

AN ACT

relating to developmental education and the assessment of student readiness under the Texas Success Initiative and to students enrolled in developmental education at public institutions of higher education.

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

SECTION 1. Section 51.3062, Education Code, is amended by adding Subsections (a-1), (i-2), (i-3), and (i-4) and amending Subsections (f), (i), and (k) to read as follows:

(a-1) In this section, "program evaluation" means a systematic method of collecting, analyzing, and using information to answer questions about developmental education courses, interventions, and policies, particularly about their effectiveness and cost-efficiency.

(f) Each assessment instrument designated by the board for use under this section must be diagnostic in nature and designed to assess a student's readiness to perform freshman-level academic coursework. The board shall prescribe a single standard or set of standards for each [the] assessment instrument to effectively measure student readiness as demonstrated by current research ~~[or instruments that reflect that student readiness. An institution of higher education may adopt more stringent assessment standards with respect to student readiness].~~

(i) The institution of higher education may refer a student

1 to developmental coursework as considered necessary by the
2 institution to address a student's deficiencies in the student's
3 readiness to perform freshman-level academic coursework, except
4 that the institution may not require enrollment in developmental
5 coursework with respect to a student previously determined under
6 Subsection (q-1) or determined by any institution of higher
7 education to have met college-readiness standards. An institution
8 that requires a student to enroll in developmental coursework must
9 offer a range of developmental coursework, including online
10 coursework, or instructional support that includes the integration
11 of technology to efficiently address the particular developmental
12 needs of the student.

13 (i-2) An institution of higher education must base
14 developmental coursework on research-based best practices that
15 include the following components:

- 16 (1) assessment;
- 17 (2) differentiated placement and instruction;
- 18 (3) faculty development;
- 19 (4) support services;
- 20 (5) program evaluation;
- 21 (6) integration of technology with an emphasis on
22 instructional support programs;
- 23 (7) non-course-based developmental education
24 interventions; and
- 25 (8) course pairing of developmental education courses
26 with credit-bearing courses.

27 (i-3) The board shall adopt rules for the implementation of

1 Subsection (i-2).

2 (i-4) The board, in consultation with institutions of
3 higher education, shall develop and provide professional
4 development programs, including instruction in differentiated
5 instruction methods designed to address students' diverse learning
6 needs, to faculty and staff who provide developmental coursework to
7 students.

8 (k) An institution of higher education shall determine when
9 a student is ready to perform freshman-level academic coursework.
10 The institution must make its determination using learning outcomes
11 for developmental education courses developed by the board based on
12 established college and career readiness standards and student
13 performance on one or more appropriate assessments [~~on an~~
14 ~~individual basis according to the needs of the student. The~~
15 ~~determination shall include:~~

16 [~~(1) requiring a student to retake a board-approved~~
17 ~~assessment instrument, if the student did not initially perform~~
18 ~~within a deviation established by the board; or~~

19 [~~(2) other board-approved means of evaluating student~~
20 ~~readiness, if the student did not initially pass the assessment~~
21 ~~instrument but performed within a deviation established by the~~
22 ~~board].~~

23 SECTION 2. Subchapter D, Chapter 54, Education Code, is
24 amended by adding Section 54.225 to read as follows:

25 Sec. 54.225. STUDENTS ENROLLED IN NON-SEMESTER-LENGTH
26 DEVELOPMENTAL EDUCATION INTERVENTIONS. The governing board of an
27 institution of higher education may exempt from the payment of

1 tuition authorized by this chapter a student who is participating
2 in an approved non-semester-length developmental education
3 intervention (including course-based, non-course-based,
4 alternative-entry/exit, and other intensive developmental
5 education activities).

6 SECTION 3. Section 51.3062(e), Education Code, is repealed.

7 SECTION 4. The change in law made by this Act applies
8 beginning with the 2012-2013 academic year.

9 SECTION 5. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1244 was passed by the House on May 13, 2011, by the following vote: Yeas 125, Nays 11, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1244 on May 27, 2011, by the following vote: Yeas 130, Nays 9, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1244 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor