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How Much is Too Much?: Administrative Burden and Texas State Policy

Report for the SMU Texas-Mexico Center

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Abstract

Several states, including Texas, have implemented an “excess semester credit hours (ESCH)” policy. State ESCH policies assess a fee to students at public institutions when they exceed a set number of lifetime cumulative credit hours (e.g., students with more than the 120 credit hours needed for a bachelor’s degree). Little is known about the administrative burden the implementation of and communication about state ESCH policies places on students. Therefore, I conducted a document analysis of the websites of all Texas public institutions. I analyzed 120 documents that were collected from November 2019 to April 2020. While some institutions created systems to help reduce burden, the preliminary results suggest several institutional patterns of requiring students to shoulder the majority of the burden for complying with the policy. This included institutions creating significant learning and compliance costs for students.

How Much is Too Much?: Administrative Burden and Texas State Policy

Scholars have found persistent disparities in college completion for students of color, low-income students, and first-generation college students (e.g., Bound, Lovenheim, & Turner, 2010, 2012; Flores, Park, & Baker, 2017). Research also shows that historically disadvantaged students, particularly those who identify as women, Black, or low-income, borrow at the highest rates, borrow the largest amounts of student loans, and struggle the most with repayment (e.g., AAUW, 2017; Baker, 2019; Hillman, 2015). States have attempted to focus on balancing the need to control student debt while encouraging on-time graduation through a variety of policy solutions, such as limiting the number of credits that can be required of a degree program (Korn, 2014).

One key policy solution some states have adopted is implementing policies regarding “excess semester credit hours (ESCH),” defined as any credit hours above the cumulative number required for an undergraduate degree (Korn, 2014; Kramer, Holcomb, & Kelchen, 2018). These policies assess a fee to students at public institutions when they exceed a set number of cumulative credit hours (e.g., students with more than the 120 credit hours needed for a typical bachelor’s degree). The aim of such policies is to encourage institutions to create streamlined systems to support students course-taking decisions while discouraging students from taking a large number of courses that are unnecessary for the students’ degrees (thereby limiting both the time to degree and the undergraduate debt incurred). These policies range from charging 120% of the tuition rate to charging the out-of-state tuition rate for the ESCH. As of 2013, nine states had adopted some type of ESCH policy (Arizona, Florida, Massachusetts, Nevada, North Carolina, Texas, Utah, Virginia, and Wisconsin).

In practice, however, evidence suggests that ESCH policies can harm students, institutions, and states on a number of outcomes, such as increased student debt loads, decreased likelihood of employment, reduced earnings, and loss of state appropriations or funding for institutions (see Kramer et al., 2018 for a review). For example, since the students most responsive to ESCH policies are generally from lower socioeconomic backgrounds or are the first in their families to go to college (Kramer et al., 2018), these policies could differentially affect students who are already less likely to complete a college degree. However, while the extant research has raised important concerns of unintended consequences across states, it is difficult to understand how these state-level policies are implemented at individual institutions and how that implementation could be associated with potential harms for students.

In reaction to disparities in graduation rates and the potential negative consequences of large debt burdens to both the student and society (Baker & Doyle, 2017; Flores et al., 2017; Looney & Yannelis, 2015; Rothstein & Rouse, 2011; THECB, 2015), Texas implemented an ESCH policy for Texas residents (in-state students) in 1999. Organizations like Complete College America have touted the Texas ESCH policy (Complete College America, 2011), even though, to my knowledge, there is a dearth of research that has systematically investigated the ways that Texas institutions actually implement ESCH policies or whether the policies have an identifiable effect. The current study helps fill the gap in the literature on the implementation portion of the story while the larger research project also focuses on the potential for causal impacts.

Texas is a useful state for a case study for two reasons. First, for Texas bachelor's degree earners, having a shorter time-to-degree is associated with less cumulative undergraduate debt and smaller debt-to-income ratios (Baker, 2019). Recent causal research (Kramer et al., 2018), however, finds evidence that ESCH policies can increase the median undergraduate cumulative

student debt (as the policies increase the price of an additional credit but do not incentivize students to reduce the number of credit hours they attempt), indicating a need for additional research in order to better understand the implementation of these policies.

Second, the results of the current study are useful beyond Texas. The state is near the national average of residents with at least a bachelor's degree (THECB, 2016). Texas is also near the national average for tuition and fees, ranking 20th for public four-year institutions (THECB, 2016). Median household income was approximately \$53,000 in 2014, ranking Texas number 23 nationally (THECB, 2016). Further, Texas has approximately 5.2 million PK-12 students and 1.5 million higher education students. Together, these features make it likely that other states' policymakers would find the results from research conducted on Texas state policy useful for their own contexts. A case study of Texas's ESCH policy will improve the scholarly understanding of one of the mechanisms states use to increase completion while minimizing debt (e.g., Korn, 2014) and will provide evidence for the creation and implementation of better-targeted state and institutional policies.

In order to investigate the implementation of the policy, I focus on the ways that the institutions' websites communicate about the policy. Websites can be critical mechanisms for institutions to communicate their identity along with pertinent information for key stakeholder groups, e.g., students, staff, faculty (Blanco & Metcalfe, 2020). Scholars have used websites to study communication of the purpose of higher education (Saichaie & Morphey, 2014), sexual assault supports and policy (Lund & Thomas, 2015), accessibility (Erickson et al., 2013), the diversity of students (Ford & Patterson, 2019), marketing and admissions (Poock & Lefond, 2001), as well as more specific web-based tools like net price calculators (Perna, Wright-Kim, & Jiang, 2019). Institutional websites are seen as fundamental methods to communicate critical

policies to students (Shadinger, 2013). For these reasons, examining websites provides evidence on one of the primary ways that institutions could use to communicate with students about the ESCH policy.

The current study addresses the following set of research questions:

1. How do the websites of Texas public institutions communicate about the excess semester credit hour policy?
2. How does this communication vary across institutions?

