

## **BILL ANALYSIS**

C.S.H.B. 4092  
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Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties suggest that additional efforts are needed to address the ongoing workforce shortages in Texas in certain fields, including nursing, applied science, and applied technology. C.S.H.B. 4092 seeks to advance one such effort by providing for the authorization for certain public junior colleges to offer baccalaureate degree programs in those fields.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4092 amends the Education Code to replace the requirement that the Texas Higher Education Coordinating Board authorize public junior colleges to offer baccalaureate degree programs in the fields of applied science and applied technology under provisions relating to baccalaureate degree programs at public junior colleges with a general authorization for the coordinating board to authorize baccalaureate degree programs as provided by those provisions, as amended by the bill. The bill specifically authorizes the coordinating board to authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program in the field of applied science, applied technology, or nursing and have demonstrated a workforce need. The bill clarifies that the requirement for the coordinating board to authorize baccalaureate degree programs at each public junior college that previously participated in a pilot project to offer baccalaureate degree programs applies to baccalaureate degree programs in the fields of applied science and applied technology and pilot projects to offer those degree programs. The bill decreases the limit on the number of baccalaureate degree programs a public junior college may offer at any time from not more than five to not more than three, with the exception of each public junior college offering a baccalaureate degree program in the fields of applied science and applied technology that previously participated in a pilot project to offer those degree programs.

C.S.H.B. 4092 changes the determination the coordinating board makes with regard to public junior college baccalaureate degree programs from a determination of what such programs are to be offered to a determination of whether a public junior college may offer such programs and what degree programs may be offered. The bill requires the coordinating board, in making the determination, to apply the same criteria and standards the coordinating board uses to approve baccalaureate degree programs at general academic teaching institutions and medical and dental units. The bill expands the factors the coordinating board is required to consider in making the

determination to include consideration of whether an associate degree program offered by the junior college in the same field has been successful. The bill clarifies that the coordinating board's consideration of the need for the degree programs in the region served by the junior college is a consideration of the workforce need for the programs and that the coordinating board's consideration of the junior college's ability to support the program is a consideration of its ability to support the program with student enrollment.

C.S.H.B. 4092 authorizes a public junior college to offer a baccalaureate degree program only if its junior college district had a taxable property valuation amount of not less than \$6 billion in the preceding year and received a positive assessment of the overall financial health of the district as reported by the coordinating board. The bill requires a public junior college, before it may be authorized to offer a baccalaureate degree program, to submit a report to the coordinating board that includes a long-term financial plan for receiving accreditation from a specified commission; a long-term plan for faculty recruitment that meets certain criteria; detailed information on the manner of program and course delivery; and detailed information regarding existing articulation agreements and dual enrollment agreements indicating that at least three articulation agreements have been established with general academic teaching institutions or medical and dental units, or the reasons why no articulation agreements have been established, and that, with the agreement of the applicable general academic teaching institution or medical and dental unit, established articulation agreements are at capacity. The bill prohibits the coordinating board from authorizing a public junior college to offer a baccalaureate degree in a field if articulation agreements with general academic teaching institutions or medical and dental units are sufficient to meet the needs of that field.

C.S.H.B. 4092 requires the coordinating board, in determining whether a public junior college may offer a baccalaureate degree program in nursing, to require a public junior college to provide evidence to the coordinating board and the Texas Board of Nursing that the public junior college has secured adequate long-term clinical space, obtain a letter from each clinical site provided indicating that the clinical site has not refused a similar request from a general academic teaching institution or medical and dental unit, and establish that the corresponding associate degree program offered by the public junior college has been successful as indicated by job placement rates and licensing exam scores. The bill requires a baccalaureate degree program offered by a public junior college in the field of nursing to be a bachelor of science degree program, meet the standards and criteria the Texas Board of Nursing uses to approve pre-licensure degree programs at general academic teaching institutions and medical and dental units regardless of whether the program is a pre-licensure or post-licensure program, and be accredited by a national nursing accrediting body recognized by the U.S. Department of Education.

C.S.H.B. 4092 adds a temporary provision set to expire January 1, 2023, requiring a public junior college offering a baccalaureate degree program in the field of nursing to demonstrate to the coordinating board that it will maintain or exceed the enrollment available to nursing students enrolled in an associate degree program at the public junior college in the 2016-2017 academic year and to continue to maintain or exceed that level of enrollment in the corresponding associate degree program until the 2021-2022 academic year. The bill includes medical and dental units among the entities with which a public junior college that offers a baccalaureate degree program may enter into the required articulation agreement.

