced for an academic year by the amount by which the full amount of the scholarship plus the total amount to be paid to the student for being under contract with one of the branches of the armed services of the United States exceeds the student's total cost of attendance for that academic year at the public or private institution of higher education in which the student is enrolled.

Added by Acts 2009, 81st Leg., R.S., Ch. 1326 (H.B. [3452](#)), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 351 (H.B. [3470](#)), Sec. 3, eff. June 17, 2011.

Sec. 61.9776. FUNDING. The board shall administer this subchapter using available appropriations and gifts, grants, and donations made for the purposes of this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1326 (H.B. [3452](#)), Sec. 1, eff. September 1, 2009.

#### SUBCHAPTER GG. TEXAS SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (T-STEM) CHALLENGE SCHOLARSHIP PROGRAM

Sec. 61.9791. DEFINITION. In this subchapter, "STEM program" means a Science, Technology, Engineering, and Mathematics program.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1169 (H.B. [2910](#)), Sec. 2, eff. June 17, 2011.



Sec. 61.9792. SCHOLARSHIP PROGRAM. The board shall establish and administer, in accordance with this subchapter and board rules, the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program under which the board provides a scholarship to a student who meets the eligibility criteria prescribed by Section [61.9793](#).

Added by Acts 2011, 82nd Leg., R.S., Ch. 1169 (H.B. [2910](#)), Sec. 2, eff. June 17, 2011.

Sec. 61.9793. ELIGIBLE STUDENT. (a) To receive an initial scholarship under this subchapter, a student must:

(1) graduate from high school with a grade point average of at least 3.0 on a four-point scale in mathematics and science courses;

(2) enroll in a STEM program at an eligible institution; and

(3) agree to work no more than 15 hours a week for a business participating in the STEM program.

(b) To continue to qualify for a scholarship under this subchapter, a student must:

(1) remain enrolled in a STEM program at an eligible institution;

(2) maintain an overall grade point average of at least 3.0 on a four-point scale;

(3) complete at least 80 percent of all semester credit hours attempted for each semester;

(4) complete at least 30 semester credit hours per academic year; and

(5) work no more than 15 hours a week for a business participating in the STEM program.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1169 (H.B. [2910](#)), Sec. 2, eff. June 17, 2011.

Sec. 61.9794. ELIGIBLE INSTITUTION. (a) To qualify as an eligible institution under this subchapter, an institution must:

(1) be a public junior college or public technical

institute;

(2) admit at least 50 students into a STEM program each academic year; and

(3) develop partnerships with business and industry to:

(A) identify local employment needs in Science, Technology, Engineering, and Mathematics (STEM) fields; and

(B) provide part-time employment for students enrolled in a STEM program.

(b) To maintain eligibility, each year beginning with the third year following implementation of a scholarship program under this subchapter, an institution must demonstrate to the board that at least 70 percent of the institution's T-STEM Challenge Scholarship recipients, within twelve months of receipt of a scholarship, are:

(1) employed; or

(2) enrolled in courses leading to a certificate, associate, or baccalaureate degree in a Science, Technology, Engineering, and Mathematics (STEM) field.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1169 (H.B. [2910](#)), Sec. 2, eff. June 17, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 26 (S.B. [1066](#)), Sec. 1, eff. September 1, 2015.

Sec. 61.9795. AMOUNT; FUNDING. (a) Subject to available funding, the board shall award scholarships, with at least 50 percent of the amount awarded from private funds.

(b) An eligible student may receive a scholarship awarded under this subchapter for not more than two academic years.

(c) The board may use any available revenue, including legislative appropriations, and may solicit and accept gifts and grants for purposes of this subchapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1169 (H.B. [2910](#)), Sec. 2, eff. June 17, 2011.

#### SUBCHAPTER HH. TEXAS EMERGENCY AND TRAUMA CARE EDUCATION

## PARTNERSHIP PROGRAM

Sec. 61.9801. DEFINITIONS. In this subchapter:

(1) "Emergency and trauma care education partnership" means a partnership that:

(A) consists of one or more hospitals in this state and one or more graduate professional nursing or graduate medical education programs in this state; and

(B) serves to increase training opportunities in emergency and trauma care for doctors and registered nurses at participating graduate medical education and graduate professional nursing programs.

(2) "Participating education program" means a graduate professional nursing program as that term is defined by Section 54.221 or a graduate medical education program leading to board certification by the American Board of Medical Specialties that participates in an emergency and trauma care education partnership.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 7 (S.B. 7), Sec. 9.01, eff. September 28, 2011.

Sec. 61.9802. PROGRAM: ESTABLISHMENT; ADMINISTRATION; PURPOSE. (a) The Texas emergency and trauma care education partnership program is established.

(b) The board shall administer the program in accordance with this subchapter and rules adopted under this subchapter.