There is not clear evidence on how institutions communicate about the ESCH policy to students. This communication is likely one of the key mechanisms that powers the theory of action for the policy. It is critical, therefore, to better understand how this communication, and what it reveals about institutional implementation of the policy, can mitigate or exacerbate administrative burden students face when attempting to comply with the policy. This is particularly true for institutions that serve significant numbers of students from marginalized communities. I examined all Texas public institutions' websites to find any guidance regarding the implementation of and communication about the Texas ESCH policy. I conducted a document analysis on 120 documents (67 from four-year institutions and 53 from two-year institutions). While some institutions created systems to help reduce burden, I found several institutional patterns of requiring students to shoulder the majority of the burden for complying with the policy. In the rest of this paper, I provide an overview of the policy background for the Texas ESCH followed by a description of the theoretical framework. I detail the research methods and preliminary findings and conclude with a discussion of how the preliminary findings relate to prior research and policy recommendations.

Policy Background

Texas implemented its original excess credit hours policy in the fall of 1999 (one of the first states). Texas required that the THECB withhold funding for any in-state students who enroll after attempting 45 credit hours above the number required for the students' degree program (*Texas Education Code* Section 54.014, full text included in Appendix A). The state reduced the threshold to 30 credit hours in 2006 (amended by *Texas Education Code* Section 61.0595). For a typical bachelor's degree, which requires 120 credit hours, the threshold for sanction would be enrolling after attempting 150 credit hours. The cumulative number of attempted credit hours includes double majors, minors, repeat courses, and courses that students withdrew from after the add/drop deadline (since this is a total of *attempted* credit hours). Credit hours do not count for the following courses:

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; and

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. (*Texas Education Code* Section 61.0595)

Students who have not yet declared a major are assumed to have a major requiring 120 credit hours. In order to make up for the lost funding, Texas allows institutions to charge up to the out-of-state tuition rate for those students. As evidenced by the legislative language in Appendix A, institutions are allowed to create a policy to make certain students exempt from the extra charge, based on “hardship” the student faces (allowing institutions the flexibility to set their own requirements and guidelines). The funds that the state of Texas saves are supposed to go into the Toward Excellence, Access, & Success grant program. The THECB calculates the official totals for semester credit hours for each in-state Texas student, though this is based on information reported by individual institutions each semester. Students can conceivably track their credit hours on their own, but it can be difficult since attempted courses are included. Institutions can face challenges in tracking the total attempted semester credit hours, as students could have attended another Texas public institution and not provided the institution with the transcript. This will be discussed further in the Findings section.

In 2011, the Texas legislature passed an amendment to the state ESCH policy which would have allowed students who earned an associate's degree prior to pursuing a bachelor's degree the opportunity to waive any ESCH the student took while enrolled at the two-year institution (Texas Legislative Council, 2011). With this amendment, any credits beyond those required for the students associates degree would no longer count toward the total cumulative semester credit hours that could trigger the ESCH policy. The semester credit hours that counted toward the associate's degree would be added to the cumulative total. The amendment targeted students earning an associate's degree because students attending two-year institutions who transfer often do not receive credit for a significant share of courses that they successfully completed, leading the students to have a large number of ESCH (Barshay, 2017). It is likely that students who transfer are one of the primary groups of students who are affected by the ESCH policy. Governor Rick Perry vetoed the bill saying that it would "remove important incentives for students and community colleges to focus on degree completion" (Texas Legislative Council, 2011, p. 185). Governor Perry went even further to say that the bill would "encourage students to waste time and money, along with taxpayer dollars, and would prevent students and community colleges from being held accountable for responsible academic planning and advising" (Texas Legislative Council, 2011, p. 185). Therefore, the state of Texas upheld that, without the ESCH policy, students and institutions would not be sufficiently motivated for students to complete their degrees in a timely manner.

Based on prior research, Texas and other states' focus on excess credit hours could be a vital way to decrease time-to-degree (e.g., Baker, 2019). Little research has been conducted on excess credit hours policies' effects on student success. The most rigorous research used a difference-in-difference framework to analyze the effects of excess credit hours policies at the

state level for bachelor's degree recipients. The authors of that research found little to no evidence supporting an increase in on-time completion due to excess credit hours policies (Kramer et al., 2018). They did find, however, that the policies increased the median amount of debt accumulated by students. This effect was exacerbated for students from first-generation and low-income backgrounds or who did not earn a credential. Therefore, instead of students finishing earlier, prior research suggests that students simply borrow more to finance the additional costs of attending higher education after the price increase. This research helps to provide evidence on the state-level effect of ESCH policies. However, scholars have little evidence on how these policies are actually implemented in order to better understand the mechanisms that may lead to the increase in debt (and little effect on the time-to-degree for students). The current seeks to help fill this gap.

Theoretical Framework

To explore the ways that the ESCH policy is implemented and communicated, I rely on the theoretical framework of administrative burden. Administrative burden focuses on the costs associated with policy implementation that individuals must experience (Herd & Moynihan, 2018). The framework of administrative burden has been applied to many policies, e.g. voting rights, abortion restrictions, health care, taxes, social security, immigration, social welfare (Burden, Canon, Mayer, & Moynihan, 2012; Heinrich, 2018; Herd, 2015; Herd, DeLeire, Harvey, & Moynihan, 2013). In higher education, administrative burden has been applied to studies on research administration and promise programs (Bell, 2019; Bozeman & Youtie, 2020), while the concept is also applicable to additional areas such as student financial aid (Moynihan & Herd, 2018; Moynihan, Herd, & Harvey, 2014). The federal government, a state, a locality, or a college all have the ability to create a policy and determine how that policy will be

implemented. A key point of administrative burden is that the implementation of any policy will require some type of burden. However, that burden can be borne by the policy adopting body, the policy targets, or some combination of the two. The burden can also range from being a negligible nuisance to something insurmountable. Therefore, all policy implementation has costs associated with it, but these costs can vary in severity and pervasiveness.

These costs are often categorized into three areas: learning, compliance, and psychological (Herd & Moynihan, 2018). Learning costs are those that individuals accrue by attempting to acquire information about the facets of a policy, such as existence of the policy, whether the individual is eligible for a benefit or subject to a sanction. Compliance costs are the time, energy, and hurdles individuals must face to apply for a policy, provide supporting documentation, and generally gain access to a benefit or appeal a sanction. Psychological costs are the emotional challenges associated with the policy, which can range from a general stigma associated with the policy to the stress of attempting to follow a policy.

Administrative burden is particularly useful when attempting to understand the implementation of the ESCH policy. The theory of action for the ESCH policy is that students and institutions are not properly incentivized to ensure shorter time-to-degree for undergraduate students. By creating the ESCH policy, the theory posits that institutions will be incentivized to create degree programs and academic supports that are better aligned with a shorter time-to-degree. This policy could also incentivize students to complete in a shorter amount of time or have to face a significantly higher price for college. However, if students are not aware of the policy or their cumulative number of attempted credit hours, which could occur due to variation in policy implementation, it could be that the theory of action will not be upheld and the policy will not have its intended effects. Students who face less administrative burden are likely to be

able to navigate the policy more effectively and either will not have to face sanctions for attempting too many credit hours or be able to better navigate the appeal process, which can lift the sanction.

Both the state of Texas and individual institutions play a role in determining how the policy will be implemented and thus experienced by students and their families. By investigating the websites of all Texas public institutions, I am able to analyze the administrative burden that may be placed on students seeking to comply with the ESCH policy. Due to the analysis focusing on websites as a source of public communication, the current study focuses on the learning and compliance costs associated with administrative burden. Institutions' websites may be one of the primary places where students can acquire knowledge about the policy and how it is being implemented at their institution. As well, the websites offer instructions on how students can navigate compliance applications, e.g., how to apply for an appeal.

While these two general cost areas likely apply in some way to all of the Texas public institutions, prior research suggests it is critical to examine how the burden is distributed across institutions. I highlight two of the reasons this type of investigation is needed. One, prior research suggests that marginalized communities, e.g., individuals of color and from lower-income backgrounds, are more likely to face additional administrative burden (e.g., Herd & Moynihan, 2018). This means that institutions that serve more of these students could have more burdensome processes for the implementation of their ESCH policies. Two, administrative burden theorists note that the capacity of the administration will directly influence its ability to shoulder an appropriate amount of the burden associated with policy implementation (Herd & Moynihan, 2018). Therefore, it is likely that institutions with less capacity (e.g., less staff, less funding, less prestige) will be more likely to shift administrative burden onto the students. For

these reasons, it will be critical to examine the characteristics and contexts of different institutions and how that relates to their communication choices regarding their websites.

Data and Method

Sample

Due to the ESCH policy only affecting undergraduate students attending public four-year and two-year institutions, I restricted the sample to all Texas public institutions that serve undergraduate students.¹ This criteria resulted in 34 four-year institutions and 65 two-year institutions.² Due to the likelihood that transfer students are particularly vulnerable to ESCH, it is critical to include both two-year and four-year institutions in the sample. Of the 99 total institutions, 3 were Historically Black Colleges and Universities (HBCUs) and approximately half had less than 10,000 students.³ The majority of institutions were located in a city and the majority of the four-year institutions were Carnegie Classification doctoral institutions (20 doctoral compared to 14 master's).

I supplemented the data collected on this sample with institutional characteristics from the U.S. Department of Education's Integrated Postsecondary Education Data System (IPEDS).

¹ In order to identify institutions that serve undergraduate students, I used the IPEDS variable `ft_ftug`. This variable measures whether full-time first-time degree/certificate-seeking undergraduate students are enrolled (and is the primary measure used by the federal government to identify institutions educating undergraduate students). I removed all institutions that answered no to this question for the 2018-2019 academic year. That includes the Texas A&M University – Central Texas, Texas Tech University Health Sciences Center, Texas Tech University Health Sciences Center – El Paso, the University of Texas Health Science Center at Houston, the University of Texas Health Science Center at San Antonio, the University of Texas MD Anderson Cancer Center, the University of Texas Medical Branch, University of North Texas Health Science Center, University of Texas Health science Center at Tyler, and University of Texas Southwestern Medical Center.

² There are five institutions that IPEDS labels as four-year institutions though they are community colleges: South Texas College, Tyler Junior College, Brazosport College, Austin Community College District, and Midland College. I analyze these institutions as if they are two-year institutions but do explore how these institutions communication aligns with four-year institutions.

³ Texas has no Tribal Colleges or Universities. All other Minority-Serving Institution (MSI) designations are based, largely, on enrollment of certain student population (which is already being investigated). Therefore, I do not separate out other MSI institutions.

These characteristics included: HBCU status, urbanicity⁴, Carnegie Classification (basic)⁵, in-district tuition and fee charges, in-state tuition and fee charges, out-of-state tuition and fee charges, percent of undergraduates who received a Pell grant, percent of undergraduates who received a student loan, average net price (costs of attendance, such as tuition and fees, room and board, books, and travel, minus total aid), total undergraduate enrollment, and full-time first-time undergraduate enrollment.

Data Collection and Analysis

The study includes two different types of analysis. The first, and primary analysis method, involved document analysis of institutional communication with students about the ESCH policy. The second included semi-structured interviews with key institutional administrators involved with implementation of the ESCH policy. For the document analysis, a member of the research team collected screenshots or pdfs of every webpage that mentioned one of the 99 public institutions and ESCH from November 2019 to April 2020.^{6,7}

The research team member's search terms included "[University Name]" and: "excessive credit hours," "excess credit hours," "excessive semester credit hours," "catalog," "registrar," "tuition," "tuition and fees," and "student handbook." This search resulted in 120 documents (64 documents for four-year institutions and 56 documents for two-year institutions). I conducted a review of all the collected documents and removed any documents that were not housed at the institution's website (e.g., a document referring to an institution and its tuition and fees housed at the THECB) or referred to a different excessive credit hour policy (e.g., federal financial aid). I

⁴ Urbanicity was collapsed to city, suburban, town, and rural.

