

1-1 By: Seliger S.B. No. 2118
 1-2 (In the Senate - Filed March 10, 2017; March 28, 2017, read
 1-3 first time and referred to Committee on Higher Education;
 1-4 April 24, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 1, 1 present not
 1-6 voting; April 24, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Seliger	X			
1-9 West				X
1-10 Bettencourt	X			
1-11 Buckingham		X		
1-12 Menéndez	X			
1-13 Taylor of Galveston	X			
1-14 Watson	X			
1-15				

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2118 By: Seliger

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to authorization by the Texas Higher Education
 1-20 Coordinating Board for certain public junior colleges to offer
 1-21 baccalaureate degree programs.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 130, Education Code, is amended by
 1-24 adding Subchapter L, and a heading is added to that subchapter to
 1-25 read as follows:

1-26 SUBCHAPTER L. BACCALAUREATE DEGREE PROGRAMS

1-27 SECTION 2. Section 130.0012(1), Education Code, is
 1-28 transferred to Subchapter L, Chapter 130, Education Code, as added
 1-29 by this Act, redesignated as Section 130.301, Education Code, and
 1-30 amended to read as follows:

1-31 Sec. 130.301. DEFINITIONS. [(1)] In this subchapter:

1-32 (1) "Coordinating board" means the Texas Higher
 1-33 Education Coordinating Board.

1-34 (2) "General academic teaching institution," "medical
 1-35 and dental unit," [section, "general academic teaching
 1-36 institution"] and "institution of higher education" have the
 1-37 meanings assigned by Section 61.003.

1-38 SECTION 3. Section 130.0012(a), Education Code, is
 1-39 transferred to Subchapter L, Chapter 130, Education Code, as added
 1-40 by this Act, redesignated as Section 130.302, Education Code, and
 1-41 amended to read as follows:

1-42 Sec. 130.302. BACCALAUREATE DEGREE PROGRAMS; GENERAL
 1-43 AUTHORIZATION. [(a)] The coordinating board may [Texas Higher
 1-44 Education Coordinating Board shall] authorize public junior
 1-45 colleges to offer baccalaureate degree programs as provided by this
 1-46 subchapter [in the fields of applied science and applied technology
 1-47 under this section]. Offering a baccalaureate degree program under
 1-48 this subchapter [section] does not otherwise alter the role and
 1-49 mission of a public junior college.

1-50 SECTION 4. Section 130.0012(b), Education Code, is
 1-51 transferred to Subchapter L, Chapter 130, Education Code, as added
 1-52 by this Act, redesignated as Section 130.303, Education Code, and
 1-53 amended to read as follows:

1-54 Sec. 130.303. AUTHORIZATION FOR CERTAIN BACCALAUREATE
 1-55 DEGREE PROGRAMS. (a) [(b)] The coordinating board shall
 1-56 authorize baccalaureate degree programs in the fields of applied
 1-57 science and applied technology at each public junior college that
 1-58 previously participated in a pilot project to offer those
 1-59 baccalaureate degree programs.

1-60 (b) The coordinating board may authorize baccalaureate

2-1 degree programs at one or more public junior colleges that offer a
 2-2 degree program in the field of applied science, applied technology,
 2-3 or nursing and have demonstrated a workforce need.

2-4 SECTION 5. Sections 130.0012(b-1), (b-2), and (b-3),
 2-5 Education Code, are transferred to Subchapter L, Chapter 130,
 2-6 Education Code, as added by this Act, redesignated as Section
 2-7 130.304, Education Code, and amended to read as follows:

2-8 Sec. 130.304. BACCALAUREATE IN DENTAL HYGIENE; PILOT

2-9 PROJECT. (a) [~~(b-1)~~] The coordinating board shall establish a
 2-10 pilot project to examine the feasibility and effectiveness of
 2-11 authorizing baccalaureate degree programs in the field of dental
 2-12 hygiene at a public junior college that offers a degree program in
 2-13 that field, has a main campus located in the county seat of a county
 2-14 with a population greater than 200,000, and includes territory in
 2-15 at least six public school districts located in two counties.
 2-16 Section 130.310 [~~Subsection (g)~~] does not apply to junior-level and
 2-17 senior-level courses offered under this section [~~subsection~~]. In
 2-18 its recommendations to the legislature relating to state funding
 2-19 for public junior colleges, the coordinating board shall recommend
 2-20 that junior-level and senior-level courses offered under this
 2-21 section [~~subsection~~] by a public junior college receive the same
 2-22 state support as other courses offered by the public junior
 2-23 college.

