

By: West

S.B. No. 1564

A BILL TO BE ENTITLED

AN ACT

1
2 relating to developmental education courses and the assessment of
3 student readiness under the Texas Success Initiative for public
4 institutions of higher education.

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

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

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

14 (f) Each assessment instrument designated by the board for
15 use under this section must be diagnostic in nature and designed to
16 assess a student's readiness to perform freshman-level academic
17 coursework. The board shall prescribe standards for the assessment
18 instrument or instruments that reflect that student readiness. [~~An~~
19 ~~institution of higher education may adopt more stringent assessment~~
20 ~~standards with respect to student readiness.~~]

21 (i) The institution of higher education may refer a student
22 to developmental coursework as considered necessary by the
23 institution to address a student's deficiencies in the student's
24 readiness to perform freshman-level academic coursework, except

1 that the institution may not require enrollment in developmental
2 coursework with respect to a student previously determined under
3 g-1 of this section or determined by any institution of higher
4 education to have met college-readiness standards. If an
5 institution of higher education requires a student to enroll in
6 developmental coursework, the institution must offer the student
7 the option of enrolling in developmental coursework offered as an
8 online course or through the use of other technology.

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

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

23 (i-3) The board shall adopt rules for the components
24 described in this subsection.

25 (i-~~3~~ 4) An institution of higher education must provide
26 professional development programs, including instruction in
27 differentiated instruction methods designed to address students'

1 diverse learning needs, to faculty and staff who provide
2 developmental coursework to students.

3 (k) An institution of higher education shall determine when
4 a student is ready to perform freshman-level academic coursework.
5 The institution must make its determination ~~on an individual basis~~
6 ~~according to the needs of the student. The determination shall~~
7 ~~include~~ by:

8 (1) requiring a student to retake a board-approved
9 assessment instrument, if the student did not initially perform
10 within a deviation established by the board; ~~or~~

11 ~~(2) other board-approved means of evaluating student~~
12 ~~readiness, if the student did not initially pass the assessment~~
13 ~~instrument but performed within a deviation established by the~~
14 ~~board.~~

15 (l) The legislature shall appropriate money for approved
16 non-degree-credit developmental courses, except that legislative
17 appropriations may not be used for developmental coursework taken
18 by a student in excess of:

19 (1) ~~18~~ 9 semester credit hours, for a general academic
20 teaching institution; and

21 (2) ~~27~~ 18 semester credit hours, for a public junior
22 college, public technical institute, or public state college.

23 (m) The board may develop formulas to supplement the funding
24 of developmental academic programs by institutions of higher
25 education, including formulas for supplementing the funding of
26 non-course-based programs. The board may develop a performance
27 funding formula by which institutions may receive additional

1 funding for each student who completes the Success Initiative
2 established under this section and then successfully completes
3 college coursework. The legislature may appropriate the money
4 required to provide the additional funding under those formulas.

5 (n) Each institution of higher education shall report
6 annually to the board on the success of its students and the
7 effectiveness of its Success Initiative.

8 (o) The board shall evaluate the effectiveness of the
9 Success Initiative on a statewide basis and with respect to each
10 institution of higher education.

11 (p) A student who has achieved a score set by the board on
12 the Scholastic Assessment Test (SAT) or the American College Test
13 (ACT) is exempt from the requirements of this section. An exemption
14 under this subsection is effective for the five-year period
15 following the date a student takes the test and achieves the
16 standard set by the board.

17 (q) A student who has achieved scores set by the board on the
18 questions developed for end-of-course assessment instruments under
19 Section 39.0233(a) is exempt from the requirements of this
20 section. The exemption is effective for the three-year period
21 following the date a student takes the last assessment instrument
22 for purposes of this section and achieves the standard set by the
23 board. This subsection does not apply during any period for which
24 the board designates the questions developed for end-of-course
25 assessment instruments under Section 39.0233(a) as the primary
26 assessment instrument under this section, except that the
27 three-year period described by this subsection remains in effect

1 for students who qualify for an exemption under this subsection
2 before that period.

3 (q-1) A student who has completed a recommended or advanced
4 high school program as determined under Section 28.025 and
5 demonstrated the performance standard for college readiness as
6 provided by Section 39.024 on the Algebra II and English III
7 end-of-course assessment instruments is exempt from the
8 requirements of this section with respect to those content
9 areas. The commissioner of higher education by rule shall
10 establish the period for which an exemption under this subsection
11 is valid.

12 (r) This section does not apply to:

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

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

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

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

25 ~~(A) the armed forces of the United States, or~~

26 ~~(B) the Texas National Guard,~~

27 ~~(5) a student who is currently serving as and, for at~~

1 ~~least the three-year period preceding enrollment, has served as a~~
2 ~~member of a reserve component of the armed forces of the United~~
3 ~~States; or~~

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

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

8 ~~(B) service as a member of a reserve component of~~
9 ~~the armed forces of the United States.~~

10 SECTION 2. Section 51.3062(e), Education Code, is repealed.

11 SECTION 3. The change in law made by this Act applies
12 beginning with the 2012-2013 academic year.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2011.