⁵ Carnegie Classification was collapsed to Associate's, Associate's/Bachelor's, Master's, and Doctoral.

⁶ Some relevant webpages were already created as documents (in the pdf format). For others, the research team saved a screenshot or pdf of each page to retain a "document" copy of the page. For this reason, all webpages are referred to as documents throughout the report.

⁷ Document collection began in November to allow any new policies to take effect for that year.

also read every collected document and added any additional document to which the originally collected documents referred. This resulted in eight documents being removed and another eight being added with a final analytical sample of 120 (67 four-year and 53 two-year) documents.

Document analysis “combines elements of content analysis and thematic analysis” (Bowen, 2009, p.32). I analyzed the documents with a focus on which institutions had information available for students, whether the language on the website replicated the legislative text (versus providing information in a more conversational manner for students), where institutions chose to host the information about the ESCH policy, and what the actual information shared with the hypothetical student. As I read through each document, I wrote a summary of its key points along with thematic codes in Excel. At the end of each analysis day I wrote a theoretical memo detailing overarching reflections on the documents. These theoretical memos were critical in allowing me to summarize the evolving patterns in the documents from the constant comparative method. While I did not force any codes to align with the theoretical framework of administrative burden, I spent weeks before conducting analysis immersing myself in the prior empirical and theoretical research on administrative burden.

As noted in the theoretical framework section, it is key to examine the ESCH policy communication both across and within institutional level. There can be large, meaningful differences in the potential penalty associated with the ESCH by institutional level. Two-year institutions charge out-of-state students, on average, \$6,710 in tuition and fees compared to \$4,120 for in-state students. This is a much smaller increase for the out-of-state rate than for students attending four-year institutions. Four-year institutions, on average, charge out-of-state students \$20,540 compared to \$8,650 for in-state students. This partially explains why the average net price for four-year institutions is \$11,730 on average and \$6,260 for students

attending two-year institutions. For these reasons, I coded the four-year institution documents first, then the two-year institutions. Each document was coded separately, then I analyzed the pattern of codes across the levels of higher education to examine their similarities and differences.

Once I completed all the document summaries and comparisons, I combined these codes into seven macro themes. These seven macro themes had elements aligning with administrative burden's learning and compliance costs, however I focused on categorizing each theme based on the cost it primarily embodied.⁸ Therefore, from the document analysis, I found five learning costs themes (which institutions include information, overview of the policy, locus of control within the institution, student notification, and baccalaureate degree focus) and two compliance costs themes (determining who is being sanctioned and waivers and appeals). I then reread all of the documents with a focus on those seven themes and noted whether each was present and, if present, the manner in which it was communicated for every document.

Contemporaneous to the document collection, I conducted interviews with institutional stakeholders in offices of financial aid at three different Texas public universities during the AY 2019-2020.⁹ The interviews were semi-structured and lasted between thirty minutes and one hour. All three institutions were four-year institutions. There is no clear guidance from the Texas state legislature or any institution as to which administrator will have authority over implementation of the ESCH policy.

⁸ I did this primarily for ease of understanding how the emergent themes align with the larger theoretical framework.

⁹ Additional interviews were scheduled but the covid-19 pandemic required the administrators to focus on supporting their campuses and understandably left little time for participation in research. While it would have been useful to be able to interview administrators at two-year institutions, the overwhelming focus of their websites on the responsibility four-year institutions have with implementing the ESCH policy means that the administrators interviewed for the current study are the ones most likely to deal with policy implementation.

While the document analysis is the primary investigation discussed in this report, where useful I complement it with insights learned from the semi-structured interviews. This combination allows me to research the administrative burden students face when navigating this type of policy and the avenues institutions choose for communication and support for students.

Preliminary Findings

In order to explore the themes surrounding ESCH policy communication and administrative burden, I detail the themes clustered by their alignment with either learning or compliance costs. These findings result from the preliminary analysis conducted for this report.

Learning Costs

The document analysis provides evidence for several learning costs of the implementation of the ESCH policy. I focus on which institutions have information on their websites, overview of the policy, locus of control within the institution, student notification, and baccalaureate degree focus.

Table 1. Institutional level and documents collected

	Documents Collected					
	0	1	2	3	4	5
Two-year	34	14	12	5	0	0
Four-year	4	9	10	8	1	2
Total	38	23	22	13	1	2

Characteristics of Institutions with ESCH Documentation. Table 1 includes the institutional level and number of documents collected for all of the Texas public institutions. Two-year institutions had an average of approximately 1 document while four-year institutions had an average of approximately 2. I was unable to find any documents relating to the ESCH

policy for the majority of two-year institutions (34 of 65). In contrast, only four of the four-year institutions had no documents (out of 34 total). I could find no documents for any of the HBCUs that explained the ESCH policy using the search criteria.

When I explored the relationship between institutional characteristics and having ESCH documentation on the website by institutional level, I found several correlations.¹⁰ For two-year institutions, at conventional significance levels, I found a positive relationship between the number of documents collected and total undergraduate enrollment. Therefore, larger total undergraduate enrollment was associated with a larger number of documents being collected. I also found a negative relationship between documents collected and in-state tuition. For four-year institutions, I found a positive relationship for share of students who borrow. In addition, I found a negative relationship for HBCUs. This means that two-year institutions with larger total undergraduate enrollment and institutions with lower in-state tuition were predicted to have a larger number of documents collected. It also means that four-year institutions that had a larger number of student borrowers or that were non-HBCUs were predicted to have a larger number of documents collected.

I also explored how the racial variation in undergraduate enrollment predicted the likelihood of institutions having any documents related to the ESCH policy.¹¹ I found that—regardless of whether examining total or full time, first time undergraduate enrollment—four-year institutions with more Black and Latinx students were predicted to have fewer documents

¹⁰ To do this, I regressed the continuous measure documents collected on in-state tuition and fees, out-of-state tuition and fees, share of students who received the Pell grant, share of students who borrowed, total undergraduate enrollment, first-time full-time undergraduate enrollment and binaries for HBCU status, urbanicity, and Carnegie Classification. I estimated these relationships twice, once for two-year institutions and once for four-year institutions.

