

# Chapter 4. Rules Applying to All Public Institutions of Higher Education in Texas

## Subchapter E. Approval of Distance Education and Off–Campus Instruction for Public Colleges and Universities

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### §4.101 Purpose

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

*Source Note: The provisions of this §4.101 adopted to be effective May 27, 2003, 28 TexReg 4115*

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### §4.102 Authority

The authority for this subchapter is Texas Education Code, §61.051(j).

*Source Note: The provisions of this §4.102 adopted to be effective May 27, 2003, 28 TexReg 4115*

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### §4.103 Definitions

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

(1) Board—The Texas Higher Education Coordinating Board.

(2) Commissioner—The Commissioner of Higher Education.

(3) Distance education—Instruction in which the majority of the instruction occurs when the student and instructor are not in the same physical setting. A class is considered a distance education class if students receive more than one–half of the instruction at a distance. Distance education can be delivered synchronously or asynchronously to any single or multiple location(s):

(A) Other than the "main campus" of a senior institution (or "on campus"), where the primary office of the chief executive officer of the campus is located;

(B) Outside the boundaries of the taxing authority of a public community/junior college district; or

(C) Via instructional telecommunications to any other distant location, including electronic delivery of all types.

(4) Institutional Plan—A long–term plan describing how an institution seeking authority to offer distance education and off–campus instruction will ensure quality and resources in providing such instruction, based on Board–adopted Guidelines for Institutional Plans.

(5) Instructional Telecommunications—Electronic telecommunication technology systems employed to deliver distance education instruction.

(6) Off–Campus—Instruction in which one–half or more of the instruction is delivered with the instructor and student in the same physical location and which meets one of the following criteria: for senior institutions, Lamar state colleges, or public technical colleges, off–campus locations are locations away from the main campus; for public community/junior colleges, off–campus locations are locations outside the taxing district.

(7) Program—Any certificate or degree program offered by a public institution of higher education.

(8) Regional Council—A cooperative arrangement among representatives of all public and independent higher education institutions within a Uniform State Service Region.

(9) Senior institution—Public universities, health science centers and health–related institutions. All provisions of this subchapter relating to universities or to "senior institutions" also apply to health science centers and health–related institutions.

(10) Service area—The territory served by a public community/junior college district as defined in Texas Education Code, Subchapter J (relating to Junior College District Service Area).

(11) Special professional—First professional degree programs, such as law, pharmacy, optometry, dentistry, medicine and veterinary medicine.

*Source Note: The provisions of this Â§4.103 adopted to be effective May 27, 2003, 28 TexReg 4115*

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#### **Â§4.104 General Provisions**

(a) This subchapter governs the following types of instruction:

(1) Academic credit instruction and formula–funded workforce continuing education provided by a public community/junior college outside of the boundaries of its taxing district;

(2) Academic credit instruction provided by a public technical college, Lamar state college, university, or health–related institution at a site other than the main campus where the primary office of the chief executive officer of the campus is located; or

(3) Academic credit instruction provided at out–of–state or foreign locations by public institutions of higher education;

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

(1) Non–credit adult and continuing education courses provided at a distance by universities and health science centers;

(2) Continuing education, except formula–funded workforce continuing education, provided by public community/junior colleges, Lamar state colleges, and public technical colleges; or

(3) Correspondence and extension classes that are not submitted for formula funding.

(c) The Board retains final authority for the offering of all classes, courses, programs, and degrees, and may take whatever action it deems appropriate to comply with the law or to maintain a high–quality and cost–effective system of distance education and off–campus instruction for the state.

(1) Each course and program offered under the provisions of this subchapter must be within the role and mission of the institution responsible for offering the instruction. Each course must be on the offering institution's inventory of approved courses, and each program must be on the offering institution's inventory

of approved programs.

(2) Prior approval may be required before an institution may offer courses and programs under the provisions of this subchapter in certain subject area disciplines or under other conditions specified by the Board.

(3) No doctoral or special professional degree programs may be offered via distance education or off-campus instruction without specific prior approval by the Board. The Commissioner may approve for delivery to other off-campus sites or via other delivery modes doctoral or special professional degree programs that have previously been approved by the Board for electronic or off-campus delivery.

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

(e) No graduate degree program may be offered via distance education or off-campus instruction without prior notification by the institution to the appropriate regulatory or accrediting agency or professional certification board.

(f) A program is considered to be offered via distance education or off-campus instruction if a student may complete a substantial majority of the program without taking any courses on the main campus of the public university, public technical college, or health-related institution providing the instruction, or without physically attending classes within the boundaries of the taxing district of the public community/junior college district providing the instruction.

(g) Notice of each course offered via off-campus instruction under the provisions of this subchapter shall be submitted to the Board. Notice of each program offered via distance education, including Internet delivery, or off-campus instruction shall be submitted to the Board. Notice shall be provided in accordance with provisions and schedules determined by the Commissioner.

