

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Castro

H.B. No. 1244

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 (a-1),  
8 (i-2), (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 a single standard or set of  
18 standards to effectively measure student readiness as demonstrated  
19 by current research for each [the] assessment instrument [or  
20 ~~instruments that reflect that student readiness. An institution of~~  
21 ~~higher education may adopt more stringent assessment standards with~~  
22 ~~respect to student readiness].~~

23 (i) The institution of higher education may refer a student  
24 to developmental coursework as considered necessary by the

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

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

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

25 (i-3) The board shall, in consultation with institutions of  
26 higher education, adopt rules for the implementation of Subsection  
27 (i-2).

1        (i-4) An institution of higher education must provide  
2 professional development programs, including instruction in  
3 differentiated instruction methods designed to address students'  
4 diverse learning needs, to faculty and staff who provide  
5 developmental coursework to students.

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 Section 51.3062(e), Education Code, is repealed.


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

9        SECTION 4. 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.

# ADOPTED

MAY 24 2011

FLOOR AMENDMENT NO. 1

  
Secretary of the Senate

BY: 

1 Amend H.B. No. 1244 (senate committee printing) by striking  
2 SECTION 1 of the bill, amending Section 51.3062, Education Code,  
3 and substituting the following appropriately numbered SECTION:

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

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

12 (f) Each assessment instrument designated by the board for  
13 use under this section must be diagnostic in nature and designed to  
14 assess a student's readiness to perform freshman-level academic  
15 coursework. The board shall prescribe a single standard or set of  
16 standards for each [the] assessment instrument to effectively  
17 measure student readiness as demonstrated by current research [~~or~~  
18 ~~instruments that reflect that student readiness. An institution of~~  
19 ~~higher education may adopt more stringent assessment standards with~~  
20 ~~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  
25 that the institution may not require enrollment in developmental  
26 coursework with respect to a student previously determined under  
27 Subsection (g-1) or determined by any institution of higher  
28 education to have met college-readiness standards. An institution  
29 that requires a student to enroll in developmental coursework must

1 offer a range of developmental coursework, including online  
2 coursework, or instructional support that includes the integration  
3 of technology to efficiently address the particular developmental  
4 needs of the student.

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

8 (1) assessment;

9 (2) differentiated placement and instruction;

10 (3) faculty development;

11 (4) support services;

12 (5) program evaluation;

13 (6) integration of technology with an emphasis on  
14 instructional support programs;

15 (7) non-course-based developmental education  
16 interventions; and

17 (8) course pairing of developmental education courses  
18 with credit-bearing courses.

19 (i-3) The board shall adopt rules for the implementation of  
20 Subsection (i-2).

21 (i-4) The board, in consultation with institutions of  
22 higher education, shall develop and provide professional  
23 development programs, including instruction in differentiated  
24 instruction methods designed to address students' diverse learning  
25 needs, to faculty and staff who provide developmental coursework to  
26 students.

27 (k) An institution of higher education shall determine when  
28 a student is ready to perform freshman-level academic coursework.  
29 The institution must make its determination using learning outcomes  
30 for developmental education courses developed by the board based on  
31 established college and career readiness standards and student

1 performance on one or more appropriate assessments [~~on an~~  
2 ~~individual basis according to the needs of the student. The~~  
3 ~~determination shall include:~~

4           ~~[(1) requiring a student to retake a board-approved~~  
5 ~~assessment instrument, if the student did not initially perform~~  
6 ~~within a deviation established by the board, or~~

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

Committee Amendment No. 1

**ADOPTED** By:



MAY 24 2011

Amend HB 1244:

Add SECTION 54.225

  
Secretary of the Senate

SEC. 54.225 STUDENTS ENROLLED IN NON-SEMESTER-LENGTH DEVELOPMENTAL EDUCATION INTERVENTIONS.

The governing board of an institution of higher education may exempt from the payment of tuition authorized by this chapter a student who is participating in an approved non-semester-length developmental education intervention(including course-based, non-course-based, alternative-entry/exit, and other intensive developmental education activities).

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 25, 2011**

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

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

**IN RE: HB1244** by Castro (Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Higher Education Coordinating Board (THECB) to prescribe a single standard or set of standards for each assessment instrument designated by the agency to effectively measure student readiness as demonstrated by current research. The bill would prohibit an institution of higher education from adopting more stringent standards, to assess a student's readiness to perform freshman-level academic coursework, than those adopted by the THECB. The bill would also require institutions to offer a student, required to enroll in developmental education coursework, a range of developmental coursework or instructional support that includes the integration of technology to efficiently address the particular developmental needs of the student.

The bill would require institutions to base developmental education coursework on research-based best practices that include the following components: 1) assessment; 2) differentiated placement and instruction; 3) faculty development; 4) support services; 5) program evaluation, including effectiveness and cost-efficiency; 6) integration of technology; 7) non-course-based developmental education; and 8) course pairing with credit-bearing courses. The THECB, in consultation with institutions, would also be required to provide professional development programs, including instruction in differentiated instruction methods designed to address student's diverse learning needs, for developmental education faculty and staff. This bill also repeals Section 51.3062(e) of the Education Code which allows the THECB to use additional assessment instruments to measure college readiness.

The bill would require institutions to determine when a student is ready to perform freshman-level coursework using learning outcomes developed by the THECB. The bill would also allow institutions to exempt from the payment of tuition and fees a student who is participating in an approved non-semester-length developmental education intervention.

The agencies estimate there would be a minimal cost associated with implementing the provisions of this bill. This analysis assumes that agencies could absorb these costs within existing resources.