¹¹ I estimated the relationship between a binary indicator of documents being collected (=1 if any document could be found) and enrollment measures for White, Black, Latinx, American Indian/Native Alaskan, Asian, and Hawaiian/Pacific islander students. I estimated this two different times: 1) total undergraduate enrollment and 2) full-time, first-time enrollment.

(though at a fairly small magnitude where 100 additional students predicts -0.04 and -0.01 documents respectively). I also estimated the relationship between the continuous measure of documents collected and racial variation in enrollment. I found no statistically significant evidence of a relationship. Therefore, it appears that, descriptively, institutions with larger shares of Black and Latinx students are also more likely to not have any documents only when examining the variation in having any documents compared to having none. These are not causal estimates. Still, these correlations show that there are some patterns associated with the institutions from which I was able to collect documents. This is an important caveat to keep in mind as I detail the document analysis findings as well as investigating which students have the largest learning costs.

Overview of the ESCH Policy. The majority of documents included a summary of the ESCH policy and an outline of the courses that were included or excluded from the cumulative number. Typically, at four-year institutions, the website would provide a general overview of the policy along with a link to the undergraduate catalog that would outline the courses in more detail. For example, on Sam Houston State University's registrar website the following paragraph is included:

Undergraduate students initially enrolled after the Fall 1999 Term through the Summer of 2006 that exceed by more than 45 hours the number of hours required for their degree at a Texas public institution of higher education and students initially enrolled beginning the Fall 2006 Term that have exceeded by more than 30 hours the number of hours required for their degree at a Texas public institution of higher education may be charged at a higher rate of tuition for those excess hours. For more information refer to "Tuition for Excessive Undergraduate Hours" in the undergraduate catalog. (SHSU, 2020)

Though, it is important to note, at the undergraduate catalog, the institution only lists the first four categories of excluded courses (as ordered in the Policy Background section of this report). This is in contrast to institutions like Texas A&M-Corpus Christi, which lists every course included and excluded based on the Texas Education Code in more readable language than the legislative text (A&M CC, 2020a). At the typical two-year institution, there was scant information about the policy with institutions rarely sharing the exact courses that are included or excluded.

Similar to the courses included or excluded, there was significant variation in how much institutional websites clarified to which students the ESCH policy applies. For example, even though this criteria applies for all institutions, several institutions never mentioned that out-of-state students who are able to receive in-state tuition are also subject to the ESCH policy (such as, several institutions in the northern region of Texas allow Oklahoma residents in neighboring counties to Texas to qualify for in-state tuition). It is easy to see how this could create confusion for students.

Several institutions' websites also included erroneous information. Four two-year institutions only mentioned the 45 credit hour cushion (so the communication was not updated to reflect the 2006 update). A number of institutions, regardless of level, also implied that International Baccalaureate and Dual Credit (both courses students take to satisfy high school requirements) could count toward the cumulative total even though the Texas Education Code excludes these courses.

A critical piece of information for students would be the extra fee charged due to violation of the ESCH policy. There was wide variation in the fee. Texas Woman's University charges an additional \$35 per ESCH (TWU, 2020), Midwestern State University charges \$150

per ESCH (MSU, 2020), Stephen F. Austin State University charges \$200 per ESCH (which is a change as it charged the full out-of-state tuition amount until 2017) (SFA, 2020), the University of North Texas charges \$300 per ESCH (UNT, 2020a), and Texas A&M University charges the out-of-state tuition rate (A&M, 2020). Using Texas A&M as an example, according to IPEDS, in AY 2018-2019 in-state students paid \$11,870 in tuition while out-of-state students paid \$37,495. This would mean that in-state students who violated the ESCH policy would pay an additional \$25,625. Still, several institutions that charged an excess fee did not list that fee amount when discussing the policy (and often did not list the amount on the tuition and fees website either). Only one four-year institution, the University of Texas at Austin, and one two-year institution, Panola College, included explicit language that students who violated the ESCH policy would not be charged an additional amount (so the institutions would cover any funds not provided by the state) (PC, 2020; UT, 2020).

It is necessary to also note the tactics some institutions used in order to engage in above average burden sharing with students (thereby reducing the burden for students). Three institutions created additional webpages in order to actively reduce the learning costs for students. Two of those institutions, Texas A&M University-Corpus Christi and Texas A&M University-Kingsville, created a Frequently Asked Questions (FAQs) website (A&M CC, 2020c; A&M Kingsville, 2020). These websites included the answers to questions focused on who is affected, when notifications are sent, how different types of program are counted (e.g., double majors, change major), and what to do if a student thinks their cumulative semester credit hours have been calculated incorrectly. The sites also included readable language and several additional webpages to provide help (discussed in the Compliance Costs section below). The third institution, the University of North Texas, focused on reducing student burden by creating a

utility within the student accounts website that allows students to check their own status on the way to the ESCH threshold (UNT, 2020b). While the institution states that this is not the official number (the official number being the one calculated by the THECB), this is done to provide students with more information about their total number of attempted semester credit hours. The site includes the total number of hours to complete their degree, total of all attempted credit hours (including transfer credits), and the number of hours in excess. While other institutions may have created something similar, based on the documents collected from the websites, this appears to be rare (none of the other documents refer students to this type of website to gain more information about their status).

Institutional Locus of Control for Policy Implementation. There is no guidance on which areas within a single institution focus on the implementation of the ESCH policy. For this reason, it can be useful to explore which units appeared to have “ownership” of policy implementation and the most direct responsibility for the administrative burden. Close to half of the documents (49 of the four-year and 37 of the two-year institutions) were linked to either the institution’s registrar or bursar office (including undergraduate catalog documents). It was rare for any documents to be included on financial aid websites. This was more frequent for two-year institutions due, in part, to what appeared to be a requirement by the Dallas County Community College District (DCCCD) to include a warning about the potential to be charged more on all financial aid websites of individual two-year institutions (the majority of DCCCD institutions included the exact same language on several websites).

