

By: Delisi, West

H.B. No. 796

Substitute the following for H.B. No. 796:

By: Brown of Brazos

C.S.H.B. No. 796

A BILL TO BE ENTITLED

1 AN ACT

2 relating to repealing the Texas Academic Skills Program and  
3 establishing the Success Initiative.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. LEGISLATIVE INTENT. The purpose of this Act is  
6 to provide for assessment of the readiness of entering college  
7 students to:

8 (1) enroll in freshman-level academic coursework; and

9 (2) by providing advising and educational support  
10 necessary for success in college, assist students who are not yet  
11 ready to enroll in that coursework.

12 SECTION 2. AMENDMENT. Subchapter F, Chapter 51, Education  
13 Code, is amended by adding Section 51.3062 to read as follows:

14 Sec. 51.3062. SUCCESS INITIATIVE. (a) The definitions  
15 provided by Section 61.003 apply to this section.

16 (b) An institution of higher education shall assess the  
17 academic skills of each entering undergraduate student to determine  
18 the student's readiness to enroll in freshman-level academic  
19 coursework. An institution may not use the assessment or the  
20 results of the assessment as a condition of admission to the  
21 institution.

22 (c) The board shall designate an instrument for use by  
23 institutions of higher education in assessing students under this  
24 section.

1       (d) If practical and feasible, not later than September 1,  
2 2005, the board shall designate the exit-level assessment  
3 instrument required under Section 39.023 as the primary assessment  
4 instrument under this section. This subsection expires September  
5 1, 2006.

6       (e) As the board considers necessary, the board may  
7 designate additional assessment instruments for use by  
8 institutions of higher education under this section.

9       (f) An assessment instrument designated by the board for use  
10 under this section must be diagnostic in nature and designed to  
11 assess a student's readiness to perform freshman-level academic  
12 coursework. The board shall prescribe standards for the assessment  
13 instrument or instruments that reflect that student readiness. An  
14 institution of higher education may adopt more stringent assessment  
15 standards with respect to student readiness.

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

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

26       (i) The institution of higher education may refer a student  
27 to developmental coursework as considered necessary by the

1 institution to address a student's deficiencies in the student's  
2 readiness to perform freshman-level academic coursework, except  
3 that the institution may not require enrollment in developmental  
4 coursework with respect to a student previously determined by any  
5 institution of higher education to have met college-readiness  
6 standards.

7 (j) A student may retake an assessment instrument at any  
8 time to determine readiness to perform freshman-level academic  
9 coursework.

10 (k) An institution of higher education shall determine when  
11 a student is ready to perform freshman-level academic coursework.  
12 The determination may include requiring a student to retake an  
13 assessment instrument or other means of evaluating student  
14 readiness. The institution must make its determination on an  
15 individual basis according to the needs of the student.

16 (l) The legislature shall appropriate money for approved  
17 non-degree-credit developmental courses, except that legislative  
18 appropriations may not be used for developmental coursework taken  
19 by a student in excess of:

20 (1) 18 semester credit hours, for a general academic  
21 teaching institution; and

22 (2) 27 semester credit hours, for a public junior  
23 college, public technical institute, or public state college.

24 (m) The board may develop formulas to supplement the funding  
25 of developmental academic programs by institutions of higher  
26 education, including formulas for supplementing the funding of  
27 non-course-based programs. The board may develop a performance

1 funding formula by which institutions may receive additional  
2 funding for each student who completes the Success Initiative  
3 established under this section and then successfully completes  
4 college coursework. The legislature may appropriate the money  
5 required to provide the additional funding under those formulas.

6 (n) Each institution of higher education shall report  
7 annually to the board on the success of its students and the  
8 effectiveness of its Success Initiative.

9 (o) The board shall evaluate the effectiveness of the  
10 Success Initiative on a statewide basis and with respect to each  
11 institution of higher education.

12 (p) A student who has achieved a score set by the board on  
13 the Scholastic Assessment Test (SAT) or the American College Test  
14 (ACT) is exempt from the requirements of this section. An exemption  
15 under this subsection is effective for the five-year period  
16 following the date a student takes the test and achieves the  
17 standard set by the board.

18 (q) A student who has achieved a score set by the board on an  
19 exit-level assessment instrument required under Section 39.023 is  
20 exempt from the requirements of this section. The exemption is  
21 effective for the three-year period following the date a student  
22 takes the assessment instrument and achieves the standard set by  
23 the board. This subsection does not apply during any period for  
24 which the board designates the exit-level assessment instrument  
25 required under Section 39.023 as the primary assessment instrument  
26 under this section, except that the three-year period described by  
27 this subsection remains in effect for students who qualify for an

1 exemption under this section before that period.

2 (r) This section does not apply to:

3 (1) a student who has graduated with an associate or  
4 baccalaureate degree from an institution of higher education;

5 (2) a student who transfers to an institution of  
6 higher education from a private or independent institution of  
7 higher education or an accredited out-of-state institution of  
8 higher education and who has satisfactorily completed  
9 college-level coursework;

10 (3) a student who is enrolled in a certificate program  
11 of one year or less at a public junior college, a public technical  
12 institute, or a public state college; or

13 (4) a student who is serving on active duty as a member  
14 of the Armed Forces of the United States.

15 (s) An institution of higher education may exempt a  
16 non-degree-seeking or non-certificate-seeking student from the  
17 requirements of this section.

18 SECTION 3. REPEALER. Sections 51.306 and 51.3061,  
19 Education Code, are repealed.

20 SECTION 4. TRANSITION. The Texas Higher Education  
21 Coordinating Board shall adopt rules for the administration of this  
22 section, as added by this Act, as soon as practicable after this Act  
23 takes effect. For that purpose, the board may adopt the initial  
24 rules in the manner provided by law for emergency rules.

25 SECTION 5. EFFECTIVE DATE. This Act takes effect  
26 immediately if it receives a vote of two-thirds of all the members  
27 elected to each house, as provided by Section 39, Article III, Texas

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1 Constitution. If this Act does not receive the vote necessary for  
2 immediate effect, this Act takes effect September 1, 2003.