

SENATE AMENDMENTS

2nd Printing

By: Lucio III, Marquez, Rios Ybarra, Guillen, et al. H.B. No. 269

A BILL TO BE ENTITLED

AN ACT

relating to course credit for certain students at a public institution of higher education.

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

SECTION 1. Subchapter F, Chapter 51, Education Code, is amended by adding Section 51.3042 to read as follows:

Sec. 51.3042. AWARD OF COURSE CREDIT FOR MILITARY SERVICE.

(a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education shall award to an undergraduate student who is admitted to the institution, including a student who is readmitted under Section 51.9242, course credit for all physical education courses required by the institution for an undergraduate degree and for additional semester credit hours, not to exceed 12, that may be applied to satisfy any elective course requirements for the student's degree program for courses outside the student's major or minor if the student:

(1) graduated from a public or private high school accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense; and

(2) is an honorably discharged former member of the armed forces of the United States who:

(A) completed at least two years of service in

1 the armed forces; or

2 (B) was discharged because of a disability.

3 (c) This section does not prohibit an institution of higher
4 education from awarding additional course credit for a student's
5 military service as the institution considers appropriate.

6 (d) An institution of higher education may adopt rules
7 requiring reasonable proof from a student of the fact and duration
8 of the student's military service and of the student's military
9 discharge status.

10 SECTION 2. Subchapter Z, Chapter 51, Education Code, is
11 amended by adding Section 51.9112 to read as follows:

12 Sec. 51.9112. RESERVE OFFICERS' TRAINING CORPS (ROTC)
13 PROGRAM: FEES AND COURSE CREDIT. (a) The Texas Higher Education
14 Coordinating Board, in consultation with institutions of higher
15 education, shall determine a standard fee for a course offered
16 through a Reserve Officers' Training Corps (ROTC) program that
17 takes into account the average statewide cost per student to an
18 institution of higher education in providing the program, not
19 including any reimbursement or other amounts the institution
20 receives from the applicable military service or other source for
21 offering the course. Except as provided by Subsection (b), the
22 governing board of each institution of higher education may not
23 charge a student enrolled in an ROTC course any amount for the
24 course in excess of the fee as determined by the coordinating board
25 under this subsection.

26 (b) If the governing board of an institution of higher
27 education offers course credit toward a student's degree for a

1 course in which the student enrolls for the purposes of an ROTC
2 program, the governing board may charge the student tuition for
3 that course as otherwise provided by Chapter 54 after subtracting
4 any reimbursement or other amount the institution receives from the
5 applicable military service or other source for offering the
6 course.

7 (c) To the extent it will not adversely affect the
8 accreditation status of an institution of higher education with the
9 appropriate accrediting agency, the governing board of the
10 institution shall count courses in which a student enrolls for the
11 purposes of an ROTC program, including courses for which the
12 student does not receive course credit toward the student's degree,
13 in determining whether the student is enrolled as a full-time
14 student.

15 SECTION 3. Section 51.3042, Education Code, as added by
16 this Act, applies to a student attending an institution of higher
17 education, without regard to whether the student was admitted to
18 the institution before the effective date of this Act.

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, 2009.

ADOPTED

MAY 26 2009

Atty Gen
Secretary of the Senate

By: *Van de Putte*

H.B. No. 269

Substitute the following for H.B. No. 269:

By: *Van de Putte*

C.S.H.B. No. 269

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9 meaning assigned by Section 61.003.

10 (b) An institution of higher education shall award to an
11 undergraduate student who is admitted to the institution, including
12 a student who is readmitted under Section 51.9242, course credit
13 for all physical education courses required by the institution for
14 an undergraduate degree and for additional semester credit hours,
15 not to exceed 12, that may be applied to satisfy any equivalent
16 elective course requirements for the student's degree program for
17 courses outside the student's major or minor if the student:

18 (1) graduated from a public or private high school
19 accredited by a generally recognized accrediting organization or
20 from a high school operated by the United States Department of
21 Defense; and

22 (2) is an honorably discharged former member of the
23 armed forces of the United States who:

24 (A) completed at least two years of service in

1 the armed forces; or

2 (B) was discharged because of a disability.

3 (c) This section does not prohibit an institution of higher
4 education from awarding additional course credit for a student's
5 military service as the institution considers appropriate.

6 (d) An institution of higher education may adopt rules
7 requiring reasonable proof from a student of the fact and duration
8 of the student's military service and of the student's military
9 discharge status.

10 (e) The Texas Higher Education Coordinating Board shall
11 adopt rules establishing standards for determining the equivalency
12 of military service experience to elective course requirements for
13 which a student may receive credit under Subsection (b).