(c) Under the program, to the extent funds are available under Section 61.9805, the board shall make grants to emergency and trauma care education partnerships to assist those partnerships to meet the state's needs for doctors and registered nurses with training in emergency and trauma care by offering one-year or two-year fellowships to students enrolled in graduate professional nursing or graduate medical education programs through collaboration between hospitals and graduate professional nursing or graduate medical education programs and the use of the existing expertise and facilities of those hospitals and programs.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 7 (S.B. 7), Sec. 9.01,

eff. September 28, 2011.

Sec. 61.9803. GRANTS: CONDITIONS; LIMITATIONS. (a) The board may make a grant under this subchapter to an emergency and trauma care education partnership only if the board determines that:

(1) the partnership will meet applicable standards for instruction and student competency for each program offered by each participating education program;

(2) each participating education program will, as a result of the partnership, enroll in the education program a sufficient number of additional students as established by the board;

(3) each hospital participating in an emergency and trauma care education partnership will provide to students enrolled in a participating education program clinical placements that:

(A) allow the students to take part in providing or to observe, as appropriate, emergency and trauma care services offered by the hospital; and

(B) meet the clinical education needs of the students; and

(4) the partnership will satisfy any other requirement established by board rule.

(b) A grant under this subchapter may be spent only on costs related to the development or operation of an emergency and trauma care education partnership that prepares a student to complete a graduate professional nursing program with a specialty focus on emergency and trauma care or earn board certification by the American Board of Medical Specialties.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 7 (S.B. 7), Sec. 9.01, eff. September 28, 2011.

Sec. 61.9804. PRIORITY FOR FUNDING. In awarding a grant under this subchapter, the board shall give priority to an emergency and trauma care education partnership that submits a proposal that:

(1) provides for collaborative educational models

between one or more participating hospitals and one or more participating education programs that have signed a memorandum of understanding or other written agreement under which the participants agree to comply with standards established by the board, including any standards the board may establish that:

(A) provide for program management that offers a centralized decision-making process allowing for inclusion of each entity participating in the partnership;

(B) provide for access to clinical training positions for students in graduate professional nursing and graduate medical education programs that are not participating in the partnership; and

(C) specify the details of any requirement relating to a student in a participating education program being employed after graduation in a hospital participating in the partnership, including any details relating to the employment of students who do not complete the program, are not offered a position at the hospital, or choose to pursue other employment;

(2) includes a demonstrable education model to:

(A) increase the number of students enrolled in, the number of students graduating from, and the number of faculty employed by each participating education program; and

(B) improve student or resident retention in each participating education program;

(3) indicates the availability of money to match a portion of the grant money, including matching money or in-kind services approved by the board from a hospital, private or nonprofit entity, or institution of higher education;

(4) can be replicated by other emergency and trauma care education partnerships or other graduate professional nursing or graduate medical education programs; and

(5) includes plans for sustainability of the partnership.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 7 (S.B. 7), Sec. 9.01, eff. September 28, 2011.

Sec. 61.9805. GRANTS, GIFTS, AND DONATIONS. In addition to

money appropriated by the legislature, the board may solicit, accept, and spend grants, gifts, and donations from any public or private source for the purposes of this subchapter.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 7 (S.B. 7), Sec. 9.01, eff. September 28, 2011.

Sec. 61.9806. RULES. The board shall adopt rules for the administration of the Texas emergency and trauma care education partnership program. The rules must include:

(1) provisions relating to applying for a grant under this subchapter; and

(2) standards of accountability consistent with other graduate professional nursing and graduate medical education programs to be met by any emergency and trauma care education partnership awarded a grant under this subchapter.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 7 (S.B. 7), Sec. 9.01, eff. September 28, 2011.

Sec. 61.9807. ADMINISTRATIVE COSTS. A reasonable amount, not to exceed three percent, of any money appropriated for purposes of this subchapter may be used to pay the costs of administering this subchapter.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 7 (S.B. 7), Sec. 9.01, eff. September 28, 2011.

## SUBCHAPTER II. REPAYMENT OF CERTAIN SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST EDUCATION LOANS

Sec. 61.9811. DEFINITIONS. In this subchapter:

(1) "Audiologist" means a person licensed as an audiologist under Chapter 401, Occupations Code.

(2) "Communicative disorders program" means:

(A) a graduate degree program in audiology or speech-language pathology accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; or

(B) an undergraduate degree program that prepares and qualifies students for admission to a graduate degree

program described by Paragraph (A).

(3) "Public school" means a public preschool or primary or secondary school in this state.

(4) "Speech-language pathologist" means a person licensed as a speech-language pathologist under Chapter 401, Occupations Code.

Added by Acts 2013, 83rd Leg., R.S., Ch. 133 (S.B. 620), Sec. 1, eff. September 1, 2013.

Sec. 61.9812. REPAYMENT ASSISTANCE AUTHORIZED. The board shall provide, in accordance with this subchapter and board rules, assistance in the repayment of student loans for speech-language pathologists and audiologists who apply and qualify for assistance. Added by Acts 2013, 83rd Leg., R.S., Ch. 133 (S.B. 620), Sec. 1, eff. September 1, 2013.

