

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
15 authorize baccalaureate degree programs in the fields of applied
16 science, applied technology, and nursing at each public junior
17 college that previously participated in a pilot project to offer
18 baccalaureate degree 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, including a degree
22 program in the field of applied science with an emphasis in early
23 childhood education, applied technology, or nursing and have
24 demonstrated a workforce need.

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

1 Code, and amended to read as follows:

2 Sec. 130.304. BACCALAUREATE IN DENTAL HYGIENE. (a) [~~(b-1)~~]
3 The coordinating board shall authorize [~~establish a pilot project~~
4 ~~to examine the feasibility and effectiveness of authorizing]~~
5 baccalaureate degree programs in the field of dental hygiene at a
6 public junior college that offers a degree program in that field,
7 has a main campus located in the county seat of a county with a
8 population greater than 200,000, and includes territory in at least
9 six public school districts located in two counties. [~~Subsection~~
10 ~~(g) does not apply to junior-level and senior-level courses offered~~
11 ~~under this subsection. In its recommendations to the legislature~~
12 ~~relating to state funding for public junior colleges, the~~
13 ~~coordinating board shall recommend that junior-level and~~
14 ~~senior-level courses offered under this subsection by a public~~
15 ~~junior college receive the same state support as other courses~~
16 ~~offered by the public junior college.]~~

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

1 chair of the standing committee of each house of the legislature
2 with primary jurisdiction over higher education. This subsection
3 expires January 1, 2020. [~~Unless the authority to continue~~
4 ~~offering a baccalaureate degree program in the field of dental~~
5 ~~hygiene is continued by the legislature, a public junior college~~
6 ~~may not:~~

7 ~~[(1) enroll a new student in a baccalaureate degree~~
8 ~~program under the pilot project after the 2019 fall semester,~~

9 ~~[(2) offer junior-level or senior-level courses for~~
10 ~~those degree programs after the 2021 fall semester, unless the~~
11 ~~coordinating board authorizes the college to offer those courses,~~
12 ~~or~~

13 ~~[(3) award a baccalaureate degree under the pilot~~
14 ~~project after the 2021 fall semester, unless the coordinating board~~
15 ~~approves the awarding of the degree.]~~

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

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

25 SECTION 7. Section 130.0012(d), Education Code, is
26 transferred to Subchapter L, Chapter 130, Education Code, as added
27 by this Act, redesignated as Section 130.306, Education Code, and

1 amended to read as follows:

2 Sec. 130.306. LIMITATION. (a) [~~(d)~~] A public junior
3 college offering a baccalaureate degree program under Section
4 130.303(a) [~~this section~~] may not offer more than five
5 baccalaureate degree programs at any time.

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

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

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

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

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

25 (2) consider the following factors:

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

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

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

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

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

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

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

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

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

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

27 (A) indicates the ability to pay the increased

1 salaries of doctoral faculty;

2 (B) identifies recruitment strategies for new
3 faculty; and

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

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

8 (4) detailed information regarding existing
9 articulation agreements and dual enrollment agreements indicating:

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

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

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

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

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

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

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

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

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

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

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

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

22 (c) A public junior college offering a baccalaureate degree
23 program in the field of nursing under this subchapter must
24 demonstrate to the coordinating board that it will maintain or
25 exceed the enrollment available to nursing students enrolled in an
26 associate degree program at the public junior college in the
27 2016-2017 academic year and must continue to maintain or exceed

1 that level of enrollment in the corresponding associate degree
2 program until the 2021-2022 academic year. This subsection expires
3 January 1, 2023.

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

8 Sec. 130.309. ARTICULATION AGREEMENT REQUIRED.

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

20 (b) [(j)] The coordinating board shall prescribe procedures
21 to ensure that each public junior college that offers a degree
22 program under this subchapter [~~section~~] informs each student who
23 enrolls in the degree program of the articulation agreement entered
24 into under this section [~~Subsection (f)~~] for the student's degree
25 program.

26 SECTION 11. Section 130.0012(g), Education Code, is
27 transferred to Subchapter L, Chapter 130, Education Code, as added

1 by this Act, redesignated as Section 130.310, Education Code, and
2 amended to read as follows:

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

15 (b) Notwithstanding Subsection (a), in [~~(g)~~—~~In~~] its
16 recommendations to the legislature relating to state funding for
17 public junior colleges, the coordinating board shall recommend that
18 a public junior college authorized to offer baccalaureate degree
19 programs under Section 130.303(a) or 130.304 receive substantially
20 the same state support for junior-level and senior-level courses in
21 the fields of applied science, applied technology, dental hygiene,
22 and nursing offered under this subchapter [~~section~~] as that
23 provided to a general academic teaching institution for
24 substantially similar courses. For purposes of this subsection, in
25 [~~In~~] determining the contact hours attributable to students
26 enrolled in a junior-level or senior-level course in the field of
27 applied science, applied technology, dental hygiene, or nursing

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

10 (c) A public junior college may not charge a student
 11 enrolled in a baccalaureate degree program offered under this
 12 subchapter tuition and fees in an amount that exceeds the amount of
 13 tuition and fees charged by the junior college to a similarly
 14 situated student who is enrolled in an associate degree program in a
 15 corresponding field. This subsection does not apply to tuition and
 16 fees charged for a baccalaureate degree program in the field of
 17 applied science or applied technology previously offered as part of
 18 a pilot project and offered by a public junior college authorized to
 19 offer baccalaureate degree programs under Section 130.303(a).

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

24 Sec. 130.311. REPORT. Each biennium, each [~~(h) — Each~~]
 25 public junior college offering a baccalaureate degree program under
 26 this subchapter [~~section~~] shall conduct a review of each
 27 baccalaureate degree program offered and prepare a [~~biennial~~]

1 report on the operation, quality, and effectiveness of those [~~the~~
2 ~~junior college's baccalaureate~~] degree programs. A [~~and shall~~
3 ~~deliver a~~] copy of the report shall be delivered to the coordinating
4 board in the form and at the time determined by the coordinating
5 board.

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

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

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

15 SECTION 15. Section 130.0012(b-3), Education Code, is
16 repealed.

17 SECTION 16. The changes in law made by this Act to Section
18 130.0012(b-1), Education Code, redesignated as Section 130.304,
19 Education Code, apply beginning with funding recommendations made
20 under Subchapter L, Chapter 130, Education Code, as added by this
21 Act, for the state fiscal biennium beginning September 1, 2019.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2118 passed the Senate on May 3, 2017, by the following vote: Yeas 26, Nays 5; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

I hereby certify that S.B. No. 2118 passed the House, with amendments, on May 20, 2017, by the following vote: Yeas 117, Nays 17, two present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 28, 2017, House adopted Conference Committee Report by the following vote: Yeas 134, Nays 8, three present not voting.

Chief Clerk of the House

Approved:

Date

Governor