2-24 (b) [~~(b-2)~~] Not later than January 1, 2017, the
 2-25 coordinating board shall prepare a progress report on the pilot
 2-26 project established under this section [~~Subsection (b-1)~~]. Not
 2-27 later than January 1, 2019, the coordinating board shall prepare a
 2-28 report on the effectiveness of the pilot project, including any
 2-29 recommendations for legislative action regarding the offering of
 2-30 baccalaureate degree programs in the field of dental hygiene by a
 2-31 public junior college. The coordinating board shall deliver a copy
 2-32 of each report to the governor, the lieutenant governor, the
 2-33 speaker of the house of representatives, and the chair of the
 2-34 standing committee of each house of the legislature with primary
 2-35 jurisdiction over higher education. Unless the authority to
 2-36 continue offering a baccalaureate degree program in the field of
 2-37 dental hygiene is continued by the legislature, a public junior
 2-38 college may not:

2-39 (1) enroll a new student in a baccalaureate degree
 2-40 program under the pilot project after the 2019 fall semester;

2-41 (2) offer junior-level or senior-level courses for
 2-42 those degree programs after the 2021 fall semester, unless the
 2-43 coordinating board authorizes the college to offer those courses;
 2-44 or

2-45 (3) award a baccalaureate degree under the pilot
 2-46 project after the 2021 fall semester, unless the coordinating board
 2-47 approves the awarding of the degree.

2-48 (c) [~~(b-3)~~] This section expires [~~subsection and~~
 2-49 ~~Subsections (b-1) and (b-2) expire]~~ on the first June 15 following
 2-50 the first regular legislative session that occurs after the fourth
 2-51 anniversary of the date a public junior college offering a degree
 2-52 program in the field of dental hygiene under this section
 2-53 [~~Subsection (b-1)~~] meets the accreditation requirements of Section
 2-54 130.305 [~~Subsection (c)~~].

2-55 SECTION 6. Section 130.0012(c), Education Code, is
 2-56 transferred to Subchapter L, Chapter 130, Education Code, as added
 2-57 by this Act, redesignated as Section 130.305, Education Code, and
 2-58 amended to read as follows:

2-59 Sec. 130.305. ACCREDITATION. [~~(c)~~] A public junior
 2-60 college offering a baccalaureate degree program under this
 2-61 subchapter [~~section~~] must meet all applicable accreditation
 2-62 requirements of the Commission on Colleges of the Southern
 2-63 Association of Colleges and Schools.

2-64 SECTION 7. Section 130.0012(d), Education Code, is
 2-65 transferred to Subchapter L, Chapter 130, Education Code, as added
 2-66 by this Act, redesignated as Section 130.306, Education Code, and
 2-67 amended to read as follows:

2-68 Sec. 130.306. LIMITATION. (a) [~~(d)~~] A public junior
 2-69 college offering a baccalaureate degree program under Section

3-1 130.303(a) [~~this section~~] may not offer more than five
 3-2 baccalaureate degree programs at any time.

3-3 (b) Except as provided by Subsection (a), a public junior
 3-4 college offering a baccalaureate degree program under this
 3-5 subchapter may not offer more than three baccalaureate degree
 3-6 programs at any time.

3-7 (c) Degree [~~The degree~~] programs offered under this
 3-8 subchapter are subject to the continuing approval of the
 3-9 coordinating board.