Sec. 61.9813. ELIGIBILITY. (a) To be eligible to receive repayment assistance, a speech-language pathologist or an audiologist must:

(1) apply to the board; and

(2) at the time the speech-language pathologist or audiologist applies for the assistance:

(A) have been employed as a speech-language pathologist or as an audiologist, as applicable, for at least one year by, and be currently employed in that capacity by, a public school; or

(B) have been employed as a faculty member of a communicative disorders program at an institution of higher education or private or independent institution of higher education for at least one year, and be currently employed in that capacity at such an institution.

(b) The board by rule may provide for repayment assistance on a pro rata basis for speech-language pathologists and audiologists employed part-time by a public school or institution of higher education.

Added by Acts 2013, 83rd Leg., R.S., Ch. 133 (S.B. 620), Sec. 1, eff. September 1, 2013.

Sec. 61.9814. LIMITATION. (a) On qualifying for the assistance, a speech-language pathologist or an audiologist may receive repayment assistance grants for each year of employment, not to exceed five years, by:

- (1) a public school; or
- (2) a communicative disorders program at an institution of higher education or private or independent institution of higher education.

(b) For each applicable year of employment described by Subsection (a), the total amount of repayment assistance grants received by a speech-language pathologist or an audiologist under this subchapter may not exceed:

- (1) \$6,000 for an eligible recipient who holds a master's degree but not a doctoral degree; or
- (2) \$9,000 for an eligible recipient who holds a doctoral degree.

Added by Acts 2013, 83rd Leg., R.S., Ch. 133 (S.B. 620), Sec. 1, eff. September 1, 2013.

Sec. 61.9815. ELIGIBLE LOANS. The board may provide repayment assistance for the repayment of any student loan, as defined by board rule, for education at any public or private institution of higher education in or outside of this state received by an eligible speech-language pathologist or audiologist.

Added by Acts 2013, 83rd Leg., R.S., Ch. 133 (S.B. 620), Sec. 1, eff. September 1, 2013.

Sec. 61.9816. REPAYMENT. (a) The board shall deliver any repayment made under this subchapter in a lump sum payable to:

- (1) the lender and the speech-language pathologist or audiologist, in accordance with any applicable federal law; or
- (2) the lender or other holder of the loan on behalf of the speech-language pathologist or audiologist.

(b) A repayment made under this subchapter may be applied to the principal amount and accrued interest of the loan.



Added by Acts 2013, 83rd Leg., R.S., Ch. 133 (S.B. 620), Sec. 1, eff. September 1, 2013.

Sec. 61.9817. ADVISORY COMMITTEES. The board may appoint advisory committees to assist the board in administering this subchapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 133 (S.B. 620), Sec. 1, eff. September 1, 2013.

Sec. 61.9818. PROGRAM FUNDING. The program may be funded solely from gifts, grants, and donations solicited and accepted by the board for the purposes of this subchapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 133 (S.B. 620), Sec. 1, eff. September 1, 2013.

Sec. 61.9819. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter.

(b) The board shall distribute a copy of the rules adopted under this section and pertinent information regarding this subchapter to:

(1) each appropriate institution of higher education or private or independent institution of higher education;

(2) any appropriate state agency; and

(3) any appropriate professional association.

Added by Acts 2013, 83rd Leg., R.S., Ch. 133 (S.B. 620), Sec. 1, eff. September 1, 2013.

#### SUBCHAPTER JJ. NURSING FACULTY LOAN REPAYMENT ASSISTANCE PROGRAM

Sec. 61.9821. REPAYMENT AUTHORIZED. The board shall establish and administer a program to provide, in accordance with this subchapter and board rules, assistance in the repayment of student loans for nurses who:

(1) are serving on the faculties of nursing degree programs at institutions of higher education or private or independent institutions of higher education in positions that require an advanced degree in professional nursing; and

(2) apply and qualify for the assistance.

Added by Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. 2099), Sec. 3, eff. September 1, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(15), eff. September 1, 2015.

Sec. 61.9822. ELIGIBILITY. To be eligible to receive loan repayment assistance under this subchapter, a nurse must:

(1) apply to the board;

(2) at the time of application for repayment assistance have been employed part-time or full-time for at least one year as, and be currently employed part-time or full-time as, a faculty member of a nursing degree program at an institution of higher education or a private or independent institution of higher education; and

(3) comply with any additional requirements adopted by board rule.

Added by Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. 2099), Sec. 3, eff. September 1, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(15), eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. 25), Sec. 6, eff. June 18, 2023.

Sec. 61.9823. LIMITATIONS. (a) On qualifying for loan repayment assistance under this subchapter, a nurse may receive repayment assistance for each year of part-time or full-time employment as a faculty member of a nursing degree program at an institution of higher education or private or independent institution of higher education, not to exceed five years.

(b) The board by rule shall determine the maximum amount of loan repayment assistance received by a nurse under this subchapter in any one year. The board shall base the amount of loan repayment assistance received by a nurse for part-time employment on the

proportion of the number of hours worked by the nurse to the number of hours worked by a full-time nurse.

