

By: Davis of Harris, Laubenberg, Howard

H.B. No. 4092

Substitute the following for H.B. No. 4092:

By: Lozano

C.S.H.B. No. 4092

A BILL TO BE ENTITLED

AN ACT

relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

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

SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter L, and a heading is added to that subchapter to read as follows:

SUBCHAPTER L. BACCALAUREATE DEGREE PROGRAMS

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:

Sec. 130.301. DEFINITIONS. [(1)] In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "General academic teaching institution," "medical and dental unit," [section, "general academic teaching institution"] and "institution of higher education" have the meanings assigned by Section 61.003.

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:

1 Sec. 130.302. BACCALAUREATE DEGREE PROGRAMS; GENERAL
2 AUTHORIZATION. ~~[(a)]~~ The coordinating board may ~~[Texas Higher~~
3 ~~Education Coordinating Board shall]~~ authorize public junior
4 colleges to offer baccalaureate degree programs as provided by this
5 subchapter ~~[in the fields of applied science and applied technology~~
6 ~~under this section]~~. Offering a baccalaureate degree program under
7 this subchapter ~~[section]~~ does not otherwise alter the role and
8 mission of a public junior college.

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

13 Sec. 130.303. AUTHORIZATION FOR CERTAIN BACCALAUREATE
14 DEGREE PROGRAMS. (a) ~~[(b)]~~ The coordinating board shall authorize
15 baccalaureate degree programs in the fields of applied science and
16 applied technology at each public junior college that previously
17 participated in a pilot project to offer those baccalaureate degree
18 programs.

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

23 SECTION 5. Sections 130.0012(b-1), (b-2), and (b-3),
24 Education Code, are transferred to Subchapter L, Chapter 130,
25 Education Code, as added by this Act, redesignated as Section
26 130.304, Education Code, and amended to read as follows:

27 Sec. 130.304. BACCALAUREATE IN DENTAL HYGIENE; PILOT

1 PROJECT. (a) [~~(b-1)~~] The coordinating board shall establish a
2 pilot project to examine the feasibility and effectiveness of
3 authorizing baccalaureate degree programs in the field of dental
4 hygiene at a public junior college that offers a degree program in
5 that field, has a main campus located in the county seat of a county
6 with a population greater than 200,000, and includes territory in
7 at least six public school districts located in two counties.
8 Section 130.310 [~~Subsection (g)~~] does not apply to junior-level and
9 senior-level courses offered under this section [~~subsection~~]. In
10 its recommendations to the legislature relating to state funding
11 for public junior colleges, the coordinating board shall recommend
12 that junior-level and senior-level courses offered under this
13 section [~~subsection~~] by a public junior college receive the same
14 state support as other courses offered by the public junior
15 college.

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

1 continue offering a baccalaureate degree program in the field of
2 dental hygiene is continued by the legislature, a public junior
3 college may not:

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

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

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

13 (c) [~~(b-3)~~] This section expires [~~subsection and~~
14 ~~Subsections (b-1) and (b-2) expire~~] on the first June 15 following
15 the first regular legislative session that occurs after the fourth
16 anniversary of the date a public junior college offering a degree
17 program in the field of dental hygiene under this section
18 [~~Subsection (b-1)~~] meets the accreditation requirements of Section
19 130.305 [~~Subsection (c)~~].

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

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

1 and Schools.

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

6 Sec. 130.306. LIMITATION. (a) ~~[(a)]~~ A public junior
7 college offering a baccalaureate degree program under Section
8 130.303(a) ~~[this section]~~ may not offer more than five
9 baccalaureate degree programs at any time.

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

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

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

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

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

1 units; and

2 (2) consider the following factors:

3 (A) [~~(1)~~] the workforce need for the degree
4 programs in the region served by the junior college;

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

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

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

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

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

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

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

27 (1) a long-term financial plan for receiving

1 accreditation from the Commission on Colleges of the Southern
2 Association of Colleges and Schools;

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

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

6 (B) identifies recruitment strategies for new
7 faculty; and

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

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

12 (4) detailed information regarding existing
13 articulation agreements and dual enrollment agreements indicating:

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

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

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

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

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

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

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

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

16 (b) A baccalaureate degree program offered under this
17 subchapter by a public junior college in the field of nursing must:

18 (1) be a bachelor of science degree program;

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

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

26 (c) A public junior college offering a baccalaureate degree
27 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.

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]~~ informs each student who enrolls in the degree program of the articulation agreement entered

1 into under this section [~~Subsection (f)~~] for the student's degree
2 program.

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

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

19 (b) Notwithstanding Subsection (a), in [(g) — In] its
20 recommendations to the legislature relating to state funding for
21 public junior colleges, the coordinating board shall recommend that
22 a public junior college authorized to offer baccalaureate degree
23 programs under Section 130.303(a) receive substantially the same
24 state support for junior-level and senior-level courses in the
25 fields of applied science and applied technology offered under this
26 subchapter [section] as that provided to a general academic
27 teaching institution for substantially similar courses. For

1 purposes of this subsection, in ~~[In]~~ determining the contact hours
 2 attributable to students enrolled in a junior-level or senior-level
 3 course in the field of applied science or applied technology
 4 offered under this subchapter ~~[section]~~ used to determine a public
 5 junior college's proportionate share of state appropriations under
 6 Section 130.003, the coordinating board shall weigh those contact
 7 hours as necessary to provide the junior college the appropriate
 8 level of state support to the extent state funds for those courses
 9 are included in the appropriations. This subsection does not
 10 prohibit the legislature from directly appropriating state funds to
 11 support junior-level and senior-level courses to which this
 12 subsection applies ~~[offered under this section]~~.

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

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

23 Sec. 130.311. REPORT. Each biennium, each ~~[(h) — Each]~~
 24 public junior college offering a baccalaureate degree program under
 25 this section shall conduct a review of each baccalaureate degree
 26 program offered and prepare a ~~[biennial]~~ report on the operation,
 27 quality, and effectiveness of those ~~[the junior college's]~~

1 ~~baccalaureate~~] degree programs. A ~~[and shall deliver a]~~ copy of the
2 report shall be delivered to the coordinating board in the form and
3 at the time determined by the coordinating board.

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

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

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

13 SECTION 15. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect September 1, 2017.