

By: Shapiro

S.B. No. 950

A BILL TO BE ENTITLED

AN ACT

relating to reimbursement by school districts for developmental courses or programs taken by certain former district students at certain public institutions of higher education.

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

SECTION 1. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.910 to read as follows:

Sec. 29.910. REIMBURSEMENT FOR DEVELOPMENTAL COURSES OR PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION. (a) A school district in which a student attended high school for at least one school year and graduated from high school shall reimburse the eligible institution of higher education the student attends for the cost to the institution of a developmental course or program in English language arts or mathematics that the student is required to take under Section 51.306. For purposes of this subsection, the cost to the institution does not include the amount of tuition and fees the student pays for the course.

(b) As soon as practicable after each term or semester, an eligible institution of higher education making a claim for reimbursement under this section shall notify the agency of the amount owed to the institution under this section from each school district the institution claims is required to make a reimbursement payment to the institution for that term or semester. At least once each year, the agency shall notify each district of the total amount

1 of reimbursement claimed from the district under this section. For  
2 each student for whom an eligible institution of higher education  
3 is making a claim, the notice must identify:

4 (1) the student;

5 (2) the institution making a claim concerning that  
6 student;

7 (3) each remedial course or program provided to the  
8 student; and

9 (4) the amount claimed for the student.

10 (c) Not later than the 90th day after receiving the notice,  
11 a school district shall pay the amount claimed for each student to  
12 the agency or file a challenge with the agency of the amount claimed  
13 for one or more students. The agency shall notify the appropriate  
14 eligible institution of higher education of a challenge and provide  
15 the institution with an opportunity to respond to the challenge.  
16 The agency shall determine the validity of each challenge and  
17 notify the district and the institution of the agency's  
18 determination. If the agency determines that an amount of  
19 reimbursement is owed, the agency shall notify the district of the  
20 amount owed. The district shall pay the amount to the agency not  
21 later than the 90th day after receiving the notice of the challenge  
22 determination. A determination by the agency under this section is  
23 final and may not be appealed. The agency shall establish a  
24 deadline for each action required by this section for which a  
25 deadline is not specified.

26 (d) If a school district does not make a reimbursement  
27 payment the district is required to make under this section, the

1 commissioner shall withhold that amount from any amounts otherwise  
2 required by law to be paid by the state to the district.

3 (e) The commissioner may prescribe procedures by which a  
4 school district may authorize an amount of reimbursement the  
5 district is required to make under this section to be withheld by  
6 the commissioner from amounts otherwise required by law to be paid  
7 by the state to the district. The deadlines provided by Subsection  
8 (c) for making a reimbursement payment do not apply to an amount  
9 withheld by the commissioner under this subsection.

10 (f) The agency shall deliver the reimbursement payments  
11 received from a school district under this section to the  
12 appropriate eligible institutions of higher education at the times  
13 determined by the agency, but not less than twice each year.

14 (g) The commissioner shall adopt rules necessary to  
15 implement this section, including rules for determining the cost to  
16 eligible institutions of higher education of developmental courses  
17 and programs and rules relating to verifying reimbursement amounts,  
18 determining challenges, and enforcing payment requirements.

19 (h) In this section:

20 (1) "Eligible institution of higher education" means a  
21 general academic teaching institution as defined by Section 61.003.

22 (2) "High school" includes grades 9 through 12.

23 (i) This section applies to reimbursement for a  
24 developmental course or program provided by an eligible institution  
25 of higher education beginning with developmental courses and  
26 programs conducted in the 2007-2008 academic year. This subsection  
27 expires January 1, 2009.

1           SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2003.