This finding is bolstered by the interviews conducted with financial aid administrators. Administrators generally expressed a lack of knowledge about the existence of this policy. For example, an administrator answered “I had to google it” when asked what they knew about the

excess semester credit hour policy. These administrators rarely had a formal role to play in ESCH policy implementation (beyond occasional university-wide meetings with high-level administrators). None of the administrators knew of systematic ways to provide additional funding for students who were charged the extra fee due to the ESCH policy. The financial aid administrators all agreed that it was likely “that most students get surprised by [the extra fee].” One even mentioned that, even though the policy is on the institution’s website, “It could be that for a number of students...the first time they know about [the policy] is when the tuition bill doesn’t make sense to them.” The interviews with the financial aid administrators, all at the director or deputy director level, provided evidence that information about the implementation of this policy primarily falls under the purview of the registrar’s office. This suggests that, if students attempt to contact the financial aid office about the additional charges and the potential for financial help, the students are unlikely to find systematic structures in place ready to help them. By keeping information about the implementation of the policy in a silo, it is likely that students’ learning costs increase.

Notification of Status. The document analysis showed that it was rare for institutions to detail automatic notifications provided to students about their status regarding the ESCH policy. The THECB collects information on attempted semester credit hours from each institution every term (including the summer) (D. Parker, personal communication, April 30, 2020). That information is the basis for a report that is sent to each institution every term outlining the students who are within 30 credit hours of their ESCH threshold (45 or 30 credits depending on when the student started college). Therefore, every public institution is notified when students are within at least two semesters of violating the ESCH policy based on attempting 15 credit hours per semester. Due to privacy concerns, the THECB only provides institutions with the

names of students and does not include the total number of attempted credits for the students. Each institution determines whether and how to notify students of their status regarding the ESCH policy.

While some institutions were completely silent on automatic notifications, others provided detailed information. Texas State University notifies students when they have attempted 90 semester credit hours while Texas A&M University-Kingsville sends students an “approaching” email once the students enroll for any courses above the number required for their degree program (TSU, 2020; A&M Kingsville, 2020). The University of Texas at Tyler’s registrar places a flag on a student’s account when students are approaching (student is getting close), about to exceed (student will reach the ESCH threshold at the end of the current academic term), or already exceeding the ESCH policy (UTT, 2020). As outlined above, the University of North Texas created a dashboard that includes a count of excess semester credit hours for each student (UNT, 2020b). It is important to emphasize that some of these notifications are based on institutions’ estimates of the number of semester credit hours attempted instead of the totals provided by the THECB. Still, these types of notifications help reduce learning costs for students as they can more easily track their cumulative number of attempted credit hours.

Baccalaureate Degree Focus. The legislative text regarding the ESCH policy focuses on students who have attempted 30 semester credit hours beyond their degree requirement. There is no mention of this policy only affecting students pursuing a bachelor’s degree. However, several two-year institutions explicitly stated that the policy only applies to students seeking their bachelor’s degree. For example, Alvin College labels the explanation of the policy in the student catalog the “Excessive Hours – Early Warning for Students Seeking a Baccalaureate Degree” (AC, 2020). In conversation with career staffers at the THECB, it became clear that the THECB

determined that the legislative intent of the ESCH policy was focused on students attempting to earn a baccalaureate degree, which drives this focus (D. Parker, personal communication, April 30, 2020).

This is likely why some of the transfer websites for two-year institutions mentioned the policy. For example, Kilgore College's transfer page includes a section for "Excessive Hours – Baccalaureate Degree" (KC, 2020). Under this section, students are told that "Excess credit hours are those hours attempted by a resident undergraduate student that exceed by more than 30 hours the number of hours required for completion of the bachelor degree program in which the student is enrolled" (KC, 2020). Institutions often recommended students contact the institution they were interested in transferring to in order to gain a better understanding of how the ESCH policy could affect them.

Overall, there was a clear emphasis across the two-year documents that the implementation of the ESCH policy falls under the jurisdiction of Texas four-year institutions. Several institutions' documents did not list the types of courses that are included or excluded, along with several other key parts of the policy. Therefore, students attending community colleges appear to face additional learning costs since most of these institutions, when documents were available, present the ESCH policy as an issue for four-year institutions.

Compliance Costs

Turning to compliance costs, the documents collected primarily focused on the costs of appealing and removing the additional fee that comes with the sanction from the ESCH policy. In this section I highlight determining who is sanctioned and waivers and appeals.

Determining who is Sanctioned. As outlined above, the THECB notifies institutions of students who are within 30 credit hours of the students' threshold for violating the ESCH policy

or of students who are, according to its numbers, above the threshold. The only information sent about the students is their names; several institutions and the THECB shared that this was due to concerns with student privacy and violating the Family Educational Rights and Privacy Act (FERPA). The THECB receives information on course-taking from each institution each term. The reason the THECB supplies institutions with reports on students' total attempted credit hours is that institutions may not have access to all the courses students have attempted as undergraduates (V. Reyna, personal communication, April 30, 2020). However, I will outline why this is a more complex process than what is communicated on institutional websites using a hypothetical in-state student named Jane who started college after 2006. Once Jane attempts 31 credits over her degree program requirements, the THECB includes her name in a report to the institution for the following term to alert the institution to the *possibility* that Jane is in violation. The institution does not automatically lose funding for Jane that term. The institution must meticulously document for every student the number of courses taken that are funded versus non-funded. For Jane, once she has violated the ESCH policy, the institution must document that all of her courses are non-funded courses. This number of non-funded courses is factored into future funding support that the state of Texas provides to the institution. For this reason, the THECB views it as the institution's responsibility to determine which students are sanctioned by the ESCH.

Even though the THECB highlights the role that institutions must play, several institutions explicitly stated that it is the THECB which determines who is sanctioned. All institutions that discussed what happens after students were sanctioned mentioned that students should request their total count of attempted semester credit hours from the THECB as the THECB is the only accurate source of this information. Therefore, institutions recommended

students complete a FERPA release form and submit it to the institution (and some institutions like the University of Houston- Downtown required students to submit a copy of photo identification as well; UHD, 2020). This would allow the institution to contact the THECB and gain access to the actual numbers upon which the sanctions are based (as even though the THECB does not technically determine that students are in violation of the ESCH policy, several institutions rely on their reports as if it does).