C.S.H.B. 4092 authorizes a baccalaureate degree program at a public junior college to be funded solely by the public junior college's proportionate share of state appropriations, local funds, and private sources without requiring the legislature to appropriate state funds to support such a degree program. The bill requires the coordinating board to weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered under such a degree program used to determine a public junior college's proportionate share of state appropriations in the same manner as a lower division course in a corresponding field. The bill prohibits a public junior college from charging a student enrolled in a baccalaureate degree program tuition and fees in an

amount that exceeds the amount of tuition and fees charged by the junior college to a similarly situated student who is enrolled in an associate degree program in a corresponding field.

C.S.H.B. 4092 removes the requirement that each public junior college offering a baccalaureate degree program prepare a biennial report on the operation and effectiveness of the junior college's baccalaureate degree programs and deliver a copy of the report to the coordinating board and instead requires each public junior college offering a baccalaureate degree program each biennium to conduct a review of each baccalaureate degree program offered and prepare a report on the operation, quality, and effectiveness of those programs, a copy of which is to be delivered to the coordinating board.

C.S.H.B. 4092 repeals the heading to Section 130.0012, Education Code.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4092 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
No equivalent provision.	SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter L, and a heading is added to that subchapter to read as follows: <u>SUBCHAPTER L. BACCALAUREATE DEGREE PROGRAMS</u>
No equivalent provision.	SECTION 2. Section 130.0012(1), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.301, Education Code, and amended to read as follows: <u>Sec. 130.301. DEFINITIONS.</u> [(4)] In this subchapter: (1) "Coordinating board" means the <u>Texas Higher Education Coordinating Board</u> . (2) "General academic teaching institution," "medical and dental unit," [section, " <del>general academic teaching institution</del> "] and "institution of higher education" have the meanings assigned by Section 61.003.
SECTION 1. Section 130.0012, Education Code, is amended by amending Subsections (a), (b), (d), (e), (g), and (h) and adding Subsections (e-1), (f-1), (g-1), and (g-2) to read as follows:	SECTION 3. Section 130.0012(a), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.302, Education Code, and amended to read as follows: <u>Sec. 130.302. BACCALAUREATE</u>

(a) The Texas Higher Education Coordinating Board may ~~[shall]~~ authorize public junior colleges to offer baccalaureate degree programs in the fields of applied science, ~~[and]~~ applied technology, and nursing under this section. Offering a baccalaureate degree program under this section does not otherwise alter the role and mission of a public junior college.

(b) The coordinating board:

(1) shall authorize baccalaureate degree programs in the fields of applied science and applied technology at each public junior college that previously participated in a pilot project to offer baccalaureate degree programs; and

(2) may authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program in the fields of applied science, applied technology, or nursing and have demonstrated a workforce need.

No equivalent provision.

DEGREE PROGRAMS; GENERAL AUTHORIZATION. ~~[(a)]~~ The coordinating board may ~~[Texas Higher Education Coordinating Board shall]~~ authorize public junior colleges to offer baccalaureate degree programs as provided by this subchapter ~~[in the fields of applied science and applied technology under this section]~~. Offering a baccalaureate degree program under this subchapter ~~[section]~~ does not otherwise alter the role and mission of a public junior college.

SECTION 4. Section 130.0012(b), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.303, Education Code, and amended to read as follows:

Sec. 130.303. AUTHORIZATION FOR CERTAIN BACCALAUREATE DEGREE PROGRAMS.

(a) [(b)] The coordinating board shall authorize baccalaureate degree programs in the fields of applied science and applied technology at each public junior college that previously participated in a pilot project to offer those baccalaureate degree programs.

(b) The coordinating board may authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program in the field of applied science, applied technology, or nursing and have demonstrated a workforce need.

SECTION 5. Sections 130.0012(b-1), (b-2), and (b-3), Education Code, are transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.304, Education Code, and amended to read as follows:

Sec. 130.304. BACCALAUREATE IN DENTAL HYGIENE; PILOT PROJECT.

(a) [(b-1)] The coordinating board shall establish a pilot project to examine the feasibility and effectiveness of authorizing baccalaureate degree programs in the field of dental hygiene at a public junior college that offers a degree program in that field, has a main campus located in the county seat of a county with a population greater than 200,000, and includes territory in at least six public school districts located in two counties. Section 130.310 ~~[Subsection (g)]~~ does not apply to junior-level and

senior-level courses offered under this section ~~[subsection]~~. In its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that junior-level and senior-level courses offered under this section ~~[subsection]~~ by a public junior college receive the same state support as other courses offered by the public junior college.

