

1-1 By: Zaffirini S.B. No. 151  
1-2 (In the Senate - Filed January 3, 2005; February 1, 2005,  
1-3 read first time and referred to Committee on Education;  
1-4 April 21, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 21, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 151 By: West

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to students enrolled in junior college courses for which  
1-11 students may receive both high school and higher education academic  
1-12 credit.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter D, Chapter 54, Education Code, is  
1-15 amended by adding Section 54.2161 to read as follows:

1-16 Sec. 54.2161. PILOT PROJECT FOR CERTAIN STUDENTS ENROLLED  
1-17 IN JUNIOR COLLEGE COURSES FOR CONCURRENT HIGH SCHOOL AND HIGHER  
1-18 EDUCATION ACADEMIC CREDIT. (a) In this section:

1-19 (1) "Coordinating board" means the Texas Higher  
1-20 Education Coordinating Board.

1-21 (2) "Public junior college" has the meaning assigned  
1-22 by Section 61.003.

1-23 (b) Notwithstanding Section 54.002 or 54.216, the governing  
1-24 board of a public junior college participating in the pilot project  
1-25 established under this section shall waive the tuition and  
1-26 mandatory fees charged by the college for a student who:

1-27 (1) is educationally disadvantaged, as defined by  
1-28 Section 5.001; and

1-29 (2) is enrolled in a course offered by the college for  
1-30 which the student is entitled to simultaneously receive both:

1-31 (A) course credit toward the student's high  
1-32 school academic requirements; and

1-33 (B) course credit toward a degree or certificate  
1-34 offered by the college.

1-35 (c) A student described by Subsection (b) is entitled to  
1-36 free textbooks required for a course described by Subsection (b)(2)  
1-37 in accordance with Section 31.031.

1-38 (d) The coordinating board shall adopt a procedure for a  
1-39 public junior college to use in applying to participate in the pilot  
1-40 project established under this section. From among the public  
1-41 junior colleges that apply to participate under this subsection,  
1-42 the coordinating board shall select five to participate in the  
1-43 pilot project. The public junior colleges selected by the board  
1-44 must:

1-45 (1) be located in various geographic regions of the  
1-46 state;

1-47 (2) vary significantly in the number of students  
1-48 enrolled; and

1-49 (3) satisfy any other requirements adopted by the  
1-50 board.

1-51 (e) The pilot project established under this section may not  
1-52 be implemented in a state fiscal year unless in the General  
1-53 Appropriations Act for that fiscal year the legislature accounts  
1-54 for the tuition and fee exemptions required by this section in a way  
1-55 that provides a corresponding increase in the general revenue funds  
1-56 appropriated to the public junior colleges that would be  
1-57 participating in the pilot project. It is the intent of the  
1-58 legislature that the tuition and fee exemptions required by this  
1-59 section be financed by savings to the state resulting under this  
1-60 section from reductions in the number of courses taken by  
1-61 undergraduate students.

1-62 (f) If the pilot project established under this section is  
1-63 implemented, the commissioner of higher education shall conduct an

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

2-10 (g) The governing board of a public junior college may not  
 2-11 waive tuition and fees under this section and a student is not  
 2-12 entitled to free textbooks under this section for a semester or  
 2-13 other academic term beginning before the 2005 fall semester.

2-14 (h) This section expires August 15, 2009.

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

2-17 (c) This subsection applies only if the pilot project  
 2-18 established under Section 54.2161 is implemented, and expires  
 2-19 August 15, 2009. In addition to the amount set aside under  
 2-20 Subsection (b), the State Board of Education shall annually set  
 2-21 aside out of the available school fund an amount sufficient for each  
 2-22 school district with one or more students entitled to free  
 2-23 textbooks under the pilot project established under Section 54.2161  
 2-24 to provide those textbooks as required by Section 31.031 for the  
 2-25 following school year. The board shall determine the amount of the  
 2-26 available school fund to set aside for the state textbook fund for  
 2-27 purposes of this subsection based on the commissioner's estimate of  
 2-28 the amount that will be necessary to provide textbooks required  
 2-29 under Section 31.031.

2-30 SECTION 3. Subchapter B, Chapter 31, Education Code, is  
 2-31 amended by adding Section 31.031 to read as follows:

2-32 Sec. 31.031. TEXTBOOKS FOR STUDENTS ENROLLED IN JUNIOR  
 2-33 COLLEGE COURSES FOR CONCURRENT HIGH SCHOOL AND HIGHER EDUCATION  
 2-34 ACADEMIC CREDIT UNDER PILOT PROJECT. (a) This section applies  
 2-35 only if the pilot project established under Section 54.2161 is  
 2-36 implemented.

2-37 (b) From the amount set aside by the State Board of  
 2-38 Education under Section 31.021(c), the school district that a  
 2-39 student entitled to free textbooks under the pilot project  
 2-40 established by Section 54.2161 attends shall provide each textbook  
 2-41 the student requires for a course described by Section  
 2-42 54.2161(b)(2).

2-43 (c) The State Board of Education shall adopt rules for the  
 2-44 provision of textbooks under this section. The rules may provide  
 2-45 for a school district to purchase a textbook for a student or for  
 2-46 the student to purchase the textbook with money set aside under  
 2-47 Section 31.021(c) and provided to the student by the district. If  
 2-48 the rules allow for the student to purchase the textbook with money  
 2-49 provided by the district, the rules must provide for ensuring that  
 2-50 money provided to the student under this subsection is used only to  
 2-51 pay for a textbook required for a course described by Subsection  
 2-52 54.2161(b)(2).

2-53 (d) Section 31.102(c) does not apply to a textbook provided  
 2-54 under this section, except that the board of trustees of the school  
 2-55 district in which a student is enrolled is the legal custodian of a  
 2-56 textbook provided under this section.

2-57 (e) This section expires August 15, 2009.

2-58 SECTION 4. Section 42.005, Education Code, is amended by  
 2-59 adding Subsection (g) to read as follows:

2-60 (g) If a student may receive course credit toward the  
 2-61 student's high school academic requirements and toward the  
 2-62 student's higher education academic requirements for a single  
 2-63 course, the time during which the student attends the course shall  
 2-64 be counted as part of the minimum number of instructional hours  
 2-65 required for a student to be considered a full-time student in  
 2-66 average daily attendance for purposes of this section.

2-67 SECTION 5. (a) Subsection (c), Section 31.021, Education  
 2-68 Code, as added by this Act, applies to funding for textbooks  
 2-69 beginning with textbooks provided for the 2005-2006 school year and

3-1 the 2005 fall semester.

3-2 (b) The State Board of Education shall adopt rules under  
3-3 Section 31.031, Education Code, as added by this Act, as soon as  
3-4 practicable after this Act takes effect. For that purpose, the  
3-5 State Board of Education may adopt the initial rules in the manner  
3-6 provided by law for adoption of emergency rules.

3-7 (c) Subsection (g), Section 42.005, Education Code, as  
3-8 added by this Act, applies beginning with the 2005-2006 school  
3-9 year.

3-10 SECTION 6. This Act takes effect immediately if it receives  
3-11 a vote of two-thirds of all members elected to each house, as  
3-12 provided by Section 39, Article III, Texas Constitution. If this  
3-13 Act does not receive the vote necessary for immediate effect, this  
3-14 Act takes effect September 1, 2005.

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