Without this additional step, institutions reported having no access to accurate information about the cumulative number of students' semester credit hours. This is the recommended first step because it is the only way advisers and the registrar's office can advise students based on accurate information. Therefore, in order for students to comply with the steps to appeal the additional fee, they must complete additional paperwork and then wait for their institution to contact THECB, THECB to share information with the institution, and finally schedule a meeting with their adviser. This reveals the contested ownership of declaring a student in violation of the ESCH policy and the several additional steps students must take in order to verify if they have been accurately flagged as above their ESCH threshold.

Waivers and Appeals. There is wide variation in the ways that institutions handle appeals. Likely due in part to the baccalaureate focus of institutions, appeals are only discussed in four-year institutions' documents. Fifteen institutions make at least one mention of a waiver or appeal in their documents. Some institutions require students to pay for the semester at the higher rate and then, if the appeal is granted, the student will be reimbursed (e.g., Tarleton State University; Tarleton, 2020). Some institutions require students to reapply every semester (e.g., Texas A&M University-Texarkana; A&M Texarkana, 2020) and others allow the waiver to count for however many semesters the student has left (e.g., University of Texas at San Antonio;

UTSA, 2020). Others will only grant an appeal if it is for the students' final semester at the institution (such as Texas A&M University-Commerce; A&M Commerce, 2020). Students can be required to attend an in-person appeal meeting or it can be optional. The appeal forms generally require some description of why the student needed to attempt excess semester credit hours and supporting documents verifying the reason. Some institutions, such as the University of Texas at San Antonio, also required the student to submit their degree plan showing the courses remaining until graduation and an unofficial transcript (UTSA, 2020). Therefore, depending on the institution, there can be several additional steps in order to successfully appeal the additional fee.

Institutions also vary in the reasons that an appeal can be granted. The legislative text for the ESCH policy offers institutions to waive the additional fee due to "hardship" broadly defined. Some institutions, such as Texas A&M University-Corpus Christi, make clear the reasons students can and cannot appeal the additional fee. On its appeal form, the institution notes that students can appeal if they believe dual enrollment courses are being included in the cumulative count, were participating in military active duty, took Title IX leave for a semester, documented disability negatively affected academic work, medical withdrawal, death of a family member, provide care for someone which negatively affected academic work, last semester of ROTC, or Pell grant recipient in semester the fee would be assessed (A&M CC, 2020b). Texas A&M University-Corpus Christi also listed the reasons an appeal would not be granted, including part-time status, work schedule, academic suspension, sanctions due to academic code violations, repeat courses, academic advising challenges, change of major, financial implications, and course load.

Other institutions present a single justification for an appeal. The University of Houston-Clear Lake outlines that:

The Texas Education Code allows hardship waivers of the Tuition Recovery Fee.

Requests for waivers will be reviewed using criteria specified in the Texas Education Code by the Associate Vice President for Enrollment Management. To be considered for a waiver, the student must submit a Free Application for Federal Student Aid (FAFSA) to the University of Houston-Clear Lake (School Code: 011711). UHCL will use the FAFSA to determine a student's Expected Family Contribution (EFC). The EFC will be used to determine if a hardship waiver is warranted. (UHCL, 2020).

This justification aligned with several institutions granting Pell grant recipients waivers or exemptions for the additional fee. Other institutions include broad outlines of the justifications for an appeal or add special rules (e.g., allowing the number of credits required to be increased for double majors).

A minority of institutions will “automatically” grant an appeal to students. This was due to two reasons: Pell grant receipt or imminent graduation. At certain institutions, students receiving a Pell grant for the semester that the additional fee would be assessed granted the students an “automatic” waiver for the additional fee (due to evidence of economic hardship). Typically, students have access to 12 semester of Pell grants (funding approximately six years of education) (Federal Student Aid, 2020). As an example, students who take 15 credits a semester and have a degree program that requires 120 semester credit hours will violate the ESCH policy when they have attempted 150 semester credit hours. That violation would occur after approximately 10 semesters (150 total divided by 15 per semester) and would generally leave students with two semesters of Pell grant eligibility left.

At the University of Texas at Tyler and West A&M University, students who would be graduating at the end of the semester that requires the additional fee would be able to appeal (UTT, 2020; West A&M, 2020). As an example of the language, the University of Texas at Tyler shares that “For students who have filed for graduation, an exemption to the payment of higher tuition for excessive hours in their graduating semester is available in the form of an automatically-approved Application for Appeal.” (UTT, 2020). Of particular note, students had to complete the additional form to receive their “automatic” waiver. Staying with the example of the University of Texas at Tyler, right after explaining the exemption for imminent graduation, the document also states “While supporting documentation is not required, the student must formally request this exemption by submitting an Application for Appeal cover sheet and a typed letter noting they wish to claim this exemption” (UTT, 2020). Therefore, depending on the institution, compliance costs to successfully appealing the ESCH policy sanction can be significant. Even when students are granted automatic appeals, those students must still complete additional paperwork.

Discussion

The Texas ESCH policy is ostensibly meant to incentivize students and institutions into decreasing the time-to-degree for students. However, when examining the administrative burden of the policy, the current study found that the available information on Texas public institutions’ websites creates several additional costs, with few commensurate reductions, for students to navigate learning about the policy and complying with the requirements to appeal its sanctions. Policy implementation decisions by both the state of Texas and individual institutions exacerbate the administrative burden for students and can have material consequences for the students resulting in higher tuition and fee bills. According to preliminary findings, institutions vary

widely in the amount of information provided to students with few institutions creating systems to notify students when they are in danger of violating the ESCH policy (even though they are all notified of students who are within 30 credit hours of their threshold).