(c) The total amount of loan repayment assistance provided under this subchapter may not exceed the total amount of gifts and grants accepted by the board for the repayment assistance and other funds available to the board for the repayment assistance, including any money reallocated under Section [61.9826](#).

Added by Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. [2099](#)), Sec. 3, eff. September 1, 2013.

Redesignated from Education Code, Subchapter [II](#), Chapter [61](#) by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. [21.001](#)(15), eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1034 (S.B. [25](#)), Sec. 7, eff. June 18, 2023.

Sec. 61.9824. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any student loan for education at any public or private institution of higher education, including a loan for undergraduate education, received by an eligible person through any lender.

(b) The board may not provide repayment assistance for a student loan that is in default at the time of the nurse's application.

Added by Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. [2099](#)), Sec. 3, eff. September 1, 2013.

Redesignated from Education Code, Subchapter [II](#), Chapter [61](#) by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. [21.001](#)(15), eff. September 1, 2015.

Sec. 61.9825. REPAYMENT. (a) The board shall deliver any repayment under this subchapter in a lump sum:

(1) payable to both the lender or other holder of the loan and the nurse; or

(2) directly to the lender or other holder of the loan on the nurse's behalf.

(b) A repayment under this subchapter may be applied to any

amount due in connection with the loan.

Added by Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. 2099), Sec. 3, eff. September 1, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(15), eff. September 1, 2015.

Sec. 61.9826. REALLOCATION OF MONEY. (a) In each state fiscal year, the board shall reallocate for loan repayment assistance under this subchapter for a particular year any money in the physician education loan repayment program account established under Section 61.5391 that exceeds the amount necessary in that fiscal year for purposes of repayment assistance under Subchapter J.

(b) Any money reallocated under Subsection (a) in a fiscal year that is not used for loan repayment assistance under this subchapter in that fiscal year is treated as if that unused amount had not been reallocated in that fiscal year.

Added by Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. 2099), Sec. 3, eff. September 1, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(15), eff. September 1, 2015.

Sec. 61.9827. GIFTS AND GRANTS. The board may solicit and accept gifts and grants from any source for the purposes of this subchapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. 2099), Sec. 3, eff. September 1, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(15), eff. September 1, 2015.

Sec. 61.9828. RULES. (a) The board shall adopt rules as necessary to administer this subchapter.

(b) The board shall distribute a copy of the rules adopted under this section and pertinent information regarding this

subchapter to:

- (1) each institution of higher education and private or independent institution of higher education;
- (2) any appropriate state agency; and
- (3) any appropriate professional association.

Added by Acts 2013, 83rd Leg., R.S., Ch. 983 (H.B. 2099), Sec. 3, eff. September 1, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(15), eff. September 1, 2015.

#### SUBCHAPTER KK. MATH AND SCIENCE SCHOLARS LOAN REPAYMENT PROGRAM

Sec. 61.9831. LOAN REPAYMENT ASSISTANCE AUTHORIZED. The board shall provide, in accordance with this subchapter and board rules, assistance in the repayment of eligible student loans for eligible persons who agree to teach mathematics or science for a specified period in public schools.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. 1720), Sec. 1, eff. June 14, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 242 (S.B. 686), Sec. 1, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. 532), Sec. 6, eff. September 1, 2023.

Sec. 61.9832. ELIGIBILITY; AGREEMENT REQUIREMENTS. (a) To be eligible to receive loan repayment assistance under this subchapter, a person must:

- (1) apply annually for the loan repayment assistance in the manner prescribed by the board;
- (2) be a United States citizen;
- (3) have completed an undergraduate or graduate program in mathematics or science;
- (4) have a cumulative grade point average of at least 3.0 on a four-point scale or the equivalent;
- (5) be:

(A) certified under Subchapter B, Chapter 21, to teach mathematics or science in a public school in this state; or

(B) teaching under a probationary teaching certificate;

(6) have been employed for at least one year as a teacher teaching mathematics or science at a public school;

(7) not be in default on any other education loan;

(8) not receive any other state or federal loan repayment assistance, including a Teacher Education Assistance for College and Higher Education (TEACH) Grant or teacher loan forgiveness;

(9) enter into an agreement with the board under Subsection (c); and

(10) comply with any other requirement adopted by the board under this subchapter.

(b) An initial application for loan repayment assistance under this subchapter must include a transcript of the applicant's postsecondary coursework.

(c) To receive loan repayment assistance under this subchapter, a person must enter into an agreement with the board that includes the following provisions:

(1) the person will accept an offer of full-time employment to teach mathematics or science, as applicable based on the person's certification, in a public school;

(2) the person will complete four consecutive years of employment in any public school as a full-time classroom teacher whose primary duty is to teach mathematics or science, as applicable, based on the person's certification;

(3) beginning with the school year immediately following the last of the four consecutive school years described by Subdivision (2), the person will complete an additional number of consecutive school years teaching in any public school in this state, as prescribed by board rule; and

(4) the person acknowledges the conditional nature of the loan repayment assistance.