(b) ~~[(b-2)]~~ Not later than January 1, 2017, the coordinating board shall prepare a progress report on the pilot project established under this section ~~[Subsection (b-1)]~~. Not later than January 1, 2019, the coordinating board shall prepare a report on the effectiveness of the pilot project, including any recommendations for legislative action regarding the offering of baccalaureate degree programs in the field of dental hygiene by a public junior college. The coordinating board shall deliver a copy of each report to the governor, the lieutenant governor, the speaker of the house of representatives, and the chair of the standing committee of each house of the legislature with primary jurisdiction over higher education. Unless the authority to continue offering a baccalaureate degree program in the field of dental hygiene is continued by the legislature, a public junior college may not:

(1) enroll a new student in a baccalaureate degree program under the pilot project after the 2019 fall semester;

(2) offer junior-level or senior-level courses for those degree programs after the 2021 fall semester, unless the coordinating board authorizes the college to offer those courses; or

(3) award a baccalaureate degree under the pilot project after the 2021 fall semester, unless the coordinating board approves the awarding of the degree.

(c) ~~[(b-3)]~~ This section expires ~~[subsection and Subsections (b-1) and (b-2) expire]~~ on the first June 15 following the first regular legislative session that occurs after the fourth anniversary of the date a public junior college offering a degree program in the field of dental hygiene under this section ~~[Subsection (b-1)]~~ meets the accreditation requirements of Section 130.305 ~~[Subsection (c)]~~.

No equivalent provision.

(d) A public junior college offering a baccalaureate degree program under this section may not offer more than three ~~[five]~~ baccalaureate degree programs at any time.

The degree programs are subject to the continuing approval of the coordinating board.

(e) In determining whether a public junior college may offer ~~[what]~~ baccalaureate degree programs and what degree programs may ~~[are to]~~ be offered, the coordinating board shall:

(1) apply the same criteria and standards the coordinating board uses to approve baccalaureate degree programs at general academic teaching institutions;

(2) consider the following factors:

(A) ~~[(4)]~~ the workforce need for the degree

SECTION 6. Section 130.0012(c), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.305, Education Code, and amended to read as follows:

Sec. 130.305. ACCREDITATION. ~~[(e)]~~ A public junior college offering a baccalaureate degree program under this subchapter ~~[section]~~ must meet all applicable accreditation requirements of the Commission on Colleges of the Southern Association of Colleges and Schools.

SECTION 7. Section 130.0012(d), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.306, Education Code, and amended to read as follows:

Sec. 130.306. LIMITATION. (a) ~~[(d)]~~ A public junior college offering a baccalaureate degree program under Section 130.303(a) ~~[this section]~~ may not offer more than five baccalaureate degree programs at any time.

(b) Except as provided by Subsection (a), a public junior college offering a baccalaureate degree program under this subchapter may not offer more than three baccalaureate degree programs at any time.

(c) Degree ~~[The degree]~~ programs offered under this subchapter are subject to the continuing approval of the coordinating board.

SECTION 8. Section 130.0012(e), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.307, Education Code, and amended to read as follows:

Sec. 130.307. REQUIREMENTS. (a) ~~[(e)]~~ In determining whether a public junior college may offer ~~[what]~~ baccalaureate degree programs and what degree programs may ~~[are to]~~ be offered, the coordinating board shall:

(1) apply the same criteria and standards the coordinating board uses to approve baccalaureate degree programs at general academic teaching institutions and medical and dental units; and

(2) consider the following factors:

(A) ~~[(4)]~~ the workforce need for the degree

programs in the region served by the junior college;

(B) [(2)] how those degree programs would complement the other programs and course offerings of the junior college and whether the associate degree program offered by the junior college in the same field has been successful;

(C) [(3)] whether those degree programs would unnecessarily duplicate the degree programs offered by other institutions of higher education; and

(D) [(4)] the ability of the junior college to support the degree programs with student enrollment [program] and the adequacy of the junior college's facilities, faculty, administration, libraries, and other resources, including evidence provided to the coordinating board and the Texas Board of Nursing that a public junior college seeking approval of a baccalaureate degree program in nursing has secured adequate long-term clinical space; and

(3) ensure the program would not draw faculty employed by a neighboring institution offering a similar program.