3-10 SECTION 8. Section 130.0012(e), Education Code, is
 3-11 transferred to Subchapter L, Chapter 130, Education Code, as added
 3-12 by this Act, redesignated as Section 130.307, Education Code, and
 3-13 amended to read as follows:

3-14 Sec. 130.307. REQUIREMENTS. (a) [~~(e)~~] In determining
 3-15 whether a public junior college may offer [~~what~~] baccalaureate
 3-16 degree programs and what degree programs may [~~are to~~] be offered,
 3-17 the coordinating board shall:

3-18 (1) apply the same criteria and standards the
 3-19 coordinating board uses to approve baccalaureate degree programs at
 3-20 general academic teaching institutions and medical and dental
 3-21 units; and

3-22 (2) consider the following factors:

3-23 (A) [~~(1)~~] the workforce need for the degree
 3-24 programs in the region served by the junior college;

3-25 (B) [~~(2)~~] how those degree programs would
 3-26 complement the other programs and course offerings of the junior
 3-27 college and whether the associate degree program offered by the
 3-28 junior college in the same field has been successful;

3-29 (C) [~~(3)~~] whether those degree programs would
 3-30 unnecessarily duplicate the degree programs offered by other
 3-31 institutions of higher education; and

3-32 (D) [~~(4)~~] the ability of the junior college to
 3-33 support the degree programs with student enrollment [~~program~~] and
 3-34 the adequacy of the junior college's facilities, faculty,
 3-35 administration, libraries, and other resources.

3-36 (b) A public junior college may offer a baccalaureate degree
 3-37 program under this section only if its junior college district:

3-38 (1) had a taxable property valuation amount of not
 3-39 less than \$6 billion in the preceding year; and

3-40 (2) received a positive assessment of the overall
 3-41 financial health of the district as reported by the coordinating
 3-42 board.

3-43 (c) Before a public junior college may be authorized to
 3-44 offer a baccalaureate degree program under this subchapter, the
 3-45 public junior college must submit a report to the coordinating
 3-46 board that includes:

3-47 (1) a long-term financial plan for receiving
 3-48 accreditation from the Commission on Colleges of the Southern
 3-49 Association of Colleges and Schools;

3-50 (2) a long-term plan for faculty recruitment that:

3-51 (A) indicates the ability to pay the increased
 3-52 salaries of doctoral faculty;

3-53 (B) identifies recruitment strategies for new
 3-54 faculty; and

3-55 (C) ensures the program would not draw faculty
 3-56 employed by a neighboring institution offering a similar program;

3-57 (3) detailed information on the manner of program and
 3-58 course delivery; and

3-59 (4) detailed information regarding existing
 3-60 articulation agreements and dual enrollment agreements indicating:

3-61 (A) that at least three articulation agreements
 3-62 have been established with general academic teaching institutions
 3-63 or medical and dental units, or the reasons why no articulation
 3-64 agreements have been established; and

3-65 (B) that, with the agreement of the applicable
 3-66 general academic teaching institution or medical and dental unit,
 3-67 established articulation agreements are at capacity.

3-68 (d) The coordinating board may not authorize a public junior
 3-69 college to offer a baccalaureate degree in a field if articulation

4-1 agreements with general academic teaching institutions or medical
4-2 and dental units are sufficient to meet the needs of that field.

4-3 SECTION 9. Subchapter L, Chapter 130, Education Code, as
4-4 added by this Act, is amended by adding Section 130.308, Education
4-5 Code, to read as follows:

4-6 Sec. 130.308. SPECIAL REQUIREMENTS FOR NURSING DEGREE
4-7 PROGRAM. (a) In determining whether a public junior college may
4-8 offer a baccalaureate degree program in nursing, the coordinating
4-9 board shall:

4-10 (1) require a public junior college to provide
4-11 evidence to the coordinating board and the Texas Board of Nursing
4-12 that the public junior college has secured adequate long-term
4-13 clinical space;

4-14 (2) obtain a letter from each clinical site provided
4-15 indicating that the clinical site has not refused a similar request
4-16 from a general academic teaching institution or medical and dental
4-17 unit; and

4-18 (3) establish that the corresponding associate degree
4-19 program offered by the public junior college has been successful as
4-20 indicated by job placement rates and licensing exam scores.

4-21 (b) A baccalaureate degree program offered under this
4-22 subchapter by a public junior college in the field of nursing must:

4-23 (1) be a bachelor of science degree program;

4-24 (2) meet the standards and criteria the Texas Board of
4-25 Nursing uses to approve pre-licensure degree programs at general
4-26 academic teaching institutions and medical and dental units
4-27 regardless of whether the program is a pre-licensure or
4-28 post-licensure program; and

4-29 (3) be accredited by a national nursing accrediting
4-30 body recognized by the United States Department of Education.