(c-1) The rules adopted under Subsection (c)(3) may not require a person to complete more than four additional consecutive

school years of teaching as described by that subdivision.

(d) To satisfy the teaching obligation prescribed by an agreement under this section, a person must teach mathematics or science courses for not less than an average of four hours each school day.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. 1720), Sec. 1, eff. June 14, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 242 (S.B. 686), Sec. 2, eff. September 1, 2015.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(16), eff. September 1, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 950 (S.B. 1757), Sec. 1, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. 532), Sec. 7, eff. September 1, 2023.

Sec. 61.9833. AWARD. (a) Except as provided by Section 61.9834, the board shall determine the annual amount of loan assistance payments provided under this subchapter in any year to an eligible person, taking into consideration the amount of available funding and other relevant considerations.

(b) The board shall reduce the amount of a single assistance payment or refrain from making a loan assistance payment to an eligible person as necessary to avoid making total payments under this subchapter to the person in an amount greater than the total amount of principal and interest due on the person's eligible loans.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. 1720), Sec. 1, eff. June 14, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(16), eff. September 1, 2015.

Sec. 61.9834. EXCEPTION TO CONSECUTIVE YEARS OF EMPLOYMENT

REQUIREMENT. The board shall excuse an otherwise eligible person from a requirement imposed by Section 61.9832 that the employment qualifying the person for loan repayment assistance be performed in consecutive years if the break in employment is a result of the person's:

(1) full-time enrollment in a course of study related to the field of teaching that is approved by the State Board for Educator Certification and provided by an institution of higher education or by a private or independent institution of higher education in this state;

(2) service on active duty as a member of the armed forces of the United States, including as a member of a reserve or National Guard unit called for active duty;

(3) temporary total disability for a period of not more than 36 months as established by the affidavit of a qualified physician;

(4) inability to secure employment as required by Section 61.9832 for a period not to exceed 12 months, because of care required by a disabled spouse or child;

(5) inability, despite reasonable efforts, to secure, for a single period not to exceed 12 months, employment as required by Section 61.9832; or

(6) satisfaction of the provisions of any other exception adopted by the board for purposes of this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. 1720), Sec. 1, eff. June 14, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(16), eff. September 1, 2015.

Sec. 61.9835. ELIGIBLE LOANS. (a) The board may provide repayment assistance under this subchapter for the repayment of any student loan that:

(1) is for education at:

(A) a public or private institution of higher education; or

(B) a nonprofit, tax-exempt, regionally



accredited college or university operating in accordance with a memorandum of understanding with this state under an executive order issued by the governor; and

(2) is received by an eligible person through an eligible lender.

(b) If the loan is not a state or federal guaranteed student loan, the note or other writing governing the terms of the loan must require the loan proceeds to be used for expenses incurred by a person in attending a postsecondary educational institution.

(c) The board may not provide loan repayment assistance under this subchapter for a student loan that is in default at the time of the person's application for repayment assistance.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. 1720), Sec. 1, eff. June 14, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(16), eff. September 1, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 950 (S.B. 1757), Sec. 2, eff. September 1, 2019.

Sec. 61.9836. PAYMENT OF ASSISTANCE. (a) The board shall pay any loan repayment assistance under this subchapter in a lump sum delivered on the eligible person's behalf directly to the holder of the loan.

(b) Loan repayment assistance provided under this subchapter may be applied to any amount due on the loan.

(c) Each fiscal biennium, the board shall attempt to allocate all money available to the board for the purpose of providing loan repayment assistance under this subchapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. 1720), Sec. 1, eff. June 14, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(16), eff. September 1, 2015.

Sec. 61.9837. MATHEMATICS AND SCIENCE TEACHER INVESTMENT

FUND. (a) In this section, "fund" means the mathematics and science teacher investment fund.

(b) The fund is a dedicated account in the general revenue fund and consists of:

(1) gifts, grants, and other donations received for the fund;

(2) any amounts appropriated by the legislature for the fund; and

(3) interest and other earnings from the investment of the fund.

(c) The fund may be used only to provide repayment assistance for the repayment of loans eligible under Section [61.9835](#), including related administrative costs.

(d) The fund is exempt from the application of Sections [403.095](#) and [404.071](#), Government Code.

(e) The board may accept grants, gifts, or donations from any public or private entity for the purposes of this subchapter. All money received under this subchapter shall be deposited in the fund.

(f) Repealed by Acts 2015, 84th Leg., R.S., Ch. 242 , Sec. 5, eff. September 1, 2015.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. [1720](#)), Sec. 1, eff. June 14, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 242 (S.B. [686](#)), Sec. 3, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 242 (S.B. [686](#)), Sec. 5, eff. September 1, 2015.

Redesignated from Education Code, Subchapter [II](#), Chapter [61](#) by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 21.001(16), eff. September 1, 2015.

Sec. 61.9838. AMOUNT OF LOAN REPAYMENT ASSISTANCE.

