

By: Van de Putte

S.B. No. 1830

A BILL TO BE ENTITLED

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AN ACT

relating to the grade point average of and imposition of a fee on a student who repeats a course at a public institution of higher education.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9315 to read as follows:

Sec. 51.9315. EFFECT OF REPEATING UNDERGRADUATE COURSE ON GRADE POINT AVERAGE. (a) Each institution of higher education shall adopt a uniform policy applicable to all students of the institution for calculating the grade point average of a student who completes a course at the institution that the student has previously completed at the same institution. The policy must provide for one of the following methods of calculating the student's grade point average:

(1) the higher grade received by the student for the course is included in the calculation and the lower grade is excluded, except that if the student receives the same grade both times the student completes the course, the grade received when the student repeats the course is included and the former grade is excluded; or

(2) the grade received when the student repeats the course is included in the calculation and the grade received the first time the student completed the course is excluded from the

1 calculation.

2 (b) A policy adopted under Subsection (a) does not apply to  
3 a course that a student repeats in a term or semester in which the  
4 student repeats one or more courses that could result in the  
5 exclusion of a total of more than 15 credit hours from the  
6 calculation of the student's grade point average under the  
7 institution's policy adopted under Subsection (a).

8 (c) For purposes of this section, courses completed by a  
9 student are considered the same course only if the content of each  
10 course does not vary significantly from the content of the other  
11 course or courses, as determined by the institution. The content of  
12 a course that changes because of advances in knowledge or  
13 technology is not considered to vary significantly from the content  
14 of the course before the change for purposes of this section solely  
15 because of that change.

16 (d) If a student enrolls in the same course at the same  
17 institution more than two times, each of the student's grades in the  
18 course shall be included in the calculation of the student's grade  
19 point average.

20 (e) This section does not apply to:

21 (1) a graduate-level course or a course in which a  
22 student enrolls for credit in a postgraduate program; or

23 (2) a course that a student completed the first time  
24 before the 2004 fall semester.

25 (f) The exclusion of a grade received for a course under  
26 this section does not authorize the institution to change the  
27 student's permanent record. The transcript and permanent record of

1 a student from whose grade point average calculation a grade for a  
2 course is excluded under this section must include the same  
3 information for that course, including the grade received, that  
4 would otherwise be included if the grade were included in the  
5 calculation of the student's grade point average.

6 (g) An institution of higher education may not apply a  
7 policy adopted under this section to a student for a course the  
8 student repeated before the policy takes effect in a manner that  
9 would reduce the student's grade point average for courses  
10 completed before the policy takes effect.

11 SECTION 2. Subchapter E, Chapter 54, Education Code, is  
12 amended by adding Section 54.547 to read as follows:

13 Sec. 54.547. FEE FOR REPEATING COURSE. (a) The governing  
14 board of an institution of higher education may impose a fee for a  
15 course for which a student enrolls if the student has previously  
16 completed the same course at the institution. The amount of the fee  
17 may not exceed 10 percent of the tuition and other required fees  
18 charged to the student for the course.

19 (b) Money collected from the fee may be used for any purpose  
20 of the institution and is not considered to be tuition or a required  
21 course fee for purposes of the funding formulas established by the  
22 Texas Higher Education Coordinating Board under Section 61.059.

23 (c) For purposes of this section, courses are considered to  
24 be the same course only if the content of each course does not vary  
25 significantly from the content of the other course or courses, as  
26 determined by the institution. The content of a course that changes  
27 because of advances in knowledge or technology is not considered to

1 vary significantly from the content of the course before the change  
2 for purposes of this section solely because of that change.

3 (d) This section does not apply to:

4 (1) a graduate-level course or a course in which a  
5 student enrolls for credit in a postgraduate program;

6 (2) a course that the student completed before the  
7 2002 fall semester; or

8 (3) a remedial education course or other course not  
9 offered primarily for credit toward completion of a degree or  
10 certificate program.

11 SECTION 3. Section 51.9315, Education Code, as added by  
12 this Act, applies to the calculation of a grade point average  
13 beginning with the 2004 fall semester. Each institution of higher  
14 education shall implement Section 51.9315, Education Code, as added  
15 by this Act, after this Act takes effect until the 2004 fall  
16 semester concurrently with routine computer acquisition,  
17 maintenance, and upgrade.

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