As well, information appears to be siloed within registrar offices at institutions broadly and within four-year institutions. Institutions did not generally create a way for students to monitor their cumulative number of attempted credits which creates difficulty both for students to comply with the policy or to be able to successfully appeal. This is in addition to a significant share of institutions, primarily two-year institutions, that do not have any information on the policy. These preliminary findings help to explain how the implementation of the ESCH policy may lead to the negative impacts of the policy found nationally by Kramer and colleagues (2018). With significant burden for students to learn about the policy and attempt to comply with rules for appealing sanctions, it is logical that students could be caught unawares by additional charges.

There are limitations to the current study. By primarily studying publicly available information on websites, it is likely that I have missed some documentation that institutions provide to students. Still, if a student were surprised by the parameters of this policy, as several financial aid administrators I spoke with posited, it is likely one of the first steps the student would take is to search the website for further information. The goal of registrar offices, which generally hold the primary responsibility of communicating about the ESCH policy, is to facilitate “communicating, collaborating, and coordinating with people” across the university (Lanier, 2006, p. 19). This combined with evidence showing that students are more likely to use electronic methods of seeking help, such as the registrar website, instead of contacting an individual (Kitsantas & Chow, 2007), bolster the need to better understand how institutional

websites communicate about policies. This reliance on publicly available information is likely exacerbated by the current pandemic, which severely restricts students' ability to access in-person services.

Based on the theoretical framework of administrative burden, the current study provides evidence that the policy implementation of the Texas ESCH policy shifts a majority of the burden onto students. Theory predicts that institutions with significant shares of students from marginalized communities would be more likely to shift administrative burden onto the students. If examining the findings in total (including both the four-year and two-year institutions), this would appear to have support as students attending two-year institutions are the ones most likely to face substantial learning costs. And, within four-year institutions, weak evidence of this can be seen in the negative association between the number of Black and Latinx students enrolled and likelihood of finding documents. Further, I found no evidence of documents pertaining to the ESCH policy on HBCU websites. This is particularly troubling as Black students in the United States, and particularly in Texas, are more likely to disproportionately rely on student loans (Baker, 2019; Hillman, 2015). Prior research shows that one of the key outcomes of states adopting ESCH policies is an increase in median student debt (Kramer et al., 2018). Therefore, Black students are particularly vulnerable to borrowing additional money to attend higher education yet none of the Texas public HBCUs provided information about a policy that has a likely impact of increasing debt.

Administrative burden also predicts that institutions with less capacity will be more likely to shift burden onto students. It is likely that some of the institutions without information about the policy on their website (thus the institutions with the most severe learning costs) could also have significant capacity constraints that restrict their ability to frequently update websites

(though this policy in its current form has been in place for over a decade). Also, capacity at both the THECB and individual institutions likely drives implementation that increases learning and compliance costs. Even when institutions are able to reduce these costs, e.g., by creating automatic reasons for appealing, students must still apply to receive the waiver (likely so that institutions have clear reasons for why the appeal was granted though this is not required by the legislature or the THECB). On a macro level, the THECB likely lacks the capacity to contact students directly about their cumulative attempted credit hours.

Three key policy recommendations are suggested by these preliminary findings. One, it might be useful to explore ways to give students greater access to their accurate total attempted semester credit hours. For example, the THECB currently notifies institutions when students are within 30 semester credit hours of the threshold for the policy (though only with the student's name and not the number of credits attempted). Institutions or the THECB contacting students more regularly would better allow students and institutions to proactively plan before the sanctions associated with the ESCH are applicable. Or, having students sign FERPA releases upon enrollment to any public Texas institution to allow the THECB to provide institutions with the total number of attempted credit hours could provide institutions with the legal ability to help students track their own credits. This form would need to apply to any other public Texas institution in order to not unintentionally increase the paperwork for students.

Two, creating statewide automatic exemptions to the policy, like receiving a Pell grant, would help to create a more systematic way for students to appeal large increases in tuition and fees without additional administrative burden for the students. The state committing to still providing funding for students automatically exempted would show the states' commitment to increasing degree attainment for those facing economic hardship. Three, Two-year institutions

have to consider clearer communication about the policy. Transfer students will likely face additional hurdles, as suggested by prior research and the 2011 legislation vetoed by then Governor Perry. Also, several Texas institutions have pursued offering bachelor's degrees after the 2017 Texas legislature approved community colleges' ability to offer the degrees in high-need areas, such as nursing (Ayala, 2017). The ESCH policy will apply to any students pursuing a baccalaureate degree, including those attending two-year institutions.

Future research needs to investigate how students themselves report perceiving burden. It would also be informative to gather the perceptions of institutional administrators in the registrar's office and employees at the state level who hold institutions accountable for complying with the law. The current study is part of a larger research project that will also quantitatively analyze the causal impact of adopting an ESCH-type policy in the state of Texas. It will be imperative to incorporate an understanding of variation in administrative burden when estimating those effects.

Conclusion

It is commendable to focus on helping students to graduate from college in a shorter timeframe with less debt. However, it can be difficult to craft policy that achieves those aims without also increasing the administrative burden that students must face in order to successfully navigate higher education. Examining one facet of this administrative burden, the way that institutions communicate about the policy, provides preliminary evidence that students attending certain institutions face significantly more burden than others. Elements of policy implementation, like administrative burden, have to be taken into consideration when crafting policy in order to guard against unintended consequences.

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Appendix A

Texas Education Code Section 54.014 part (a)

An institution of higher education may charge a resident undergraduate student tuition at a higher rate than the rate charged to other resident undergraduate students, not to exceed the rate charged to nonresident undergraduate students, if before the semester or other academic session begins the student 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 by at least 30 hours the number of semester credit hours required for completion of the degree program in which the student is enrolled. For purposes of this subsection, an undergraduate student who is not enrolled in a degree program is considered to be enrolled in a degree program or programs requiring a minimum of 120 semester credit hours, 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. An institution of higher education that charges students tuition at a higher rate under this subsection may adopt a policy under which the institution exempts from the payment of that higher rate a student that is subject to the payment of the higher rate solely as a result of hardship as determined by the institution under the policy.