(a) The total amount of loan repayment assistance paid by the board under this subchapter may not exceed the total amount of money available in the fund under Section [61.9837](#).

(b) Not more than 4,000 eligible persons may be provided

loan repayment assistance under this subchapter in any school year.

(c) If in any year the amount of money available for loan repayment assistance under this subchapter is insufficient to provide loan repayment assistance to each eligible applicant or if there are more eligible applicants than the number authorized by this section, the board shall establish criteria to determine which eligible applicants will be provided repayment assistance as the board determines appropriate to further the purposes of this subchapter.

(d) Only available money in the mathematics and science teacher investment fund may be used for loan repayment assistance under this subchapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. 1720), Sec. 1, eff. June 14, 2013.

Redesignated from Education Code, Subchapter II, Chapter 61 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(16), eff. September 1, 2015.

Sec. 61.9839. REPAYMENT BASED ON CONTINUING EMPLOYMENT.

(a) Subject to Sections 61.9833(b) and 61.9838(c), an eligible person may continue to receive the same amount of loan repayment assistance received during the first four consecutive years of teaching service required under Section 61.9832(c)(2) if the person continues to teach in a public school in accordance with board rules for the prescribed number of consecutive school years occurring immediately after those first four years.

(b) Repealed by Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. 532), Sec. 9, eff. September 1, 2023.

(c) A person who does not satisfy the applicable conditions of this subchapter after establishing eligibility for an award of loan repayment assistance under this subchapter is no longer eligible to apply for such assistance.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. 1720), Sec. 1, eff. June 14, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 242 (S.B. 686), Sec. 4, eff. September 1, 2015.

Redesignated from Education Code, Subchapter [II](#), Chapter [61](#) by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. [21.001](#)(16), eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. [532](#)), Sec. 8, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1069 (S.B. [532](#)), Sec. 9, eff. September 1, 2023.

Sec. 61.9840. RULES. The board shall adopt rules necessary for the administration of this subchapter, including a rule providing for:

(1) the manner in which a person may apply for loan repayment assistance; and

(2) a method of awarding assistance under this subchapter that:

(A) gives first priority to applicants who are renewing their applications for loan repayment assistance provided under this subchapter; and

(B) awards any remaining available assistance according to a cumulative ranking system developed by the board based on the number of mathematics and science courses completed by the applicant and the grade received by the applicant for each of those courses.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. [1720](#)), Sec. 1, eff. June 14, 2013.

Redesignated from Education Code, Subchapter [II](#), Chapter [61](#) by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. [21.001](#)(16), eff. September 1, 2015.

Sec. 61.9841. APPLICATION FORM. (a) The board shall by rule adopt a common application form for use by new applicants and renewal applicants.

(b) The form must include a section in which the school district for which the applicant has taught for at least one year verifies the applicant's year of employment.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1229 (S.B. [1720](#)), Sec. 1,

eff. June 14, 2013.

Redesignated from Education Code, Subchapter [II](#), Chapter [61](#) by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 21.001(16), eff. September 1, 2015.

#### SUBCHAPTER NN. PEACE OFFICER LOAN REPAYMENT ASSISTANCE PROGRAM

Sec. 61.9951. DEFINITION. In this subchapter, "peace officer" has the meaning assigned by Article [2A.001](#), Code of Criminal Procedure.

Added by Acts 2019, 86th Leg., R.S., Ch. 567 (S.B. [16](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 2.041, eff. January 1, 2025.

Sec. 61.9952. LOAN REPAYMENT ASSISTANCE AUTHORIZED; PURPOSE. The board shall establish and administer a program to provide, in accordance with this subchapter and board rules, loan repayment assistance in the repayment of eligible loans for eligible persons who agree to continued employment as full-time peace officers in this state for a specified period.

Added by Acts 2019, 86th Leg., R.S., Ch. 567 (S.B. [16](#)), Sec. 1, eff. September 1, 2019.

Sec. 61.9953. INITIAL ELIGIBILITY. To be eligible to receive loan repayment assistance under this subchapter for the first year for which the person seeks loan repayment assistance, a person must:

(1) be initially employed as a peace officer on or after September 1, 2019;

(2) submit to the board an initial application for the loan repayment assistance, in the manner and on a form prescribed by board rule, that requires:

(A) employer verification of the person's employment as a full-time peace officer in this state for at least one year and the person's current employment as a peace officer in

this state as of the date of the application;

(B) a transcript of the person's postsecondary course work; and

(C) a statement of the total amount of principal, accrued interest, fees, and other charges due on all outstanding eligible loans for which the person is applying for repayment assistance;

(3) have earned at least 60 semester credit hours or the equivalent at an institution of higher education or a private or independent institution of higher education before the person's initial employment as a peace officer;

(4) be currently employed, and have completed at least one year of employment, as a full-time peace officer in this state; and

(5) comply with any other requirement adopted by the board under this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 567 (S.B. 16), Sec. 1, eff. September 1, 2019.

