

BILL ANALYSIS

Senate Research Center

S.B. 151
By: Zaffirini
Education
7/18/2005
Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

According to *Closing the Gaps by 2015: 2004 Progress Report*, participation in higher education among Hispanics is lagging behind that of other demographic groups. The Texas Higher Education Coordinating Board (THECB) estimated that Texas must increase Hispanic college enrollment by an additional 48,041 students to reach the 2005 target for that group. In addition, the percentage of recent high school graduates who enter college is not increasing, suggesting a need to enhance efforts to encourage them to prepare for and succeed in college.

Dual-credit programs, which allow high school juniors and seniors to take college-level courses while earning both college and high school credit, have been successful in encouraging high school students to enroll in college, according to the THECB.

S.B. 151 establishes a pilot project to encourage at-risk students to participate in dual-credit programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Education in SECTION 3 (Section 31.031, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 54, Education Code, by adding Section 54.2161, as follows:

Sec. 54.2161. PILOT PROJECT FOR CERTAIN STUDENTS ENROLLED IN COURSES FOR CONCURRENT HIGH SCHOOL AND HIGHER EDUCATION ACADEMIC CREDIT. (a) Defines "coordinating board" and "public junior college."

(b) Requires the governing board of a public junior college participating in the pilot project established under this section to waive the tuition and mandatory fees charged by the college for a student who meets certain requirements, notwithstanding Section 54.002 or 54.216.

(c) Entitles a student described by Subsection (b) to free textbooks required for a course described by Subsection (b)(2). Requires the institution of higher education offering the course to provide the textbooks to the student. Requires the school district in which the student attends school to pay the costs of the textbooks in accordance with Section 31.031 (Textbooks for Students Enrolled In Courses for Concurrent High School and Higher Education Academic Credit Under Pilot Project).

(d) Requires the Texas Higher Education Coordinating Board (board) to adopt a procedure for a public junior college to use in applying to participate in the pilot project established under this section. Requires the board, from among the public junior colleges that apply to participate under this subsection, to select five to participate in the pilot project. Requires the public junior colleges selected by the board to meet certain criteria.

(e) Prohibits the pilot project established under this section from being implemented in a state fiscal year unless in the general appropriations Act for that fiscal year the legislature accounts for the tuition and fee exemptions required by this section in a way that provides a corresponding increase in the general revenue funds appropriated to the public junior colleges that would be participating in the pilot project. Provides that it is the intent of the legislature that the tuition and fee exemptions required by this section be financed by savings to the state resulting under this section from reductions in the number of courses taken by undergraduate students.

(f) Requires the commissioner of higher education, if the pilot project established under this section is implemented, to conduct an ongoing evaluation of the effectiveness of the pilot project in encouraging students to graduate from public or private institutions of higher education in a timely manner and any other benefits or any problems that result from the pilot project. Requires the commissioner of higher education, in making that evaluation, to consult with the commissioner of education. Requires the commissioner of higher education to report the results of an evaluation under this subsection to the legislature, no later than December 31, 2006, and December 31, 2008.

(g) Prohibits the governing board of a public junior college from waiving tuition and fees and provides that a student is not entitled to free textbooks for a semester or session before the 2005 fall semester.

(h) Provides that this section expires August 15, 2009.

SECTION 2. Amends Section 31.021, Education Code, by adding Subsection (c), as follows:

(c) Provides that this subsection applies only if the pilot project established under Section 54.2161 is implemented and expires August 15, 2009. Requires the State Board of Education (SBOE) to annually set aside out of the available school fund an amount sufficient for each school district with one or more students entitled to free textbooks to pay the costs of those textbooks as required by Section 31.031 for the following school year. Requires SBOE to determine the amount of the available school fund to set aside for the state textbook fund for purposes of this subsection based on the commissioner of education's estimate of the amount that will be necessary to provide textbooks.

SECTION 3. Amends Subchapter B, Chapter 31, Education Code, by adding Section 31.031, Education Code, as follows:

Sec. 31.031. TEXTBOOKS FOR STUDENTS ENROLLED IN JUNIOR COLLEGE COURSES FOR CONCURRENT HIGH SCHOOL AND HIGHER EDUCATION ACADEMIC CREDIT UNDER PILOT PROJECT. (a) Provides that this section applies only if the pilot project established under Section 54.2161 is implemented.

(b) Requires the school district attended by a student who is entitled to free textbooks to pay the costs of each textbook the student requires for a course.

(c) Requires SBOE to adopt rules in accordance with which a school district is required to pay the costs of textbooks under this section. Requires the rules to provide for a school district to reimburse an institution of higher education for the costs of textbooks that the institution provides to a student under Section 54.2161.

(d) Provides that Section 31.102(c) (Title and Custody) does not apply to a textbook provided under this section, except that the board of trustees of the school district in which a student is enrolled is the legal custodian of a textbook.

(e) Provides that this section expires on August 15, 2009.