(e-1) A public junior college may offer a baccalaureate degree program under this section only if its junior college district had a taxable property valuation amount of not less than \$10 billion in the preceding year.

programs in the region served by the junior college;

(B) [(2)] how those degree programs would complement the other programs and course offerings of the junior college and whether the associate degree program offered by the junior college in the same field has been successful;

(C) [(3)] whether those degree programs would unnecessarily duplicate the degree programs offered by other institutions of higher education; and

(D) [(4)] the ability of the junior college to support the degree programs with student enrollment [program] and the adequacy of the junior college's facilities, faculty, administration, libraries, and other resources.

(b) A public junior college may offer a baccalaureate degree program under this section only if its junior college district:

(1) had a taxable property valuation amount of not less than \$6 billion in the preceding year; and

(2) received a positive assessment of the overall financial health of the district as reported by the coordinating board.

(c) Before a public junior college may be authorized to offer a baccalaureate degree program under this subchapter, the public junior college must submit a report to the coordinating board that includes:

(1) a long-term financial plan for receiving accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools;

(2) a long-term plan for faculty recruitment that:

(A) indicates the ability to pay the increased salaries of doctoral faculty;

(B) identifies recruitment strategies for new faculty; and

(C) ensures the program would not draw faculty employed by a neighboring institution offering a similar program;

(3) detailed information on the manner of

program and course delivery; and  
(4) detailed information regarding existing articulation agreements and dual enrollment agreements indicating:

(A) that at least three articulation agreements have been established with general academic teaching institutions or medical and dental units, or the reasons why no articulation agreements have been established; and

(B) that, with the agreement of the applicable general academic teaching institution or medical and dental unit, established articulation agreements are at capacity.

(d) The coordinating board may not authorize a public junior college to offer a baccalaureate degree in a field if articulation agreements with general academic teaching institutions or medical and dental units are sufficient to meet the needs of that field.

(f-1) The coordinating board shall establish minimum admission standards for students enrolling in a baccalaureate degree program in nursing offered by a public junior college under this section.

No equivalent provision. (*But see Sec. 130.0012(f-1) above.*)

No equivalent provision. (*But see SECTION 9 below.*)

SECTION 9. Subchapter L, Chapter 130, Education Code, as added by this Act, is amended by adding Section 130.308, Education Code, to read as follows:

Sec. 130.308. SPECIAL REQUIREMENTS FOR NURSING DEGREE PROGRAM. (a) In determining whether a public junior college may offer a baccalaureate degree program in nursing, the coordinating board shall:

(1) require a public junior college to provide evidence to the coordinating board and the Texas Board of Nursing that the public junior college has secured adequate long-term clinical space;

(2) obtain a letter from each clinical site provided indicating that the clinical site has not refused a similar request from a general academic teaching institution or medical and dental unit; and

(3) establish that the corresponding associate degree program offered by the public junior college has been successful as indicated by job placement rates and licensing exam scores.

(b) A baccalaureate degree program offered under this subchapter by a public junior



college in the field of nursing must:

(1) be a bachelor of science degree program;  
(2) meet the standards and criteria the Texas Board of Nursing uses to approve pre-licensure degree programs at general academic teaching institutions and medical and dental units regardless of whether the program is a pre-licensure or post-licensure program; and

(3) be accredited by a national nursing accrediting body recognized by the United States Department of Education.

(c) A public junior college offering a baccalaureate degree program in the field of nursing under this subchapter must demonstrate to the coordinating board that it will maintain or exceed the enrollment available to nursing students enrolled in an associate degree program at the public junior college in the 2016-2017 academic year and must continue to maintain or exceed that level of enrollment in the corresponding associate degree program until the 2021-2022 academic year. This subsection expires January 1, 2023.

No equivalent provision.

SECTION 10. Sections 130.0012(f) and (j), Education Code, are transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.309, Education Code, and amended to read as follows:

Sec. 130.309. ARTICULATION AGREEMENT REQUIRED. (a) ~~[(f)]~~ Each public junior college that offers a baccalaureate degree program under this subchapter ~~[section]~~ must enter into an articulation agreement for the first five years of the program with one or more general academic teaching institutions or medical and dental units to ensure that students enrolled in the degree program have an opportunity to complete the degree if the public junior college ceases to offer the degree program. The coordinating board may require a general academic teaching institution or medical and dental unit that offers a comparable degree program to enter into an articulation agreement with the public junior college as provided by this subsection.

