

BILL ANALYSIS

Senate Research Center

S.B. 2118
By: Seliger
Higher Education
7/27/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over the last several legislative sessions, there has been continued debate regarding allowing specific community colleges to offer baccalaureate degree programs in specific high-need workforce programs. This has generally been approached through a patchwork effort, with only select community colleges granted legislative approval to offer four-year degrees.

S.B. 2118 would allow, in a limited capacity, additional community colleges the ability to offer four-year baccalaureate degrees in applied science, applied technology, and nursing upon meeting specific requirements, as determined by the Texas Higher Education Coordinating Board. This bill would be a more comprehensive statewide approach to this issue. (Original Author's / Sponsor's Statement of Intent)

S.B. 2118 amends current law relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 13 (Section 130.312, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 130, Education Code, by adding Subchapter L and adding a heading, to read as follows:

SUBCHAPTER L. BACCALAUREATE DEGREE PROGRAMS

SECTION 2. Transfers Section 130.0012(l), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates it as Section 130.301, Education Code, and amends it, as follows:

Sec. 130.301. New heading: DEFINITIONS. Defines "coordinating board," "general academic teaching institution," and "medical and dental unit" and makes nonsubstantive changes.

SECTION 3. Transfers Section 130.0012(a), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates it as Section 130.302, Education Code, and amends it, as follows:

Sec. 130.302. New heading: BACCALAUREATE DEGREE PROGRAMS; GENERAL AUTHORIZATION. Authorizes, rather than requires, the Texas Higher Education Coordinating Board (THECB) to authorize public junior colleges to offer baccalaureate degree programs as provided by this subchapter, rather than in fields of applied science and applied technology under this section. Provides that offering a baccalaureate degree program under this subchapter, rather than section, does not otherwise alter the role and mission of a public junior college. Deletes existing designation of Subsection (a). Makes a nonsubstantive change.

SECTION 4. Transfers Section 130.0012(b), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates it as Section 130.303, Education Code, and amends it, as follows:

Sec. 130.303. New heading: AUTHORIZATION FOR CERTAIN BACCALAUREATE DEGREE PROGRAMS. (a) Redesignates existing Subsection (b) as Subsection (a). Requires THECB to authorize baccalaureate degree programs in the fields of applied science, applied technology, and nursing at each public junior college that previously participated in a pilot project to offer baccalaureate degree programs.

(b) Authorizes THECB to authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program in the field of applied science, including a degree program in the field of applied science with an emphasis in early childhood education, applied technology, or nursing and have demonstrated a workforce need.

SECTION 5. Transfers Sections 130.0012(b-1) and (b-2), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates them as Section 130.304, Education Code, and amends them, as follows:

Sec. 130.304. New heading: BACCALAUREATE IN DENTAL HYGIENE. (a) Redesignates existing Subsection (b-1) as Subsection (a). Requires THECB to authorize, rather than establish a pilot project to examine the feasibility and effectiveness of authorizing, baccalaureate degree programs in the field of dental hygiene at certain public junior colleges. Deletes existing text providing that Subsection (g) does not apply to certain courses offered under this subsection and relating to certain requirements for THECB's recommendations to the legislature regarding funding for public junior colleges.

(b) Redesignates existing Subsection (b-2) as Subsection (b). Requires THECB, not later than January 1, 2017, to prepare a progress report on the baccalaureate degree program in the field of dental hygiene established under this section, rather than on the pilot project established under Subsection (b-1). Makes a conforming change. Provides that this section expires January 1, 2020. Deletes existing text prohibiting a public junior college from taking certain actions unless the authority to continue offering a baccalaureate degree program in the field of dental hygiene is continued by the legislature.

SECTION 6. Transfers Section 130.0012(c), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates it as Section 130.305, Education Code, and amends it, as follows:

Sec. 130.305. New heading: ACCREDITATION. Deletes existing designation of Subsection (c) and changes a reference to section to subchapter.

SECTION 7. Transfers Section 130.0012(d), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates it as Section 130.306, Education Code, and amends it, as follows:

Sec. 130.306. New heading: LIMITATION. (a) Redesignates existing Subsection (d) as Subsection (a). Prohibits a public junior college offering a baccalaureate degree program under Section 130.303(a), rather than this section, from offering more than five baccalaureate degree programs at any time.

(b) Prohibits a public junior college offering a baccalaureate degree program under this subchapter, except as provided by Subsection (a), from offering more than three baccalaureate degree programs at any time.

(c) Creates this subsection from existing text. Provides that degree programs offered under this subchapter are subject to the continuing approval of THECB. Makes a nonsubstantive change.

SECTION 8. Transfers Section 130.0012(e), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates it as Section 130.307, Education Code, and amends it, as follows:

Sec. 130.307. New heading: REQUIREMENTS. (a) Redesignates existing Subsection (e) as Subsection (a). Requires THECB, in determining whether a public junior college may offer baccalaureate degree programs and what degree programs may be offered, to:

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

(2) consider certain factors.

