

By: Zaffirini

S.B. No. 151

A BILL TO BE ENTITLED

AN ACT

relating to students enrolled in courses for which students may receive both high school and higher education academic credit.

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

SECTION 1. Subchapter D, Chapter 54, Education Code, is amended by adding Section 54.2161 to read as follows:

Sec. 54.2161. PILOT PROJECT FOR CERTAIN STUDENTS ENROLLED IN COURSES FOR CONCURRENT HIGH SCHOOL AND HIGHER EDUCATION ACADEMIC CREDIT. (a) Notwithstanding Section 54.216, the governing board of an institution of higher education shall waive the tuition and mandatory fees charged by the institution for a student who:

(1) is a high school junior or senior in a school district that is eligible for guaranteed yield allotments under Subchapter F, Chapter 42; and

(2) is enrolled in a course for which the student is entitled to simultaneously receive both:

(A) course credit toward the student's high school academic requirements; and

(B) course credit toward a degree offered by the institution.

(b) A student described by Subsection (a) is entitled to free textbooks required for a course described by Subsection (a)(2) in accordance with Section 31.031.

(c) The commissioner of higher education shall conduct an

1 ongoing evaluation of the effectiveness of the pilot project  
2 established under this section in encouraging students to graduate  
3 from institutions of higher education in a timely manner and of any  
4 other benefits or any problems that result from the pilot project.  
5 In making that evaluation, the commissioner of higher education  
6 shall consult with the commissioner of education. The commissioner  
7 of higher education shall report the results of the evaluation to  
8 the legislature not later than December 31, 2006, and December 31,  
9 2008.

10 (d) The governing board of an institution of higher  
11 education may not waive tuition and fees under this section and a  
12 student is not entitled to free textbooks under this section for a  
13 semester or session before the 2005 fall semester.

14 (e) This section expires August 15, 2009.

15 SECTION 2. Section 31.021, Education Code, is amended by  
16 adding Subsection (c) to read as follows:

17 (c) In addition to the amount set aside under Subsection  
18 (b), the State Board of Education shall annually set aside out of  
19 the available school fund an amount sufficient for each school  
20 district with one or more students entitled to free textbooks under  
21 the pilot project established by Section 54.2161 to provide those  
22 textbooks as required by Section 31.031 for the following school  
23 year. The board shall determine the amount of the available school  
24 fund to set aside for the state textbook fund for purposes of this  
25 subsection based on the commissioner's estimate of the amount that  
26 will be necessary to provide textbooks required under Section  
27 31.031. This subsection expires August 15, 2009.

1 SECTION 3. Subchapter B, Chapter 31, Education Code, is  
2 amended by adding Section 31.031, Education Code, to read as  
3 follows:

4 Sec. 31.031. TEXTBOOKS FOR STUDENTS ENROLLED IN COURSES FOR  
5 CONCURRENT HIGH SCHOOL AND HIGHER EDUCATION ACADEMIC CREDIT UNDER  
6 PILOT PROJECT. (a) From the amount set aside by the State Board of  
7 Education under Section 31.021(c), the school district that a  
8 student entitled to free textbooks under the pilot project  
9 established by Section 54.2161 attends shall provide each textbook  
10 the student requires for a course described by Section  
11 51.2161(a)(2).

12 (b) The State Board of Education shall adopt rules for the  
13 provision of textbooks under this section. The rules may provide  
14 for a school district to purchase a textbook for a student or for  
15 the student to purchase the textbook with money set aside under  
16 Section 31.021(c) and provided to the student by the district. If  
17 the rules allow for the student to purchase the textbook with money  
18 provided by the district, the rules must provide for ensuring that  
19 money provided to the student under this subsection is used only to  
20 pay for a textbook required for a course described by Subsection  
21 54.2161(a)(2).

22 (c) Section 31.102(c) does not apply to a textbook provided  
23 under this section, except that the board of trustees of the school  
24 district in which a student is enrolled is the legal custodian of a  
25 textbook provided under this section.

26 (d) This section expires August 15, 2009.

27 SECTION 4. Section 42.005, Education Code, is amended by

1 adding Subsection (g) to read as follows:

2 (g) If a student may receive course credit toward the  
3 student's high school academic requirements and toward the  
4 student's higher education academic requirements for a single  
5 course, the time during which the student attends the course shall  
6 be counted as part of the minimum number of instructional hours  
7 required for a student to be considered a full-time student in  
8 average daily attendance for purposes of this section.

9 SECTION 5. Section 51.3062(r), Education Code, is amended  
10 to read as follows:

11 (r) This section does not apply to:

12 (1) a student who has graduated with an associate or  
13 baccalaureate degree from an institution of higher education;

14 (2) a student who transfers to an institution of  
15 higher education from a private or independent institution of  
16 higher education or an accredited out-of-state institution of  
17 higher education and who has satisfactorily completed  
18 college-level coursework;

19 (3) a student who is enrolled in a certificate program  
20 of one year or less at a public junior college, a public technical  
21 institute, or a public state college;

22 (4) a student who is serving on active duty as a member  
23 of:

24 (A) the armed forces of the United States; or

25 (B) the Texas National Guard;

26 (5) a student who is currently serving as and, for at  
27 least the three-year period preceding enrollment, has served as a

1 member of a reserve component of the armed forces of the United  
2 States; ~~or~~

3 (6) a student who on or after August 1, 1990, was  
4 honorably discharged, retired, or released from:

5 (A) active duty as a member of the armed forces of  
6 the United States or the Texas National Guard; or

7 (B) service as a member of a reserve component of  
8 the armed forces of the United States; or

9 (7) a student who is enrolled in a course for which the  
10 student is entitled to simultaneously receive both:

11 (A) course credit toward the student's high  
12 school academic requirements; and

13 (B) course credit toward a degree offered by an  
14 institution of higher education.

15 SECTION 6. (a) Section 31.021(c), Education Code, as added  
16 by this Act, applies to funding for textbooks beginning with  
17 textbooks provided for the 2005-2006 school year and the 2005 fall  
18 semester.

19 (b) The State Board of Education shall adopt rules under  
20 Section 31.031, Education Code, as added by this Act, as soon as  
21 practicable after this Act takes effect. For that purpose, the  
22 State Board of Education may adopt the initial rules in the manner  
23 provided by law for adoption of emergency rules.

24 (c) Section 42.005(g), Education Code, as added by this Act,  
25 applies beginning with the 2005-2006 school year.

26 (d) The change in law made by this Act to Section  
27 51.3062(r), Education Code, applies to a student enrolling in a

1 course at an institution of higher education beginning with the  
2 2005 fall semester. A student enrolling in a course at an  
3 institution of higher education before the 2005 fall semester is  
4 governed by the applicable law in effect at the time the student  
5 enrolls, and that law is continued in effect for that purpose.

6 SECTION 7. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2005.