(h) State-funded distance education and off-campus instruction shall be reported in accordance with the Board's uniform reporting system and the reporting provisions of this subchapter.

(i) Institutions may be required to provide special reports on distance education and off-campus courses and programs for inclusion in institutional and statewide reports.

(j) Institutions shall not submit for formula funding semester credit hours generated through distance education by any student who is not a Texas resident or is not physically located in Texas. In limited cases, exceptions can be approved by the Commissioner.

(k) Instruction delivered out-of-state through distance education to non-Texas residents should be treated as extension courses; institutions shall charge appropriate fees to cover the cost of instruction.

*Source Note: The provisions of this Â§4.104 adopted to be effective May 27, 2003, 28 TexReg 4115*

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#### **Â§4.105 Standards and Criteria for Distance Education and Off-Campus Instruction**

The following standards and criteria shall apply to distance education and off-campus instruction.

(1) Instruction shall meet the quality standards applicable to on-campus instruction.

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

(3) Students shall satisfy the same requirements for admission to the institution, to the program of which the course is a part, and to the class/section itself, as are required of on-campus students. Students in programs to be offered collaboratively must meet the admission standards of their home institutions.

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

- (5) Institutions shall provide training and support to enhance the added skills required of faculty teaching classes via instructional telecommunications.
- (6) The instructor of record shall bear responsibility for the delivery of instruction and for evaluation student progress.
- (7) Providers of graduate-level instruction shall be approved in the same manner as graduate faculty for on-campus instruction.
- (8) All instruction shall be administered by the same entity administering the corresponding on-campus instruction. The supervision, monitoring, and evaluation processes for instructors shall be comparable to those for on-campus instruction.
- (9) Students shall be provided academic support services – including academic advising, counseling, library and other learning resources, and financial aid – appropriate for distance education and off-campus learners.
- (10) Facilities (other than homes as distance education reception sites) shall be comparable in quality to those for on-campus instruction.
- (11) Institutions shall adhere to additional criteria outlined in the Guidelines for Institutional Plans for Distance Education and Off-Campus Instruction.

*Source Note: The provisions of this Â§4.105 adopted to be effective May 27, 2003, 28 TexReg 4115*

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#### **Â§4.106 Institutional Plan for Distance Education and Off-Campus Instruction**

- (a) Prior to offering any distance education or off-campus courses or programs for the first time, a public community/junior or Lamar state college, technical college, or senior institution shall submit an Institutional Plan for Distance Education and Off-Campus Instruction to the Board for approval. The Commissioner shall provide guidelines for development of such plans.
- (b) Institutional academic and administrative policies shall reflect a commitment to maintain the quality of distance education and off-campus programs in accordance with the provisions of this subchapter. An Institutional Plan shall conform to Board guidelines and criteria of the Commission on Colleges of the Southern Association of Colleges and Schools in effect at the time of the Plan's approval. These criteria shall include provisions relating to:
  - (1) Institutional Issues;
  - (2) Educational Programs;
  - (3) Faculty;
  - (4) Student Support Services; and
  - (5) Distance Education Facilities and Support.
- (c) Prior to Board consideration of an Institutional Plan, the Commissioner may approve an offering by an institution of a limited number of distance education courses for experimental purposes.
- (d) Each institution with an approved Institutional Plan for Distance Education and Off-Campus Instruction shall submit an updated Plan on a schedule to be determined by the Commissioner. Thereafter, Institutional Plans shall be reviewed periodically on a schedule to be determined by the Commissioner.

*Source Note: The provisions of this Â§4.106 adopted to be effective May 27, 2003, 28 TexReg 4115*

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#### **Â§4.107 Distance Education and Off-Campus Course and Program General Provisions**

(a) The Commissioner shall develop procedures governing the review and approval of distance education and off-campus courses and programs.

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

(1) The presidents, or designated representatives, of each public and independent institution of higher education with its main campus in each Region comprise the Council membership.

(2) The Commissioner shall develop procedures to govern Regional Council responsibilities.

*Source Note: The provisions of this Â§4.107 adopted to be effective May 27, 2003, 28 TexReg 4115*

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#### **Â§4.108 Out-of-State and Foreign Course and Program General Provisions**

(a) State-funded out-of-state and foreign off-campus courses offered by Texas public institutions of higher education, or by an approved consortium composed of Texas public institutions, shall be approved by the Commissioner in order for the semester credit hours or contact hours generated in those courses to be used for formula reimbursement and shall adhere to procedures and standards developed by the Commissioner for out-of-state and foreign offerings.

(b) Non-state-funded credit courses shall not be included in submissions to Regional Councils. Non-credit adult and continuing education courses offered at a distance by universities and health science centers are exempt from this subchapter.

(c) Institutions may not submit for formula funding distance education courses delivered outside the state without specific prior approval by the Commissioner.

*Source Note: The provisions of this Â§4.108 adopted to be effective May 27, 2003, 28 TexReg 4115*