Makes nonsubstantive changes.

(b) Authorizes a public junior college to offer a baccalaureate degree program under this subchapter 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 THECB.

(c) Requires the public junior college, before a public junior college may be authorized to offer a baccalaureate degree program under this subchapter, to submit a report to THECB 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 certain long-term plan for faculty recruitment;

(3) detailed information on the manner of program and course delivery; and

(4) certain detailed information regarding existing articulation agreements and dual enrollment agreements.

(d) Prohibits THECB 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.

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

Sec. 130.308. SPECIAL REQUIREMENTS FOR NURSING DEGREE PROGRAM. (a) Requires THECB, 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 THECB and the Texas Board of Nursing (BON) that the public junior college has secured adequate long-term clinical space, to 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 to 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) Requires that a baccalaureate degree program offered under this subchapter by a public junior college in the field of nursing be a bachelor of science degree program, meet the standards and criteria BON 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 United States Department of Education.

(c) Requires a public junior college offering a baccalaureate degree program in the field of nursing under this subchapter to demonstrate to THECB 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. Provides that this subsection expires January 1, 2023.

SECTION 10. Transfers Sections 130.0012(f) and (j), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates them as Section 130.309, Education Code, and amends them, as follows:

Sec. 130.309. ARTICULATION AGREEMENT REQUIRED. (a) Redesignates existing Subsection (f) as Subsection (a). Requires each public junior college that offers a baccalaureate degree program under this subchapter, rather than section, to 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. Authorizes THECB to 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) Redesignates existing Subsection (j) as Subsection (b). Changes a reference to section to subchapter and to Subchapter (f) to this section.

SECTION 11. Transfers Section 130.0012(g), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates it as Section 130.310, Education Code, and amends it, as follows:

Sec. 130.310. New heading: FUNDING. (a) Authorizes a degree program created under this subchapter, except as provided by Subsection (b), to be funded solely by a public junior college's proportionate share of state appropriations under Section 130.003, local funds, and private sources. Provides that this subsection does not require the legislature to appropriate state funds to support a degree program created under this subchapter. Requires THECB to 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) Redesignates existing Subsection (g) as Subsection (b). Requires THECB, notwithstanding Subsection (a), in its recommendations to the legislature relating to state funding for public junior colleges, to recommend that a public junior college authorized to offer baccalaureate degree programs under Section 130.303(a) or 130.304 receive substantially the same state support for junior-level and senior-level courses in the fields of applied science, applied technology, dental hygiene, and nursing offered under this subchapter, rather than section, as that provided to a general academic teaching institution for substantially similar courses. Requires THECB, for purposes of this subsection, in determining the contact hours attributable to students enrolled in a junior-level or senior-level course in the field of applied science, applied technology, dental hygiene, or nursing offered under this subchapter, rather than section, used to determine a

public junior college's proportionate share of state appropriations under Section 130.003, to 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 are included in the appropriations. Provides that 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, rather than courses offered under this section.

(c) Prohibits a public junior college from charging 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. Provides that this subsection does not apply to tuition and fees charged for a baccalaureate degree program in the field of applied science or applied technology previously offered as part of a pilot project and offered by a public junior college authorized to offer baccalaureate degree programs under Section 130.303(a).

SECTION 12. Transfers Section 130.0012(h), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates it as Section 130.311, Education Code, and amends it, as follows:

Sec. 130.311. New heading: REPORT. Deletes existing designation of Subsection (h). Requires each public junior college offering a baccalaureate degree program under this subchapter, rather than this section, to conduct a review of each baccalaureate degree program offered and prepare a report, rather than biennial report, on the operation, quality, and effectiveness of those degree programs, rather than the junior college's baccalaureate degree programs, each biennium. Requires that a copy of the report be delivered to THECB in the form and at the time determined by THECB. Makes nonsubstantive changes.

SECTION 13. Transfers Section 130.0012(k), Education Code, to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignates it as Section 130.312, Education Code, and amends it, as follows:

Sec. 130.312. New heading: RULES. Deletes existing designation of Subsection (k). Requires THECB to adopt rules as necessary for the administration of this subchapter, rather than section.

SECTION 14. Repealer: heading to Section 130.0012 (Baccalaureate Degree Programs), Education Code.

SECTION 15. Repealer: Section 130.0012(b-3) (relating to the expiration of certain provisions), Education Code.

SECTION 16. Provides that the changes in law made by this Act to Section 130.0012(b-1), Education Code, redesignated as Section 130.304, Education Code, apply beginning with funding recommendations made under Subchapter L, Chapter 130, Education Code, as added by this Act, for the state fiscal biennium beginning September 1, 2019.

SECTION 17. Effective date: upon passage or September 1, 2017.