

BILL ANALYSIS

S.B. 151
By: Zaffirini
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Education in SECTION 3 and SECTION 5 of this bill.

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) in accordance with Section 31.031 (Textbooks for Students Enrolled In Courses for Concurrent High School and Higher Education Academic Credit Under Pilot Project). Provides that the institution of higher education offering the course shall provide the textbooks to the student and that the school district in which the student attends school shall pay the costs of the textbooks in accordance with Section 31.031.

(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) Authorizes the pilot project established under this section to not be 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 textbooks 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 pay the cost of 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 cost of each textbook the student requires for a course.

(c) States that the State Board of Education shall adopt rules in accordance with which a school district shall pay the costs of textbooks under this section. The rules shall 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. (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 6. Effective date:

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.