

By: Rangel

H.B. No. 1753

A BILL TO BE ENTITLED

AN ACT

1
2 relating to academic skills assessment of and developmental
3 education for undergraduate students entering public institutions
4 of higher education.

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

6 SECTION 1. The heading to Section 51.306, Education Code,
7 is amended to read as follows:

8 Sec. 51.306. ACADEMIC SKILLS ASSESSMENT AND DEVELOPMENTAL
9 EDUCATION FOR NEW STUDENTS [~~TEXAS ACADEMIC SKILLS PROGRAM~~].

10 SECTION 2. Section 51.306, Education Code, is amended by
11 amending Subsections (a), (b), (c), (e), (f), (g), (h), (j), (k),
12 (l), (m), (q), (r), (s), (u), and (w) and adding Subsections (a-1),
13 (a-2), and (z) to read as follows:

14 (a) In this section:

15 (1) "Board," "institution of higher education,"
16 "private or independent institution of higher education," "general
17 academic teaching institution," "public junior college," and
18 "public technical institute" have the meanings assigned by Section
19 61.003 [~~of this code~~].

20 (2) "Deaf student" means a student who is a deaf person
21 as defined by Section 54.205(a) [~~of this code~~].

22 (3) "Blind student" means a student who is a blind
23 person as defined by Section 54.205(a) [~~of this code~~].

24 (4) "Core curriculum" has the meaning described by

1 Section 61.822.

2 (a-1) Each institution of higher education shall adopt a
3 plan for the assessment and placement of undergraduate students
4 entering the institution. Each plan must be filed with and approved
5 by the board. The board shall approve the plan if the board
6 determines that the plan provides for accountability and promotes
7 improvement in and the effective delivery of developmental
8 education programs. The plan must include:

9 (1) the test instruments and performance levels
10 required for the assessment of students and the placement of
11 students into a developmental education program or into courses
12 included in the core curriculum;

13 (2) the circumstances under which a student who does
14 not pass all areas of assessment under Subdivision (1) may enroll in
15 course work within the core curriculum;

16 (3) the requirements for completion of a required
17 developmental education program; and

18 (4) a performance measure to measure the effectiveness
19 of a student's completed developmental education program that
20 includes performance standards equal to or greater than the
21 performance standards adopted under Subsection (e).

22 (a-2) A plan adopted under Subsection (a-1) may not prohibit
23 a student from enrolling in course work within the core curriculum
24 if the student has completed at least one semester in a
25 developmental education program in any area for which the student
26 was referred to developmental education by the institution under
27 Subsection (f). The institution may provide guidance or advice to

1 the student on enrolling in course work within the core curriculum.

2 (b) Each undergraduate student who enters a public
3 institution of higher education must be tested for reading,
4 writing, and mathematics skills prior to enrolling in a course
5 included in the institution's core curriculum [~~any coursework~~].

6 The board shall prescribe circumstances under which a student who
7 has not been tested may enroll in a course included in the core
8 curriculum [~~coursework. A student who is permitted to enroll~~
9 ~~without taking the test prescribed by the board must take the test~~
10 ~~under Subsection (c) not later than the end of the first semester of~~
11 ~~enrollment~~].

12 (c) For purposes of Subsection (b), the institution shall
13 use a test [~~the Texas Academic Skills Program Test~~] instrument
14 prescribed by the board. The board shall prescribe more than one
15 test instrument. [~~However, the board may prescribe an alternative~~
16 ~~test instrument for an institution to use to test a student. Each~~
17 ~~alternative test instrument prescribed shall be correlated with the~~
18 ~~Texas Academic Skills Program Test.~~] Each test instrument
19 prescribed [~~adopted~~] by the board must be of a diagnostic nature and
20 be designed to provide a comparison of the skill level of the
21 individual student with the skill level necessary for a student to
22 perform effectively in the core curriculum [~~an undergraduate degree~~
23 ~~program~~]. In prescribing [~~developing~~] the test instruments [~~Texas~~
24 ~~Academic Skills Program Test~~], the board may [~~shall~~] consider the
25 recommendations of faculty from various institutions of higher
26 education.

27 (e) The board shall prescribe minimum performance standards

1 for each test instrument. A student whose performance is below the
2 standard for tested skill must participate in a developmental
3 education program. An institution may require higher performance
4 standards.

