

By: Seliger, et al.
(Davis of Harris, Howard, Laubenberg, et al.)

S.B. No. 2118

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorization by the Texas Higher Education
3 Coordinating Board for certain public junior colleges to offer
4 baccalaureate degree programs.

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

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

9 SUBCHAPTER L. BACCALAUREATE DEGREE PROGRAMS

10 SECTION 2. Section 130.0012(1), Education Code, is
11 transferred to Subchapter L, Chapter 130, Education Code, as added
12 by this Act, redesignated as Section 130.301, Education Code, and
13 amended to read as follows:

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

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

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

21 SECTION 3. Section 130.0012(a), Education Code, is
22 transferred to Subchapter L, Chapter 130, Education Code, as added
23 by this Act, redesignated as Section 130.302, Education Code, and
24 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 and applied technology at each public junior college that
17 previously participated in a pilot project to offer those
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), (b-2), and (b-3),
26 Education Code, are transferred to Subchapter L, Chapter 130,
27 Education Code, as added by this Act, redesignated as Section

1 130.304, Education Code, and amended to read as follows:

2 Sec. 130.304. BACCALAUREATE IN DENTAL HYGIENE; PILOT
3 PROJECT. (a) [~~(b-1)~~] The coordinating board shall establish a
4 pilot project to examine the feasibility and effectiveness of
5 authorizing baccalaureate degree programs in the field of dental
6 hygiene at a public junior college that offers a degree program in
7 that field, has a main campus located in the county seat of a county
8 with a population greater than 200,000, and includes territory in
9 at least six public school districts located in two counties.
10 Section 130.310 [~~Subsection (g)~~] does not apply to junior-level and
11 senior-level courses offered under this section [~~subsection~~]. In
12 its recommendations to the legislature relating to state funding
13 for public junior colleges, the coordinating board shall recommend
14 that junior-level and senior-level courses offered under this
15 section [~~subsection~~] by a public junior college receive the same
16 state support as other courses offered by the public junior
17 college.

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

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

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

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

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

15 (c) [~~(b-3)~~] This section expires [~~subsection and~~
16 ~~Subsections (b-1) and (b-2) expire~~] on the first June 15 following
17 the first regular legislative session that occurs after the fourth
18 anniversary of the date a public junior college offering a degree
19 program in the field of dental hygiene under this section
20 [~~Subsection (b-1)~~] meets the accreditation requirements of Section
21 130.305 [~~Subsection (c)~~].

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

26 Sec. 130.305. ACCREDITATION. [~~(c)~~] A public junior
27 college offering a baccalaureate degree program under this

1 subchapter [~~section~~] must meet all applicable accreditation
2 requirements of the Commission on Colleges of the Southern
3 Association of Colleges and Schools.

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

8 Sec. 130.306. LIMITATION. (a) [~~(d)~~] A public junior
9 college offering a baccalaureate degree program under Section
10 130.303(a) [~~this section~~] may not offer more than five
11 baccalaureate degree programs at any time.

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

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

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

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

27 (1) apply the same criteria and standards the

1 coordinating board uses to approve baccalaureate degree programs at
2 general academic teaching institutions and medical and dental
3 units; and

4 (2) consider the following factors:

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

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

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

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

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

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

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

25 (c) Before a public junior college may be authorized to
26 offer a baccalaureate degree program under this subchapter, the
27 public junior college must submit a report to the coordinating

1 board that includes:

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

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

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

8 (B) identifies recruitment strategies for new
9 faculty; and

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

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

14 (4) detailed information regarding existing
15 articulation agreements and dual enrollment agreements indicating:

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

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

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

27 SECTION 9. Subchapter L, Chapter 130, Education Code, as

1 added by this Act, is amended by adding Section 130.308, Education
2 Code, to read as follows:

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

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

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

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

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

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

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

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

1 (c) A public junior college offering a baccalaureate degree
2 program in the field of nursing under this subchapter must
3 demonstrate to the coordinating board that it will maintain or
4 exceed the enrollment available to nursing students enrolled in an
5 associate degree program at the public junior college in the
6 2016-2017 academic year and must continue to maintain or exceed
7 that level of enrollment in the corresponding associate degree
8 program until the 2021-2022 academic year. This subsection expires
9 January 1, 2023.

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

14 Sec. 130.309. ARTICULATION AGREEMENT REQUIRED.

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

26 (b) [~~(j)~~] The coordinating board shall prescribe procedures
27 to ensure that each public junior college that offers a degree

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

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

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

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

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

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

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

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

1 program offered and prepare a [~~biennial~~] report on the operation,
2 quality, and effectiveness of those [~~the junior college's~~
3 ~~baccalaureate~~] degree programs. A [~~and shall deliver a~~] copy of the
4 report shall be delivered to the coordinating board in the form and
5 at the time determined by the coordinating 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. This Act takes effect immediately if it
16 receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas Constitution.
18 If this Act does not receive the vote necessary for immediate
19 effect, this Act takes effect September 1, 2017.