

TACRAO Legislative Issues Committee Members

Samantha Taylor, Chair—Tarrant County College
Brenda Martinez—Texas Tech University
Sarina Willis—Prairie View A&M University
Julio Reyes—Laredo College
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Committee check-in meetings held on 03/21/2024, 04/18/2024, and 05/16/2024 and attended by Samantha Taylor and Brenda Martinez.

This report includes updates since the March 2024 Report.

1. Final Title IX regulations were released April 19, 2024 and are effective August 1, 2024.

- Protect against all sex-based harassment and discrimination. The final rule protects all students and employees from all sex discrimination prohibited under Title IX, including restoring and strengthening full protection from sexual violence and other sex-based harassment. The rule clarifies the steps a school must take to protect students, employees, and applicants from discrimination based on pregnancy or related conditions. And the rule protects against discrimination based on sex stereotypes, sexual orientation, gender identity, and sex characteristics.
- Promote accountability and fairness. The final rule promotes accountability by requiring schools to take prompt and effective action to end any sex discrimination in their education programs or activities, prevent its recurrence, and remedy its effects. The final rule requires schools to respond promptly to all complaints of sex discrimination with a fair, transparent, and reliable process that includes trained, unbiased decisionmakers to evaluate all relevant and not otherwise impermissible evidence.
- Empower and support students and families. The final rule protects against retaliation for students, employees, and others who exercise their Title IX rights. The rule requires schools to communicate their nondiscrimination policies and procedures to all students, employees, and other participants in their education programs so that students and families understand their rights. The rule supports the right of parents and guardians to act on behalf of their elementary school and secondary school children. And the rule protects student privacy by prohibiting schools from making disclosures of personally identifiable information with limited exceptions.

There is a fact sheet, summary of the major provisions, and a resource for drafting documentation. DOE link: <https://www.ed.gov/news/press-releases/us-department-education-releases-final-title-ix-regulations-providing-vital-protections-against-sex-discrimination>

2. April 29, 2024, Texas Attorney General Ken Paxton sued the Biden Administration over these changes to title IX. On the same day, Governor Abbott wrote a letter to President Biden, condemning the Title IX changes.

Link to the filing:

www.texasattorneygeneral.gov/sites/default/files/images/press/Title%20IX%20Complaint%20Filed.pdf

Link to the governor's letter to the president:

<https://gov.texas.gov/uploads/files/press/O-BidenJoseph1.pdf>

- 3. May 8, 2024, Governor Greg Abbott sent a letter to Texas' public university systems and community colleges directing them to not comply with President Biden's recent revision of Title IX and to refrain from implementing any new system-wide policy related to this revision.** The letter went out to Texas A&M University System, Texas Southern University, Texas State University System, Texas Tech University System, Texas Women's University System, University of Houston System, University of North Texas System, and University of Texas System, as well as Texas' community colleges.

Link to the governor's letter to Texas higher education institutions:

https://gov.texas.gov/uploads/files/press/Texas_Regents_Title_IX.pdf

- 4. May 14, 2024 – Texas Attorney General Ken Paxton filed an amended complaint along with a motion for a stay of agency action and a preliminary injunction in his lawsuit against the Biden Administration over the new Title IX regulations.** So far, 7 other US states have also indicated they will not comply with the new Title IX regulations: Arkansas, Florida, Louisiana, Montana, Nebraska, Oklahoma, and South Carolina.

Link to amended complaint:

<https://www.texasattorneygeneral.gov/sites/default/files/images/press/Title%20IX%20Amended%20Complaint.pdf>

Link to the stay and preliminary injunction motion:

<https://www.texasattorneygeneral.gov/sites/default/files/images/press/Title%20IX%20PI%20Motion.pdf>

- 5. In May 2024, leaders from all 7 university systems in Texas wrote to Texas Senator Brandon Creighton, the author of SB 17, to describe the work their institutions have done to ensure compliance with SB 17, after he indicated that institutions could lose their funding or face legal consequences if they weren't following the law, which went into effect in January.** The responses to questions indicated that the systems have closed multicultural offices, fired or reassigned DEI staff, and stopped requiring diversity statements in consideration for positions. Schools have eliminated required DEI training for students, faculty, and staff. Those who still allow access to DEI material have made DEI training optional and completely voluntary.

Concerns from institutions are related to grant writing and accreditation.

- Federal grant applications include diversity-related questions and they are unsure how to respond and remain in compliance with SB 17.
- Many accreditation agencies have DEI standards that institutions need to uphold to continue their accreditation. The Southern Association of Colleges and Schools (SACS) does not have a DEI standard, but other agencies that provide accreditation for programs do have them and it will be challenging to be compliant with these requirements alongside SB 17.

