

BILL ANALYSIS

Senate Research Center

H.B. 796
By: Delisi (West)
Education
5/24/2003
Committee Report (Amended)

DIGEST AND PURPOSE

Currently students who do not have a certain score on a college entrance exam or high school exit examination must take the Texas Academic Skills Program (TASP) test to certify that 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. Some believe this test and the developmental education system that is currently mandated by state law serves as a barrier to some students. H.B. 796 requires an institution of higher education to assess the academic skills of each entering undergraduate student to determine the student's readiness to enroll in freshman-level academic coursework, but prohibits it from using the results of the assessment as a condition of admission to the institution. This bill also requires the Texas Higher Education Coordinating Board (THECB) to designate an instrument for use by institutions of higher education in assessing students under this section and establishes the framework and reporting requirements for the Success Initiative. H.B. 796 also repeals Sections 51.306 (Texas Academic Skills Program) and 51.3061 (Testing and Remedial Coursework for Deaf Students), Education Code.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to Texas Higher Education Coordinating Board in SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. LEGISLATIVE INTENT. Sets forth legislative intent.

SECTION 2. AMENDMENT. Amends Subchapter F, Chapter 51, Education Code, by adding Section 51.3062, as follows:

Sec. 51.3062. SUCCESS INITIATIVE. (a) Provides that the definitions provided by Section 61.003 (Definitions) apply to this section.

(b) Requires an institution of higher education to assess the academic skills of each entering undergraduate student to determine the student's readiness to enroll in freshman-level academic coursework. Prohibits an institution from using the assessment or the results of the assessment as a condition of admission to the institution.

(c) Requires the Texas Higher Education Coordinating Board (THECB) to designate an instrument for use by institutions of higher education in assessing students under this section.

(d) Requires THECB, if practical and feasible, not later than September 1, 2005, to designate the exit-level assessment instrument required under Section 39.023 (Adoption and Administration of Instruments) as the primary assessment instrument under this section. Provides that this subsection expires September 1, 2006.

(e) Authorizes THECB, as it considers necessary, to designate additional

assessment instruments for use by institutions of higher education under this section.

(f) Requires an assessment instrument designated by THECB for use under this section to be diagnostic in nature and designed to assess a student's readiness to perform freshman-level academic coursework. Requires THECB to prescribe standards for the assessment instrument or instruments that reflect that student readiness. Authorizes an institution of higher education to adopt more stringent assessment standards with respect to student readiness.

(g) Requires each institution of higher education to establish a program to advise students regarding coursework and other means by which students can develop the academic skills required to successfully complete college-level work.

(h) Requires the institution of higher education, if a student fails to meet the assessment standards described by Subsection (f), to work with the student to develop a plan to assist the student in becoming ready to perform freshman-level academic coursework. Requires the plan to be designed on an individual basis to provide the best opportunity for each student to attain that readiness.

(i) Authorizes the institution of higher education to 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 is prohibited from requiring enrollment in developmental coursework with respect to a student previously determined by any institution of higher education to have met college-readiness standards.

(j) Authorizes a student to retake an assessment instrument at any time to determine readiness to perform freshman-level academic coursework.

(k) Requires an institution of higher education to determine when a student is ready to perform freshman-level academic coursework. Authorizes the determination to include requiring a student to retake an assessment instrument or other means of evaluating student readiness. Requires the institution to make its determination on an individual basis according to the needs of the student.

(l) Requires the legislature to appropriate money for approved non-degree-credit developmental courses, except that legislative appropriations are prohibited from being used for developmental coursework taken by a student 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.

(m) Authorizes THECB to 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. Authorizes THECB to develop a performance funding formula by which institutions may receive additional funding for each student who completes the Success Initiative established under this section and then successfully completes college coursework. Authorizes the legislature to appropriate the money required to provide the additional funding under those formulas.

(n) Requires each institution of higher education to report annually to THECB on the success of its students and the effectiveness of its Success Initiative.

(o) Requires THECB to evaluate the effectiveness of the Success Initiative on a statewide basis and with respect to each institution of higher education.

(p) Provides that a student who has achieved a score set by THECB on the Scholastic Assessment Test (SAT) or the American College Test (ACT) is exempt from the requirements of this section. Provides that an exemption under this subsection is effective for the five-year period following the date a student takes the test and achieves the standard set by THECB.

(q) Provides that a student who has achieved a score set by the board on an exit-level assessment instrument required under Section 39.023 (Adoption and Administration of Instruments) is exempt from the requirements of this section. Provides that the exemption is effective for the three-year period following the date a student takes the assessment instrument and achieves the standard set by THECB. Provides that this subsection does not apply during any period for which the board designates the exit-level assessment instrument required under Section 39.023 (Adoption and Administration of Instruments) as the primary assessment instrument under this section, except that the three-year period described by this subsection remains in effect for students who qualify for an exemption under this section before that period.

(r) Sets forth the students to whom this section does not apply.

(s) Authorizes an institution of higher education to exempt a non-degree-seeking or non-certificate-seeking student from the requirements of this section.

SECTION 3. REPEALER. Repealer: Sections 51.306 (Texas Academic Skills Program) and 51.3061 (Testing and Remedial Coursework for Deaf Students), Education Code.

SECTION 4. TRANSITION. Requires THECB to adopt rules for the administration of Section 51.3062, Education Code, as added by this Act, as soon as practicable after this Act takes effect. Authorizes THECB, for that purpose, to adopt the initial rules in the manner provided by law for emergency rules.

SECTION 5. EFFECTIVE DATE. Effective date: upon passage or September 1, 2003.

LIST OF COMMITTEE AMENDMENTS

COMMITTEE AMENDMENT NO. _____ BY _____

Amend HB 796 by striking subsection (r)(4) of SECTION 2 of the bill (Engrossed version, page 5, line 13-14) and substituting a new subsection (r)(4) and adding new subsections (r)(5) and (6) to read as follows:

"(4) a student who is serving on active duty as a member of:

(A) the armed forces of the United States; or

(B) the Texas National Guard;

(5) a student who is currently serving as and, for at least the three-year period preceding enrollment, has served as a member of a reserve component of the armed forces of the United States; or

(6) a student who on or after August 1, 1990, was honorable discharged, retired,

or released from:

(A) active duty as a member of the armed forces of the United States or the Texas National Guard; or

(B) service as a member of a reserve component of the armed forces of the United States."