14 SECTION 2. Subchapter Z, Chapter 51, Education Code, is
15 amended by adding Section 51.9112 to read as follows:

16 Sec. 51.9112. RESERVE OFFICERS' TRAINING CORPS (ROTC)
17 PROGRAM: FEES AND COURSE CREDIT. (a) The Texas Higher Education
18 Coordinating Board, in consultation with institutions of higher
19 education, shall determine a standard fee for a course offered
20 through a Reserve Officers' Training Corps (ROTC) program that
21 takes into account the average statewide cost per student to an
22 institution of higher education in providing the program, not
23 including any reimbursement or other amounts the institution
24 receives from the applicable military service or other source for
25 offering the course. Except as provided by Subsection (b), the
26 governing board of each institution of higher education may not
27 charge a student enrolled in an ROTC course any amount for the

1 course in excess of the fee as determined by the coordinating board
2 under this subsection.

3 (b) If the governing board of an institution of higher
4 education offers course credit toward a student's degree for a
5 course in which the student enrolls for the purposes of an ROTC
6 program, the governing board may charge the student tuition for
7 that course as otherwise provided by Chapter 54 after subtracting
8 any reimbursement or other amount the institution receives from the
9 applicable military service or other source for offering the
10 course.

11 (c) To the extent it will not adversely affect the
12 accreditation status of an institution of higher education with the
13 appropriate accrediting agency, the governing board of the
14 institution shall count courses in which a student enrolls for the
15 purposes of an ROTC program, including courses for which the
16 student does not receive course credit toward the student's degree,
17 in determining whether the student is enrolled as a full-time
18 student.

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20 this Act, applies to a student attending an institution of higher
21 education, without regard to whether the student was admitted to
22 the institution before the effective date of this Act.

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24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2009.

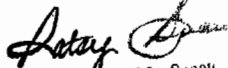
ADOPTED

FLOOR AMENDMENT NO. 1

MAY 26 2009

BY:




Secretary of the Senate

1 Amend CSHB 269 by adding the following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS
3 of the bill appropriately:

4 SECTION _____. This Act does not make an appropriation.
5 A provision in this Act that creates a new governmental program,
6 creates a new entitlement, or imposes a new duty on a
7 governmental entity is not mandatory during a fiscal period for
8 which the legislature has not made a specific appropriation to
9 implement the provision.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB269 by Lucio III (relating to course credit for certain students at a public institution of higher education.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB269, As Passed 2nd House: a negative impact of (\$2,938,577) through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$1,583,254)
2011	(\$1,355,323)
2012	(\$1,355,323)
2013	(\$1,355,323)
2014	(\$1,355,323)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2010	(\$1,583,254)
2011	(\$1,355,323)
2012	(\$1,355,323)
2013	(\$1,355,323)
2014	(\$1,355,323)

Fiscal Year	Change in Number of State Employees from FY 2009
2010	20.0
2011	20.0
2012	20.0
2013	20.0
2014	20.0

Fiscal Analysis

Section 1 of the bill would require an institution of higher education shall award to an undergraduate student course credit for all physical education courses required by the institution for an undergraduate degree and for additional credit hours (not to exceed 12) that may be applied to satisfy any equivalent elective requirements if the student graduated from a public or private high school in this state or from

a high school operated by the United States Department of Defense and was discharged because of a disability. The Higher Education Coordinating Board would be required to adopt rules establishing standards for determining the equivalency of military service experience to elective course requirements for which a student may receive credit.

Section 2 of the bill would require the Higher Education Coordinating Board, in consultation with institutions of higher education, to determine a standard fee for a course offered through a ROTC program that takes into account the average statewide costs per student to an institution in providing the program. This cost would not include any reimbursement or other amounts the institution receives from the applicable military service or other source for offering the course. Except as otherwise provided in the bill, the governing board of each institution may not charge a student enrolled in an ROTC course an amount for the course in excess of the fee as determined by the Higher Education Coordinating Board. It is assumed that any impact to institutions in terms of lost revenue associated with these courses would be minor.

Methodology

Depending on the number of students who would be granted course credit, there could be an indeterminate fiscal impact to the institutions based on tuition revenue not being collected and an indeterminate fiscal impact to the State based on formula funding derived from those credit hours under Section 1 of the bill.

This section would also require the Higher Education Coordinating Board to adopt rules establishing standards for determining the equivalency of military service experience to elective course requirements for which a student may receive credit. This provision would apply to all veterans who served at least 2 years or were discharged due to disabilities. In 2006 there were 33,260 veterans using federal education benefits to attend college in Texas. The Higher Education Coordinating Board estimates approximately 40,000 veterans could apply for this benefit, beginning in fiscal year 2010. They indicate that the determination of equivalencies will be unique per individual (due to his/her array of military training), and unique to each of the state's institutions with its unique set of course offerings. The Higher Education Coordinating Board has indicated personnel will have to be added to examine and make decisions on academic or technical course equivalencies for all the varieties of military training. They estimate that 20 additional FTEs will be required to carry out the mandatory evaluation of military service records that will include several thousand military occupational speciality (MOS) training courses to determine equivalency in the content and learning outcomes of each. As new courses are continually added and removed, this will be an ongoing evaluation project. Once courses have been evaluated for content, they must then be compared to the tens of thousands of current courses offered by institutions of higher education for equivalency.