**Local Government Impact**

No significant 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, 783 University of Houston System Administration, 768 Texas Tech University System Administration, 769 University of North Texas System Administration

**LBB Staff:** JOB, KK, JI, SDE, RT, GO



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 20, 2011**

**TO:** Honorable Judith Zaffirini, Chair, Senate Committee on Higher Education

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

**IN RE: HB1244** by Castro (relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.), **Committee Report 2nd House, As Amended**

**No significant fiscal implication to the State is anticipated.**

This bill requires the Texas Higher Education Coordinating Board (THECB) to prescribe a single standard or set of standards to effectively measure student readiness. The bill would prohibit an institution of higher education from adopting more stringent standards, to assess a student's readiness to perform freshman-level academic coursework, than those adopted by the THECB. The bill would also require institutions to offer a student, required to enroll in developmental education coursework, a range of developmental coursework or instructional support that includes the integration of technology to efficiently address the particular developmental needs of the student.

This bill would require institutions to base developmental education coursework on research-based best practices that include the following components: 1) assessment; 2) differentiated placement and instruction; 3) faculty development; 4) support services; 5) program evaluation, including effectiveness and cost-efficiency; 6) integration of technology; 7) non-course-based developmental education; and 8) course pairing with credit-bearing courses. Institutions would also be required to provide professional development programs, including instruction in differentiated instruction methods designed to address student's diverse learning needs, for developmental education faculty and staff. This bill also repeals Section 51.3062(e) of the Education Code which allows the THECB to use additional assessment instruments to measure college readiness.

The bill would also allow institutions to exempt from the payment of tuition and fees a student who is participating in an approved non-semester-length developmental education intervention.

The agencies estimate there would be a minimal cost associated with implementing the provisions of this bill.

**Local Government Impact**

No significant 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, 783 University of Houston System Administration, 768 Texas Tech University System Administration, 769 University of North Texas System Administration

**LBB Staff:** JOB, KK, RT, GO, SDE

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 16, 2011**

**TO:** Honorable Judith Zaffirini, Chair, Senate Committee on Higher Education

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

**IN RE: HB1244** by Castro (Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

This bill requires the Texas Higher Education Coordinating Board (THECB) to prescribe a single standard or set of standards to effectively measure student readiness. The bill would prohibit an institution of higher education from adopting more stringent standards, to assess a student's readiness to perform freshman-level academic coursework, than those adopted by the THECB. The bill would also require institutions to offer a student, required to enroll in developmental education coursework, a range of developmental coursework or instructional support that includes the integration of technology to efficiently address the particular developmental needs of the student.

This bill would require institutions to base developmental education coursework on research-based best practices that include the following components: 1) assessment; 2) differentiated placement and instruction; 3) faculty development; 4) support services; 5) program evaluation, including effectiveness and cost-efficiency; 6) integration of technology; 7) non-course-based developmental education; and 8) course pairing with credit-bearing courses. Institutions would also be required to provide professional development programs, including instruction in differentiated instruction methods designed to address student's diverse learning needs, for developmental education faculty and staff. This bill also repeals Section 51.3062(e) of the Education Code which allows the THECB to use additional assessment instruments to measure college readiness.

The agencies estimate there would be a minimal cost associated with implementing the provisions of this bill.

**Local Government Impact**

No significant 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, 783 University of Houston System Administration, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, KK, RT, GO, SDE

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 19, 2011**

**TO:** Honorable Dan Branch, Chair, House Committee on Higher Education

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

**IN RE: HB1244** by Castro (relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

This bill requires the Texas Higher Education Coordinating Board (THECB) to prescribe a single standard or set of standards to effectively measure student readiness. The bill would prohibit an institution of higher education from adopting more stringent standards, to assess a student's readiness to perform freshman-level academic coursework, than those adopted by the THECB. The bill would also require institutions to offer a student, required to enroll in developmental education coursework, a range of developmental coursework or instructional support that includes the integration of technology to efficiently address the particular developmental needs of the student.

This bill would require institutions to base developmental education coursework on research-based best practices that include the following components: 1) assessment; 2) differentiated placement and instruction; 3) faculty development; 4) support services; 5) program evaluation, including effectiveness and cost-efficiency; 6) integration of technology; 7) non-course-based developmental education; and 8) course pairing with credit-bearing courses. Institutions would also be required to provide professional development programs, including instruction in differentiated instruction methods designed to address student's diverse learning needs, for developmental education faculty and staff. This bill also repeals Section 51.3062(e) of the Education Code which allows the THECB to use additional assessment instruments to measure college readiness.

The agencies estimate there would be a minimal cost associated with implementing the provisions of this bill.

**Local Government Impact**

No significant 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, 783 University of Houston System Administration, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, KK, RT, GO, SDE

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 29, 2011**

**TO:** Honorable Dan Branch, Chair, House Committee on Higher Education

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

**IN RE: HB1244** by Castro (Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

This bill would prohibit an institution of higher education from adopting more stringent standards, to assess a student's readiness to perform freshman-level academic coursework, than those adopted by the Texas Higher Education Coordinating Board (THECB). The bill would also require institutions to offer a student, required to enroll in developmental education coursework, the option of enrolling in developmental education coursework as an online course or through other technology.

This bill would require institutions to base developmental education coursework on research-based best practices that include the following components: 1) assessment; 2) differentiated placement and instruction; 3) faculty development; 4) support services; and 5) evaluation. Institutions would also be required to provide professional development programs, including instruction in differentiated instruction methods designed to address student's diverse learning needs, for developmental education faculty and staff. This bill also repeals Section 51.3062(e) of the Education Code which allows the THECB to use additional assessment instruments to measure college readiness.

The agencies estimate there would be a minimal cost associated with implementing the provisions of this bill.

**Local Government Impact**

No significant 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, SDE