5 (f) If the test results indicate that developmental
6 education is necessary in any area tested, the institution shall
7 refer the student to developmental education [~~courses or other~~
8 ~~developmental~~] programs made available by the institution. Each
9 institution shall make available developmental education [~~those~~
10 ~~courses and~~] programs on the same campus at which the student would
11 otherwise attend classes. Developmental education [~~The courses or~~
12 ~~programs offered under this section~~] may not be awarded [~~considered~~
13 ~~as~~] credit toward completion of degree requirements. [~~On completion~~
14 ~~of the developmental coursework or program, the student shall take~~
15 ~~that portion of the Texas Academic Skills Program Test for which~~
16 ~~developmental education was required.~~]

17 (g) A student may [~~not~~] enroll in any upper division course
18 completion of which would give the student 60 or more semester
19 credit hours or the equivalent only if [~~until~~] the student has
20 satisfied the requirements of the institution's plan for
21 developmental education adopted under Subsection (a-1) [~~student's~~
22 ~~Texas Academic Skills Program Test results meet or exceed the~~
23 ~~minimum standards in each skill area for which developmental~~
24 ~~education was required~~] or the student has completed the core
25 curriculum with a grade point average of 2.25 or higher on a 4.0
26 scale or its equivalent [~~earned a grade of "B" or better in a~~
27 ~~freshman-level credit course in the subject matter of the assessed~~

1 ~~deficit. For that purpose, the board shall establish a list of~~
2 ~~freshman-level credit courses for each skill area of the test~~
3 ~~instrument. The board shall establish other assessment procedures~~
4 ~~to be used by institutions to allow a student to enroll in upper~~
5 ~~division courses in cases where student test results do not meet~~
6 ~~minimum standards].~~

7 (h) The state shall fund approved [~~nondegree credit~~]
8 developmental education programs [~~courses~~]; however, a general
9 academic teaching institution may not receive funding for
10 developmental education programs [~~coursework~~] taken by a student in
11 excess of 18 semester [~~credit~~] hours, and a public junior college or
12 public technical institute may not receive funding for
13 developmental education programs [~~coursework~~] taken by a student in
14 excess of 27 semester [~~credit~~] hours. [~~Additionally, the board~~
15 ~~shall develop formulas to augment institutional funding of other~~
16 ~~developmental academic programs and shall develop a performance~~
17 ~~funding formula by which institutions may receive additional~~
18 ~~funding for each student who successfully completes the~~
19 ~~developmental courses. The additional funding required under such~~
20 ~~formulas shall be met by state appropriation.]~~

21 (j) The unit costs of each test shall be borne by the
22 student, either by direct payment to the test provider or by payment
23 of a fee imposed by the institution. Costs of administering the
24 tests to students shown to be financially needy under criteria
25 established by the board shall be borne by the state through
26 appropriation to the board for that purpose or other sources of
27 funds. Additionally, appropriation shall be made to the board to

1 cover overall administrative costs of the testing program.

2 (k) Each institution shall report annually to the board, on
3 or before a day set by rule of the board, concerning the results of
4 the students being tested and the effectiveness of the
5 institution's developmental education program and advising
6 program. In addition, the board shall publish annually a summary of
7 the report required by Section 51.403(e) identifying by name the
8 high school from which each tested student graduated and a
9 statement as to whether or not the student's performance was above
10 or below the standard. The summary must include the number of
11 students at each high school who took and passed the test while
12 enrolled in high school. For the purposes of this report, students
13 shall not be identified by name. The board shall publish annually a
14 report summarizing by institution of higher education for each
15 academic year the total number of students who:

16 (1) entered a developmental education program;

17 (2) completed developmental education programs
18 [~~courses~~]; and

19 (3) [~~took the Texas Academic Skills Program Test after~~
20 ~~completing developmental courses;~~

21 [~~(4) passed the Texas Academic Skills Program Test~~
22 ~~after completing developmental courses; and~~

23 [~~(5)~~] satisfied the requirements of the institution's
24 plan for developmental education adopted under Subsection (a-1)
25 [~~requirement of Subsection (g) in each skill area by earning an~~
26 ~~acceptable grade in an approved course as permitted by that~~
27 ~~subsection].~~

1 (1) A high school student who performs at or above a level
2 set by the board on the exit-level assessment required under
3 Section 39.023 is exempt from this section. The level set by the
4 board may not exceed a level that is equivalent to a 95 percent
5 probability of passing any of the test instruments prescribed by
6 the board under Subsection (c) [the Texas Academic Skills Program
7 Test]. The [This] exemption is effective [will be in effect] for
8 five [three] years from the date a student takes the assessment and
9 achieves the set score level. A student enrolling for the first time
10 in an institution of higher education after the five-year
11 [three-year] period has elapsed must conform to all provisions of
12 this section.