(b) [(j)] The coordinating board shall prescribe procedures to ensure that each public junior college that offers a degree program under this subchapter ~~[section]~~

(g) Except as provided by Subsection (g-1), a degree program created under this section may be funded solely by a public junior college's proportionate share of state appropriations under Section 130.003, local funds, and private sources. This subsection does not require the legislature to appropriate state funds to support a degree program created under this section.

(g-1) Notwithstanding Subsection (g), in [H] its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that a public junior college that previously participated in a pilot project to offer baccalaureate degree programs receive substantially the same state support for junior-level and senior-level courses in the fields of applied science and applied technology offered under this section as that provided to a general academic teaching institution for substantially similar courses. For purposes of this subsection, in [H] determining the contact hours attributable to students enrolled in a junior-level or senior-level course in the field of applied science or applied technology offered under this section used to determine a public junior college's proportionate share of state appropriations under Section 130.003, the coordinating board shall weigh those contact hours as necessary to provide the junior college the appropriate level of state support to the extent state funds for those courses

informs each student who enrolls in the degree program of the articulation agreement entered into under this section ~~[Subsection (f)]~~ for the student's degree program.

SECTION 11. Section 130.0012(g), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.310, Education Code, and amended to read as follows:

Sec. 130.310. FUNDING. (a) Except as provided by Subsection (b), a degree program created under this subchapter may be funded solely by a public junior college's proportionate share of state appropriations under Section 130.003, local funds, and private sources. This subsection does not require the legislature to appropriate state funds to support a degree program created under this subchapter. The coordinating board shall weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered under this subchapter used to determine a public junior college's proportionate share of state appropriations under Section 130.003 in the same manner as a lower division course in a corresponding field.

(b) Notwithstanding Subsection (a), in [G] its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that a public junior college authorized to offer baccalaureate degree programs under Section 130.303(a) receive substantially the same state support for junior-level and senior-level courses in the fields of applied science and applied technology offered under this subchapter [section] as that provided to a general academic teaching institution for substantially similar courses. For purposes of this subsection, in [H] determining the contact hours attributable to students enrolled in a junior-level or senior-level course in the field of applied science or applied technology offered under this subchapter [section] used to determine a public junior college's proportionate share of state appropriations under Section 130.003, the coordinating board shall weigh those contact hours as necessary to provide the junior college the appropriate level of state

are included in the appropriations. This subsection does not prohibit the legislature from directly appropriating state funds to support junior-level and senior-level courses to which this subsection applies ~~[offered under this section]~~.

(g-2) A public junior college may not charge a student enrolled in a baccalaureate degree program offered under this section tuition and fees in an amount that exceeds the amount of tuition and fees charged by the junior college to a similarly situated student who is enrolled in an associate degree program in a corresponding field.

(h) Each biennium, each ~~[Each]~~ public junior college offering a baccalaureate degree program under this section shall conduct a review of each baccalaureate degree program offered and prepare a ~~[biennial]~~ report on the operation, quality, and effectiveness of those ~~[the junior college's baccalaureate]~~ degree programs. A ~~[and shall deliver a]~~ copy of the report shall be delivered to the coordinating board in the form and at the time determined by the coordinating board.

No equivalent provision.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate

support to the extent state funds for those courses are included in the appropriations. This subsection does not prohibit the legislature from directly appropriating state funds to support junior-level and senior-level courses to which this subsection applies ~~[offered under this section]~~.

(c) A public junior college may not charge a student enrolled in a baccalaureate degree program offered under this subchapter tuition and fees in an amount that exceeds the amount of tuition and fees charged by the junior college to a similarly situated student who is enrolled in an associate degree program in a corresponding field.

SECTION 12. Section 130.0012(h), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.311, Education Code, and amended to read as follows:

Sec. 130.311. REPORT. Each biennium, each ~~[(h)—Each]~~ public junior college offering a baccalaureate degree program under this section shall conduct a review of each baccalaureate degree program offered and prepare a ~~[biennial]~~ report on the operation, quality, and effectiveness of those ~~[the junior college's baccalaureate]~~ degree programs. A ~~[and shall deliver a]~~ copy of the report shall be delivered to the coordinating board in the form and at the time determined by the coordinating board.

SECTION 13. Section 130.0012(k), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.312, Education Code, and amended to read as follows:

Sec. 130.312. RULES. ~~[(k)]~~ The coordinating board shall adopt rules as necessary for the administration of this subchapter ~~[section]~~.

SECTION 14. The heading to Section 130.0012, Education Code, is repealed.

SECTION 15. Same as introduced version.

effect, this Act takes effect September 1, 2017.