

BILL ANALYSIS

Senate Research Center
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S.B. 1549
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 80th Texas Legislature, Regular Session, 2007, two bills were passed and signed by Governor Rick Perry that created a new Section 51.807 (Rulemaking), Education Code. One of the bills creating the new section, H.B. 3851, required the Texas Higher Education Coordinating Board (THECB) to adopt rules establishing a standard method for computing a student's high school grade point average for university admissions under Subchapter U (Uniform Admission Policy), Chapter 51 (Provisions Generally Applicable to Higher Education). H.B. 3851 amended Section 28.0252(b), to require school districts to use the standard computation method developed by THECB if a conflict existed between the methods established by the Texas Education Agency and THECB. THECB planned to adopt rules by January 2008.

Throughout the rulemaking process, legal questions were raised regarding the applicability of the new rules to school districts and whether grade point averages had to be recalculated for currently enrolled students. On May 9, 2008, the commissioner of higher education requested an opinion from the Texas Attorney General Greg Abbott. On August 26, 2008, Abbott issued an opinion concluding that H.B. 3851 implicitly required school districts to use the new method and that any new method would apply prospectively.

To date, THECB has not adopted new rules to establish a standard method for computing a student's high school grade point average.

As proposed, S.B. 1549 amends Section 28.0252(b), Education Code, to delete the requirement that school districts be required to use the grade method established by THECB. The bill also reenacts the former Section 51.807 (Rulemaking), Education Code.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 2 (Section 51.807, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.0252(b), Education Code, to delete existing text requiring a school district, if the commissioner of education (commissioner) develops a standard method under this section, to use the standard method to compute a student's high school grade point average, except that to the extent of a conflict between that method and the method adopted under Section 51.807 (Rulemaking), the student's grade point average computed in accordance with the method established under Section 51.807 be used in determining the student's eligibility for university admission under Subchapter U (Uniform Admission Policy), Chapter 51 (Provisions Generally Applicable to Higher Education).

SECTION 2. Reenacts Section 51.807, Education Code, as amended by Chapters 941 (H.B. 3826) and 1369 (H.B. 3851), Acts of the 80th Legislature, Regular Session, 2007, as follows:

Sec. 51.807. RULEMAKING. (a) Authorizes the Texas Higher Education Coordinating Board (THECB) to adopt rules relating to the operation of admissions programs under this subchapter, including rules relating to the identification of eligible students.

(b) Requires THECB, after consulting with the Texas Education Agency, by rule to establish standards for determining for purposes of this subchapter whether a

private high school is accredited by a generally recognized accrediting organization; and whether a person completed a high school curriculum that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 (High School Diploma and Certificate; Academic Achievement Record) for the recommended or advanced high school program.

SECTION 3. Provides that to the extent of any conflict, this Act prevails over another Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Effective date: September 1, 2009.