13 (m) An entering or transferring student who has achieved a
14 score to be set by the board on the Scholastic Assessment Test or
15 the American College Test is exempt from the requirements of this
16 section. The score set by the board may not exceed a score that is
17 equivalent to a 95 percent probability of passing any of the test
18 instruments prescribed by the board under Subsection (c) [the Texas
19 Academic Skills Program Test]. The [This] exemption is effective
20 for five years from the date the Scholastic Assessment Test or the
21 American College Test is taken and the set standard is achieved. A
22 student enrolling for the first time in an institution of higher
23 education after the five-year period has elapsed must conform to
24 all provisions of this section.

25 (q) An exemption under Subsection (o) terminates if the
26 student:

27 (1) enrolls on a permanent basis in an institution of

1 higher education; or

2 (2) enrolls in a [~~certificate or~~] degree program at an
3 institution of higher education.

4 (r) This section does not apply to:

5 (1) a student who accumulated three or more
6 college-level semester credit hours prior to the 1989 fall
7 semester;

8 (2) a student located outside this state who enrolls
9 in a course offered outside this state by an institution of higher
10 education;

11 (3) a deaf student;

12 (4) a student who has graduated with a baccalaureate
13 degree from an institution of higher education, an accredited
14 private or independent institution of higher education, or an
15 accredited out-of-state institution of higher education;

16 (5) a student enrolled in a certificate program at a
17 public junior or community college or public technical institute
18 [~~college of one year or less~~];

19 (6) a student who is a citizen of a country other than
20 the United States and is not seeking a degree; [~~or~~]

21 (7) a student who is serving on active duty as a member
22 of the armed forces of the United States; or

23 (8) a student seeking a degree or certificate if the
24 student will be 35 years of age or older on the first class day of a
25 term or semester.

26 (s) An institution of higher education shall provide to each
27 student who is accepted by the institution for admission and to whom

1 this section applies information in the institution's catalog
2 relating to the testing and developmental education requirements of
3 this section and of the rules adopted by the board [~~Texas Higher~~
4 ~~Education Coordinating Board~~].

5 (u) A student who has been diagnosed as having dyslexia or a
6 related disorder, as those terms are defined by Section 38.003, or a
7 specific learning disability in mathematics by a qualified
8 professional whose license or credentials are appropriate to
9 diagnose the disorder or disability as determined by the board and
10 who completes the developmental education program prescribed by the
11 institution may be required to retake the test once but may not be
12 referred to an additional developmental education course or other
13 developmental program or precluded from enrolling in an upper
14 division course because of the student's performance on the test.

15 (w)(1) The provisions of this subsection apply to high
16 school students taking a [the] test required by this section.

17 (2) Each eligible high school student shall pay for
18 the cost of taking the test unless funds are appropriated for that
19 purpose or the cost is paid by the governing board of an institution
20 of higher education or the student's school district. If funds are
21 appropriated or otherwise provided for testing costs [~~that~~
22 ~~purpose~~], the board and the Texas Education Agency shall develop a
23 mechanism for the payment of the cost of the test, giving priority
24 to the payment of the cost of administering the test to an eligible
25 high school student shown to be financially needy under criteria
26 established by the board.

27 (3) The board shall arrange for the test to be offered

1 to high school students outside of regularly scheduled school days
2 and at locations throughout the state.

3 (4) Except as authorized by the student, including
4 student authorization to report the student's test scores to a
5 school administrator, test scores of a high school student shall be
6 reported only to the student and the student's parents.

7 (5) A high school student who fails to achieve the
8 minimum required score set by the board may not be required to take
9 developmental classes while in high school, but on entering~~[-~~
10 ~~However, after graduation from high school, a student who enters]~~ a
11 public institution of higher education must comply with the
12 provisions of this section.

13 (6) A high school student who achieves the minimum
14 required score set by the board shall be deemed to have met the
15 requirements of this section when enrolling at an institution of
16 higher education, provided that the student enrolls in the
17 institution not later than five years from the date the test is
18 taken and the set score level is achieved. A student enrolling for
19 the first time in an institution of higher education after the
20 five-year period has elapsed must comply with all provisions of
21 this section.

22 (7) The board and the Texas Education Agency shall
23 work together to provide high school students, their parents, and
24 their schools with information about the academic skills assessment
25 and developmental education requirements of this section [~~Texas~~
26 ~~Academic Skills Program and assist them in interpreting the results~~
27 ~~of the test~~].

1 (z) The board shall adopt rules to ensure the program
2 quality and effectiveness of developmental education programs
3 offered by an institution of higher education under this section.
4 The rules must provide for accountability and promote improvement
5 in developmental education programs. The board, in adopting rules
6 under this subsection, shall consult with an advisory committee
7 composed of representatives of institutions of higher education
8 that offer developmental education programs. A majority of the
9 members of the advisory committee must be faculty members of
10 institutions of higher education.

11 SECTION 3. Section 51.306(x), Education Code, as added by
12 Chapter 855, Acts of the 77th Legislature, Regular Session, 2001,
13 is amended to read as follows:

14 (x) This subsection applies to an undergraduate student who
15 transfers to an institution of higher education from an accredited
16 private or independent institution of higher education or an
17 accredited out-of-state institution of higher education. A
18 transfer student is exempt from the requirements of this section if
19 ~~[in each of the three skill areas described by Subsection (b)]~~ the
20 student completed at that accredited institution a curriculum that
21 is equivalent or similar to the core curriculum with a grade point
22 average of 2.25 or higher on a 4.0 scale or its equivalent ~~[has~~
23 ~~earned a grade of "B" or better in a transferred freshman-level~~
24 ~~credit course included in the list of courses established by the~~
25 ~~board under Subsection (g). A transfer student who has not earned a~~
26 ~~grade of "B" or better in a course in each skill area as described by~~
27 ~~this subsection is subject to the requirements of this section for~~

1 ~~any skill area in which the requisite grade was not earned].~~ A
2 transferred course may not be considered for purposes of this
3 subsection unless the transfer student submits to the institution
4 of higher education a transcript reflecting the grade earned in the
5 course. The board by rule shall establish standards for
6 determining for purposes of this subsection:

7 (1) whether an institution of higher education is
8 accredited; and

9 (2) whether a person completed a curriculum at an
10 accredited private or independent institution of higher education
11 or an accredited out-of-state institution of higher education that
12 is equivalent or similar to the core curriculum.

13 SECTION 4. Subchapter C, Chapter 132, Education Code, is
14 amended by adding Section 132.0631 to read as follows:

15 Sec. 132.0631. ACADEMIC SKILLS REQUIREMENTS FOR DEGREE
16 PROGRAMS. The Texas Higher Education Coordinating Board may not
17 adopt criteria for student academic skills or academic skills
18 testing as a prerequisite to approval of degree programs offered by
19 proprietary schools that are more stringent than the criteria
20 adopted by the board for a degree program at the same level offered
21 by an institution of higher education, as defined by Section
22 61.003.

23 SECTION 5. Section 51.306(t), Education Code, is repealed.

24 SECTION 6. (a) A public junior college or public technical
25 institute may award a certificate to a person who has not completed
26 the requirements of Section 51.306, Education Code, as amended by
27 this Act, including any testing requirement, if:

1 (1) the person enrolled in a certificate program at
2 the public junior college or public technical institute and
3 completed all other academic or other requirements for the
4 completion of the certificate program before the effective date of
5 this Act; and

6 (2) the person pays the institution any required fees
7 for the award of the certificate.

8 (b) A public junior college or public technical institute
9 may inform persons who are or were enrolled in a certificate program
10 at the institution of the provisions of this section.

11 SECTION 7. (a) Not later than September 1, 2003, the Texas
12 Higher Education Coordinating Board shall adopt initial rules to
13 implement the assessment and placement requirements of Section
14 51.306, Education Code, as amended by this Act. For that purpose,
15 the coordinating board may adopt the initial rules in the manner
16 provided by law for emergency rules.

17 (b) The changes in law made by this Act apply beginning with
18 the 2003 fall semester.

19 SECTION 8. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2003.