SECTION 4. Amends Section 42.005, Education Code, by adding Subsection (g), to require the time a student attends a course to be counted as a part of the minimum number of instructional

hours required for a student to be considered a full-time student in average daily attendance, if a student may receive course credit toward the student's high school academic requirements and toward the student's higher education academic requirements for a single course.

SECTION 5. Amends Subchapter F, Chapter 87, Education Code, by adding Section 87.505, as follows:

Sec. 87.505. TEXAS ACADEMY OF INTERNATIONAL STUDIES. (a) Defines "academy," "board," and "university."

(b) Provides that the Texas Academy of International Studies (academy) is a division of Texas A&M International University and is under the management and control of the board of regents of The Texas A&M University System (board). Provides that the academy serves certain purposes.

(c) Provides that the academy is a residential, coeducational institution for selected Texas high school students with an interest and the potential to excel in international studies. Requires the academy to admit only high school juniors and seniors, except that the academy is authorized to admit a student with exceptional abilities who is not yet a high school junior. Requires the board to set aside adequate space on the university campus in Laredo to operate the academy and implement the purposes of this section. Requires the academy to operate on the same fall and spring semester basis as the university. Requires full-time students of the academy to enroll for both the fall and spring semesters. Requires faculty members of the university to teach all academic classes at the academy. Authorizes a student of the academy to attend a college course offered by the university and receive college credit for that course.

(d) Provides that, except as otherwise provided by this subsection, the university administration has the same powers and duties with respect to the academy that the administration has with respect to the university. Requires the board to consult with the dean of the College of Education and other members of the administration as the board considers necessary concerning the academy's administrative design and support, personnel and student issues, and faculty development. Requires the board to consult with the dean of the College of Arts and Sciences and other members of the administration as the board considers necessary concerning the academy's curriculum development, program design, and general faculty issues. Requires the board, in consultation with university administration, to take certain actions relating to the academy.

(e) Prohibits the student-teacher ration in all regular academic classes at the academy from exceeding 30 students for each classroom teacher, except that the student-teacher ratio is authorized to exceed that limit under certain circumstances.

(f) Requires the academy to provide the university-level curriculum in a manner that is appropriate for the social, psychological, emotional, and physical development of high school juniors and seniors. Requires the administrative and counseling personnel of the academy to provide continuous support to and supervision of students.

(g) Entitles the academy, for each student enrolled in the academy, to allotments from the foundation school fund under Chapter 42 as if the academy were a school district without a tier one local share for purposes of Section 42.253. Requires the commissioner of education, if in any academic year the amount of the allotments under this subsection exceeds the amount of state funds paid to the academy in the first fiscal year of the academy's operation, to set aside from the total amount of funds to which school districts are entitled under Section 42.253(c) an amount equal to the excess amount and to distribute that amount to the academy. Requires the commissioner of education, after deducting the amount set aside and paid to the academy by the commissioner of education to

reduce the amount to which each district is entitled under Section 42.253(c) in the manner described by Section 42.253(h). Provides that a determination of the commissioner of education under this subsection is final and prohibited from being appealed.

(h) Authorizes the board to use any available money, enter into contracts, and accept grants, including matching grants, federal grants, and grants from a corporation or other private contributor, in establishing and operating the academy. Requires money spent by the academy to further the purposes of the academy prescribed by Subsection (b).

(i) Provides that the liability of the state under Chapters 101 and 104, Civil Practice and Remedies Code, is limited for the academy and employees assigned to the academy and acting on behalf of the academy to the same extent that the liability of a school district and an employee of the school district is limited under Sections 22.0511, 22.0512, and 22.052 of this code and Section 101.051, Civil Practice and Remedies Code. Entitles an employee assigned to the academy to representation by the attorney general in a civil suit based on an action or omission of the employee in the course of the employee's employment, limits on liability, and indemnity under Chapters 104 and 108, Civil Practice and Remedies Code.

(j) Provides that, except as otherwise provided by this section, the academy is not subject to the provisions of this code, or to the rules of the Texas Education Agency, regulating public schools.

(k) Prohibits a student from beginning attending the academy before the 2007 fall semester. Provides that this subsection expires August 31, 2008.

SECTION 6. Amends Section 25.086(a), Education Code, to provide that a child is exempt from the requirements of compulsory school attendance if the child is enrolled in the academy. Makes conforming changes.

SECTION 7. Amends Section 28.024, Education Code, to make conforming changes.

SECTION 8. (a) Makes application of Section 31.021(c), Education Code, as added by this Act, prospective to the 2005-2006 school year.

(b) Requires the board to adopt rules under Section 31.031, Education Code, as added by this Act, as soon as practicable after this Act takes effect. Authorizes SBOE, for that purpose, to adopt the initial rules in the manner provided by law for adoption of emergency rules.

(c) Makes application of Section 42.005(g), Education Code, as added by this Act, prospective to the 2005-2006 school year.

SECTION 9. Effective date: upon passage or September 1, 2005.