Sec. 61.9954. CONTINUING ELIGIBILITY. (a) Except as provided by Subsection (b), after initially qualifying for loan repayment assistance under Section 61.9953, a person may continue to receive loan repayment assistance in a subsequent year only if the person annually submits an application, in the manner and on a form prescribed by board rule, that requires employer verification of the person's continuous employment as a full-time peace officer in this state for the year ending immediately before the date the application is submitted under this section.

(b) A person may not receive loan repayment assistance under this subchapter for more than five years.

Added by Acts 2019, 86th Leg., R.S., Ch. 567 (S.B. 16), Sec. 1, eff. September 1, 2019.

Sec. 61.9955. AWARD. (a) Except as provided by this section, an eligible person is entitled to receive an annual amount of loan repayment assistance payments under this subchapter payable to the holders of the eligible person's eligible loans for each year

of eligibility approved by the board under Section 61.9953 or 61.9954 in an amount equal to the lesser of \$4,000 or 20 percent of the total amount stated in the person's application under Section 61.9953, subject to the amount of available funding.

(b) If at the time an eligible person submits an initial application under Section 61.9953 the payoff period for the person's total outstanding balance of eligible loans is less than five years, the board shall make annual payments under this subchapter to the holders of the person's eligible loans in the amounts of the payments and accrued interest due for the applicable year.

(c) The total amount of repayment assistance provided under this subchapter to an eligible person may not exceed \$20,000.

(d) If in any year the amount of money available for loan repayment assistance under this subchapter is insufficient to provide loan repayment assistance to cover all the payments for the year for all eligible loans of all eligible persons, the board shall establish criteria to determine the amount of available money to allocate to the holders of student loans of eligible persons as the board determines appropriate to further the purpose of this subchapter.

(e) An eligible person whose annual loan repayment assistance under this section is less than the amount necessary to cover the amount of principal and interest due on the person's eligible loans for that year is responsible for the payment of the remainder of the amount due and for otherwise preventing a default on the loan.

Added by Acts 2019, 86th Leg., R.S., Ch. 567 (S.B. 16), Sec. 1, eff. September 1, 2019.

Sec. 61.9956. ELIGIBLE LOANS. (a) The board may provide loan repayment assistance under this subchapter for the repayment of any student loan received by an eligible person through any lender for the cost of attendance at an institution of higher education or a private or independent institution of higher education for a semester or other term that ended in the five years immediately preceding the person's initial employment as a peace

officer.

(b) If the loan is not a state or federal guaranteed student loan, the promissory note or other loan agreement document governing the terms of the loan must require all the loan proceeds to be used for expenses incurred by a person in attending an institution of higher education or a private or independent institution of higher education.

(c) The board may not provide loan repayment assistance under this subchapter for an eligible loan that is in default on the date the person's application for loan repayment assistance is submitted under Section 61.9953 or 61.9954.

Added by Acts 2019, 86th Leg., R.S., Ch. 567 (S.B. 16), Sec. 1, eff. September 1, 2019.

Sec. 61.9957. PAYMENT OF LOAN REPAYMENT ASSISTANCE.

(a) The board shall pay any loan repayment assistance under this subchapter in a lump sum delivered on the eligible person's behalf directly to the holder of the loan.

(b) Loan repayment assistance provided under this subchapter may be applied to any amount due on the loan.

(c) Each state fiscal biennium, the board shall attempt to allocate all money available to the board for the purpose of providing loan repayment assistance under this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 567 (S.B. 16), Sec. 1, eff. September 1, 2019.

Sec. 61.9958. GIFTS, GRANTS, AND DONATIONS. The board may solicit and accept gifts, grants, and other donations from any public or private source for the purposes of this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 567 (S.B. 16), Sec. 1, eff. September 1, 2019.

Sec. 61.9959. RULES; POSTING REQUIRED. (a) The board shall adopt rules necessary for the administration of this subchapter.

(b) The board shall post on the board's Internet website a copy of the rules adopted under this subchapter and information



regarding the program established under this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 567 (S.B. 16), Sec. 1, eff. September 1, 2019.

#### SUBCHAPTER OO. RURAL VETERINARIAN INCENTIVE PROGRAM ACCOUNT

##### Sec. 61.9965. RURAL VETERINARIAN INCENTIVE PROGRAM ACCOUNT.

(a) The Texas Higher Education Coordinating Board shall administer the rural veterinarian incentive program account in accordance with Subchapter G, Chapter 56, to provide assistance in the repayment of student loans for eligible veterinarians who apply and qualify for the assistance under the rules of the Texas Animal Health Commission rural veterinarian incentive program committee.

(b) The rural veterinarian incentive program account is an account in the general revenue fund. The account is composed of:

(1) gifts, grants, in-kind contributions, or real or personal property contributed to the account from any individual, group, association, or corporation or the United States, subject to limitations or conditions set by law, for the purposes of this subchapter;

(2) earnings on the principal of the account; and

(3) other amounts deposited to the credit of the account, including:

(A) money deposited from a community or political subdivision that qualifies under the rules authorized by Section 56.105 to become a sponsor of an eligible participant under the program; and

(B) legislative appropriations deposited to the account.