To carry out this responsibility, the Higher Education Coordinating Board has indicated they would need to add 1 director; 1 assistant director; 4 program directors, 10 program specialists (5 senior and 5 junior), 2 senior administrative technicians, and 2 junior administrative technicians. Personnel salary and benefits cost for the state are estimated to be \$1,583,254 in fiscal year 2010, and \$1,355,323 in subsequent years.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 781 Higher Education Coordinating Board, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration

LBB Staff: JOB, KK, RT, GO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB269 by Lucio III (relating to course credit for certain students at a public institution of higher education.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB269, Committee Report 2nd House, Substituted: a negative impact of (\$2,938,577) through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$1,583,254)
2011	(\$1,355,323)
2012	(\$1,355,323)
2013	(\$1,355,323)
2014	(\$1,355,323)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2010	(\$1,583,254)
2011	(\$1,355,323)
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Fiscal Year	Change in Number of State Employees from FY 2009
2010	20.0
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Fiscal Analysis

Section 1 of the bill would require an institution of higher education shall award to an undergraduate student course credit for all physical education courses required by the institution for an undergraduate degree and for additional credit hours (not to exceed 12) that may be applied to satisfy any equivalent

elective requirements if the student graduated from a public or private high school in this state or from a high school operated by the United States Department of Defense and was discharged because of a disability. The Higher Education Coordinating Board would be required to adopt rules establishing standards for determining the equivalency of military service experience to elective course requirements for which a student may receive credit.

Section 2 of the bill would require the Higher Education Coordinating Board, in consultation with institutions of higher education, to determine a standard fee for a course offered through a ROTC program that takes into account the average statewide costs per student to an institution in providing the program. This cost would not include any reimbursement or other amounts the institution receives from the applicable military service or other source for offering the course. Except as otherwise provided in the bill, the governing board of each institution may not charge a student enrolled in an ROTC course an amount for the course in excess of the fee as determined by the Higher Education Coordinating Board. It is assumed that any impact to institutions in terms of lost revenue associated with these courses would be minor.

Methodology

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To carry out this responsibility, the Higher Education Coordinating Board has indicated they would need to add 1 director; 1 assistant director; 4 program directors, 10 program specialists (5 senior and 5 junior), 2 senior administrative technicians, and 2 junior administrative technicians. Personnel salary and benefits cost for the state are estimated to be \$1,583,254 in fiscal year 2010, and \$1,355,323 in subsequent years.

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No fiscal implication to units of local government is anticipated.

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LBB Staff: JOB, KK, RT, GO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION
Revision 1

May 19, 2009

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB269** by Lucio III (Relating to course credit for certain students at a public institution of higher education.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

Under provisions of the bill, an institution of higher education shall award to an undergraduate student course credit for all physical education courses required by the institution for an undergraduate degree and for additional credit hours (not to exceed 12) that may be applied to satisfy any elective requirements if the student graduated from a public or private high school in this state or from a high school operated by the United States Department of Defense and was discharged because of a disability. Depending on the number of students who would be granted course credit, there could be an indeterminate fiscal impact to the institutions based on tuition revenue not being collected and an indeterminate fiscal impact to the State based on formula funding derived from those credit hours.

The bill would require the Higher Education Coordinating Board, in consultation with institutions of higher education, to determine a standard fee for a course offered through a ROTC program that takes into account the average statewide costs per student to an institution in providing the program. This cost would not include any reimbursement or other amounts the institution receives from the applicable military service or other source for offering the course. Except as otherwise provided in the bill, the governing board of each institution may not charge a student enrolled in an ROTC course an amount for the course in excess of the fee as determined by the Higher Education Coordinating Board. It is assumed that any impact to institutions in terms of lost revenue associated with these courses would be minor.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 781 Higher Education Coordinating Board, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration

LBB Staff: JOB, KK, RT, GO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 21, 2009

TO: Honorable Frank Corte Jr., Chair, House Committee on Defense & Veterans' Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB269** by Lucio III (relating to the award of course credit to a student at a public institution of higher education for the completion of military service.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

Under provisions of the bill, an institution of higher education shall award to an undergraduate student course credit for all physical education courses required by the institution for an undergraduate degree and for additional credit hours (not to exceed 12) that may be applied to satisfy any elective requirements if the student graduated from a public or private high school in this state or from a high school operated by the United States Department of Defense and was discharged because of a disability. It is assumed that any impact to institutions in terms of lost revenue associated with these courses would be minor.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board

LBB Staff: JOB, KK, RT, GO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 27, 2009

TO: Honorable Frank Corte, Jr., Chair, House Committee on Defense & Veterans' Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB269 by Lucio III (Relating to the award of course credit to a student at a public institution of higher education for the completion of military service.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Under provisions of the bill, an institution of higher education shall award to a student course credit toward an undergraduate degree offered by the institution for any kinesiology course required by the institution for that degree and for elective courses not to exceed 12 semester credit hours required by the institution for that degree if the student graduated from a public or private high school in this state or from a high school operated by the United States and was discharged because of a disability. It is assumed that any impact to institutions in terms of lost revenue associated with these courses would be minor.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board

LBB Staff: JOB, KK, RT, GO