

By: Giddings

H.B. No. 3119

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the grade point average of and imposition of a fee on a
3 student who repeats a course at a public institution of higher
4 education.

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

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

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

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

22 (2) the grade received when the student repeats the
23 course is included in the calculation and the grade received the
24 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. For purposes
12 of this subsection, the content of a course that changes solely
13 because of intervening advances in knowledge or technology is not
14 considered to vary significantly from the content of the course
15 offered before those advances.

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 2006 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 what would be charged to a non-resident student who
18 undertakes a course three or more times.

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. For purposes of this subsection,
27 the content of a course that changes solely because of intervening

1 advances in knowledge or technology is not considered to vary
2 significantly from the content of the course offered before those
3 advances.

4 (d) This section does not apply to:

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

7 (2) a course that the student completed before the
8 2006 fall semester; or

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

12 SECTION 3. Section 51.9315, Education Code, as added by
13 this Act, applies to the calculation of a grade point average
14 beginning with the 2006 fall semester. After this Act takes effect
15 until the 2006 fall semester, each institution of higher education
16 shall implement Section 51.9315, Education Code, as added by this
17 Act, concurrently with routine computer acquisition, maintenance,
18 and upgrade.

19 SECTION 4. 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, 2005.