(c) Money and resources in the account shall be made available and payable as soon as practicable at the request of the Texas Animal Health Commission and may be used only for the following purposes:

(1) to provide financial support as a lump sum to an eligible participant under Subchapter G, Chapter 56, the lender or other holder of the participant's affected loan, or the participant's university system;

(2) a reasonable amount, not to exceed seven percent of the account value, to cover the costs of administration of the program; or

(3) a reasonable amount, not to exceed three percent of the account value, as specifically required for the coordinating board for administration of the account.

(d) The unexpended balance of the account at the end of a fiscal year remains in the account subject to further appropriation for the purposes described by Subsection (c).

Added by Acts 1999, 76th Leg., ch. 435, Sec. 1, eff. Aug. 30, 1999.

Transferred, redesignated and amended from Education Code, Section 88.627 by Acts 2021, 87th Leg., R.S., Ch. 459 (H.B. 1259), Sec. 4, eff. September 1, 2021.

#### SUBCHAPTER RR. BEHAVIORAL HEALTH INNOVATION GRANT PROGRAM

Sec. 61.9991. BEHAVIORAL HEALTH INNOVATION GRANT PROGRAM. Subject to available funds, the board shall establish an innovation grant program under which the board awards incentive payments to institutions of higher education that administer innovative recruitment, training, and retention programs designed to increase the number of mental health professionals, as defined by Section 61.601, or professionals in related fields, as determined by the board, including by providing a salary increase or stipend to a faculty member who provides instruction to additional students in a degree or certificate program that graduates those professionals.

Added by Acts 2023, 88th Leg., R.S., Ch. 662 (H.B. 400), Sec. 2, eff. September 1, 2023.

Sec. 61.9992. FEDERAL FUNDS AND GIFTS, GRANTS, AND DONATIONS. In addition to other money appropriated by the legislature, for the purpose of increasing the behavioral health workforce in this state under the program established under this subchapter the board may:

(1) seek and apply for any available federal funds;  
and

(2) solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of the program.

Added by Acts 2023, 88th Leg., R.S., Ch. 662 (H.B. 400), Sec. 2, eff. September 1, 2023.

Sec. 61.9993. RULES. (a) The board shall adopt rules for the administration of the program established under this subchapter. In adopting the rules, the board shall solicit from the Texas Behavioral Health Executive Council information necessary to identify programs anticipated to produce the best outcomes and serve the greatest need.

(b) The rules must include:

(1) administrative provisions relating to the awarding of grants under this subchapter, such as:

(A) eligibility criteria for institutions of higher education, including a requirement that the institution demonstrate regional and state workforce need;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) procedures for evaluating grant applications; and

(E) procedures for monitoring the use of grants; and

(2) methods for tracking the effectiveness of grants that:

(A) using data reasonably available to the board, consider relevant information regarding the career paths of professionals described by Section 61.9991 during the four-year period following their graduation; and

(B) evaluate whether and for how long those professionals practice in a field described by Section 61.9991 in this state.

Added by Acts 2023, 88th Leg., R.S., Ch. 662 (H.B. 400), Sec. 2, eff. September 1, 2023.

Sec. 61.9994. AWARD OF GRANTS. In awarding grants under

the program, the board shall give priority to applicants that propose to:

(1) enhance or leverage existing degree programs that graduate professionals described by Section 61.9991;

(2) establish or maintain a program that serves a rural or underserved area;

(3) partner with:

(A) another institution of higher education to develop a joint program; or

(B) a public school to implement early recruitment in high school;

(4) establish or maintain a program that incentivizes professionals described by Section 61.9991 to serve in their field or a related field of study for at least three consecutive years following graduation in an inpatient or outpatient behavioral health facility or program that receives state funding;

(5) establish or maintain a degree or certificate program to educate professionals in specialties that face significant workforce shortages, including those described by Section 61.601; or

(6) establish or maintain psychiatric fellowship programs that serve correctional facilities or inpatient psychiatric facilities.

Added by Acts 2023, 88th Leg., R.S., Ch. 662 (H.B. 400), Sec. 2, eff. September 1, 2023.

Sec. 61.9995. GRANT AMOUNT. The amount of a grant awarded under this subchapter may not exceed \$1 million.

Added by Acts 2023, 88th Leg., R.S., Ch. 662 (H.B. 400), Sec. 2, eff. September 1, 2023.

Sec. 61.9996. REPORTING REQUIREMENTS. An institution of higher education that receives a grant awarded under this subchapter shall submit to the board an annual report on the amounts and purposes for which grant funds were spent during the year covered by the report.

Added by Acts 2023, 88th Leg., R.S., Ch. 662 (H.B. 400), Sec. 2,

eff. September 1, 2023.

Sec. 61.9997. ADMINISTRATIVE COSTS. A reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter may be used by the board to pay the costs of administering this subchapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 662 (H.B. [400](#)), Sec. 2, eff. September 1, 2023.