

## **BILL ANALYSIS**

C.S.H.B. 796  
By: Delisi  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently students who do not have a certain score on a college entrance exam or high school exit examination must take the TASP test in order to certify they are ready to begin college level work. If they do not pass each section of the TASP test, the student must undergo some level of developmental education and then retake the TASP test and pass the section or sections they did not pass.

This test and the developmental education system that is currently mandated by state law serves as a barrier to many seeking to improve themselves. The committee substitute to CSHB 796 allows higher education institutions the ability to tailor their developmental education program to individual students rather than forcing a one size fits all solution.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 4 of this bill.

### **ANALYSIS**

CSHB 796 provides for the elimination of the Texas Academic Skills Program and the requirement that a deaf student who enrolls in an institution of higher education must take the Stanford Achievement Test. The bill provides for the establishment of Success Initiative.

CSHB 796 amends Subchapter F, Chapter 51, Education Code, by adding Section 51.3062 to provide that an institution of higher education shall assess the academic skills of each entering undergraduate student to determine the student's readiness to enroll in freshman-level academic coursework. The bill provides that an institution may not use the assessment, or the results of the assessment as a condition of admission to the institution.

CSHB 796 provides that the Texas Higher Education Coordinating Board (board) shall designate an instrument for use by institutions of higher education in assessing students under this section, and that if practical and feasible, not later than September 1, 2005, the board shall designate the exit-level assessment instrument required under section 39.023 as the primary assessment. The bill provides that the board may designate additional assessment instruments for use by institutions of higher education under this section.

CSHB 796 provides that an assessment instrument designated by the board must be diagnostic in nature and designed to assess a student's readiness to perform freshman-level academic coursework. The bill provides that the board shall prescribe standards for the assessment instrument or instruments that reflect that student's readiness, and that an institution of higher education may adopt more stringent assessment standards with respect to student readiness.

CSHB 796 provides that each institution of higher education shall establish a program to advise students regarding coursework and other means by which students can develop the academic skill required to successfully complete college-level work. The bill provides that if a student fails to meet the

assessment standards, the institution of higher education shall work with the student to develop a plan to assist the student in becoming ready to perform freshman-level academic coursework. The bill requires that the plan be designed on an individual basis to provide the best opportunity for each student to attain that readiness.

CSHB 796 provides that an institution of higher education may refer a student to developmental coursework as considered necessary by the institution to address a student's deficiencies in the student's readiness to perform freshman-level academic coursework, except that the institution may not require enrollment in developmental coursework with respect to a student previously determined by any institution of higher education to have met college-readiness standards. The bill provides that a student may retake an assessment instrument at any time to determine readiness to perform freshman-level academic coursework.

CSHB 796 provides that an institution of higher education shall determine when a student is ready to perform freshman-level academic coursework, and that the determination may include requiring a student to retake an assessment instrument or other means of evaluating student readiness. The bill provides that the institution must make its determination on an individual basis according to the needs of the student.

CSHB 796 provides that the legislature shall appropriate money for approved non-degree-credit developmental courses, except that legislative appropriations may not be used for developmental coursework taken by a student taken in excess of: 18 semester credit hours, for a general academic teaching institution; and 27 semester credit hours, for a public junior college, public technical institute, or public state college.

CSHB 796 provides that the board may develop formulas to supplement the funding of developmental academic programs by institutions of higher education, including formulas for supplementing the funding of non-course-based programs. The bill provides that the board may develop a performance funding formula by which institutions may receive additional funding for each student who completes the Success Initiative and then successfully completes college coursework. The bill provides that the legislature may appropriate the money required to provide the additional funding under those formulas.

CSHB 796 provides that each institution of higher education shall report annually to the board on the success of its students and the effectiveness of its Success Initiative. The bill provides that the board shall evaluate the effectiveness of the Success Initiative on a statewide basis and with respect to each institution of higher education.

CSHB 796 provides that a student who has received a score set by the board on the Scholastic Assessment Test (SAT) or the American College Test (ACT) is exempt from the requirements of this section. The bill provides that an exemption under this subsection is effective for the 5-year period following the date a student takes the test and achieves the standard set by the board.

CSHB 796 provides that a student who has achieved a score set by the board on an exit-level assessment instrument required under Section 39.023 is exempt from the requirements of this section. The bill provides that the exemption is effective for the 3-year period following the date a student takes the assessment instrument and achieves a standard set by the board. This subsection does not apply during any period for which the board designates the exit-level assessment instrument required under Section 39.023 as the primary assessment instrument under this section, except that the 3-year period described by this subsection remains in effect for students who qualify for an exemption under this section before that period.

CSHB 796 provides that this section does not apply to: a student who has graduated with an associate or baccalaureate degree from an institution of higher education; a student who transfers to an institution of higher education from a private or independent institution of higher education or an accredited out-

of-state institution of higher education who has satisfactorily completed college-level coursework; a student who is enrolled in a certificate program of one year or less at a public junior college, public technical institute, or a public state college; or a student who is serving on active duty as a member of the Armed Forces of the United States. The bill provides that an institution of higher education may exempt a non-degree seeking or non-certificate seeking student from the requirements of this section.

Sections 51.306 and 51.3061, Education Code, are repealed to eliminate the Texas Academic Skills Program, and the requirement that a deaf student who enrolls in an institution of higher education must take the Stanford Achievement Test.

CSHB 796 provides that the Texas Higher Education Coordinating Board shall adopt rules for the administration of this section, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the board may adopt the initial rules in a manner provided by law for emergency rules.

#### **EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 796 modifies the original by reinstating certain provisions relating to the Texas Academic Skills Program, and the testing and remedial coursework for deaf students. The substitute establishes the Success Initiative to assess the readiness of entering college students to enroll in freshman-level academic coursework. The substitute provides that the Success Initiative is established to provide the advising and educational support necessary for success in college and to assist students who are not yet ready to enroll in that coursework. The substitute provides for the implementation and operation of the Success Initiative.