Link to Universities' DEI Questions and Responses:

<https://static.texastribune.org/media/files/73618ab053656dfe2962c759a99e0b0f/Universities%20DEI%20Responses.pdf>

- 6. April 18, 2024 - Gov Abbott directed THECB to create a task force to provide opportunities and remove barriers and expand healthcare programs and provide students with tools to succeed in the field. The task force will provide a report in October 2024.**

Link to the governor's letter: https://gov.texas.gov/uploads/files/press/Harrison_Keller_THECB.pdf

- 7. In March 2024, the THECB released a report to satisfy a requirement of Senate Bill 25. SB 25 outlines measures to facilitate the transfer, academic progress, and timely graduation of students in public higher education.** This THECB report describes: (1) courses in the Lower-Division Academic Course Guide Manual that are not granted credit at a receiving general academic teaching institution and (2) the number of courses taken by students at each public two-year college who either transferred to a general academic teaching institution or earned an associate degree at the college. THECB says that findings from this report are valuable for understanding transfer patterns and potential challenges facing transfer students. THECB staff, in partnership with institutions, continue to identify areas for improvement for future years of data collection and will refine the methodology to understand the challenges in the transfer pipeline and identify potential improvements or areas that require additional attention or analysis.

The legislative issues committee has read the report and we have noted that THECB are overlooking a key datapoint. This data fails to consider which courses for transfer apply to degree plans at the receiving institution. Many universities will award credit but will still require the student to take their version of the course to fulfill degree requirements. This can leave students with courses counted as electives or not applicable to their degrees, even though they are being awarded college level credit. Students may be subject to increased expense due to excessive hours and be delayed in finishing their degrees.

Link to the report: <https://reportcenter.highered.texas.gov/reports/data/sb-25-report-on-non-transferable-credit-march-2024/>

- 8. May 9, 2024, Governor Abbott appointed university student regents and a student representative to the THECB.**
- 9. May 21, 2024 - Governor Abbott made appointments to the THECB**
 - Juan Nevarez (new)
 - Richard Clemmer (reappointment)
 - Welcome Wilson, Jr. (reappointment)
 - Stacy Hock (named vice chair of the board)

Federal updates:

- 10. Consolidated Appropriations Act, 2024** – On April 29, 2024, The Office of Postsecondary Education made an announcement about in-state tuition and Title IV eligibility for citizens of the Freely Associated States. Effective on July 1, 2024, for the 2024-25 award year, a public institution of higher education (IHE) (not a private IHE that offers in-state tuition) may not charge more than its in-state tuition rate to citizens of the three Freely Associated States, which are the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau. This requirement applies to tuition charged to students on or after July 1, 2024. This law clarifies that citizens of all three Freely Associated States are eligible for the following three Title IV, HEA programs: Pell Grants, Federal Work Study (FWS), and Federal Supplemental Educational Opportunity Grant (FSEOG). The law also provides that IHEs located in the Freely Associated States may participate in these three programs: Pell Grants, FWS, and FSEOG. The Amended Compacts between the United States and FSM and RMI discontinue the Supplemental Education Grants (SEG) which were previously provided by the Department directly to the governments of FSM and RMI.

Link to the congressional act: <https://www.congress.gov/118/bills/hr4366/BILLS-118hr4366enr.pdf>

Link to the Office of Postsecondary Education's announcement: <https://pw.usembassy.gov/wp-content/uploads/sites/148/2024/05/In-State-Tuition-and-Title-IV-Eligibility-for-FAS.pdf>

Link to FAS Citizens Fact Sheet: <https://www.uscis.gov/sites/default/files/document/fact-sheets/FactSheetVerifyFASCitizens.pdf>

The Legislative Issues Committee have read this act and recommend the following: Students who are citizens of the Freely Associated States are non-US citizens, but they qualify for aid, as described above. The Consolidated Appropriations Act also indicates that institutions can't charge students of the Freely Associated States more than their in-state tuition rate. This doesn't mean they are automatically being granted Texas residency; it just means that public institutions in Texas can't charge more than their in-state rates. Most citizens of the Freely Associated States are eligible to travel to the US as nonimmigrants without visas under the terms of their nations' Compacts of Free Association with the United States. These Compacts allow them to live, work, get an education, and access other services in the US. They are eligible to domicile and may become lawful permanent residents before applying for naturalization as a US citizen.

- 11. The Department of Education announced it would be giving out \$50 million in funding. Organizations and state agencies helping students complete their FAFSAs can apply for funding.** This is an attempt to support students as they navigate the new FAFSA. Many universities moved their May 1st decision deadlines to May 15th to allow students more time.