4-31 (c) A public junior college offering a baccalaureate degree
4-32 program in the field of nursing under this subchapter must
4-33 demonstrate to the coordinating board that it will maintain or
4-34 exceed the enrollment available to nursing students enrolled in an
4-35 associate degree program at the public junior college in the
4-36 2016-2017 academic year and must continue to maintain or exceed
4-37 that level of enrollment in the corresponding associate degree
4-38 program until the 2021-2022 academic year. This subsection expires
4-39 January 1, 2023.

4-40 SECTION 10. Sections 130.0012(f) and (j), Education Code,
4-41 are transferred to Subchapter L, Chapter 130, Education Code, as
4-42 added by this Act, redesignated as Section 130.309, Education Code,
4-43 and amended to read as follows:

4-44 Sec. 130.309. ARTICULATION AGREEMENT REQUIRED.

4-45 (a) [~~f~~] Each public junior college that offers a baccalaureate
4-46 degree program under this subchapter [~~section~~] must enter into an
4-47 articulation agreement for the first five years of the program with
4-48 one or more general academic teaching institutions or medical and
4-49 dental units to ensure that students enrolled in the degree program
4-50 have an opportunity to complete the degree if the public junior
4-51 college ceases to offer the degree program. The coordinating board
4-52 may require a general academic teaching institution or medical and
4-53 dental unit that offers a comparable degree program to enter into an
4-54 articulation agreement with the public junior college as provided
4-55 by this subsection.

4-56 (b) [~~j~~] The coordinating board shall prescribe procedures
4-57 to ensure that each public junior college that offers a degree
4-58 program under this subchapter [~~section~~] informs each student who
4-59 enrolls in the degree program of the articulation agreement entered
4-60 into under this section [~~subsection (f)~~] for the student's degree
4-61 program.

4-62 SECTION 11. Section 130.0012(g), Education Code, is
4-63 transferred to Subchapter L, Chapter 130, Education Code, as added
4-64 by this Act, redesignated as Section 130.310, Education Code, and
4-65 amended to read as follows:

4-66 Sec. 130.310. FUNDING. (a) Except as provided by
4-67 Subsection (b), a degree program created under this subchapter may
4-68 be funded solely by a public junior college's proportionate share
4-69 of state appropriations under Section 130.003, local funds, and

5-1 private sources. This subsection does not require the legislature
 5-2 to appropriate state funds to support a degree program created
 5-3 under this subchapter. The coordinating board shall weigh contact
 5-4 hours attributable to students enrolled in a junior-level or
 5-5 senior-level course offered under this subchapter used to determine
 5-6 a public junior college's proportionate share of state
 5-7 appropriations under Section 130.003 in the same manner as a lower
 5-8 division course in a corresponding field.

5-9 (b) Notwithstanding Subsection (a), in ~~[(g) In]~~ its
 5-10 recommendations to the legislature relating to state funding for
 5-11 public junior colleges, the coordinating board shall recommend that
 5-12 a public junior college authorized to offer baccalaureate degree
 5-13 programs under Section 130.303(a) receive substantially the same
 5-14 state support for junior-level and senior-level courses in the
 5-15 fields of applied science and applied technology offered under this
 5-16 subchapter ~~[section]~~ as that provided to a general academic
 5-17 teaching institution for substantially similar courses. For
 5-18 purposes of this subsection, in ~~[In]~~ determining the contact hours
 5-19 attributable to students enrolled in a junior-level or senior-level
 5-20 course in the field of applied science or applied technology
 5-21 offered under this subchapter ~~[section]~~ used to determine a public
 5-22 junior college's proportionate share of state appropriations under
 5-23 Section 130.003, the coordinating board shall weigh those contact
 5-24 hours as necessary to provide the junior college the appropriate
 5-25 level of state support to the extent state funds for those courses
 5-26 are included in the appropriations. This subsection does not
 5-27 prohibit the legislature from directly appropriating state funds to
 5-28 support junior-level and senior-level courses to which this
 5-29 subsection applies ~~[offered under this section]~~.

5-30 (c) A public junior college may not charge a student
 5-31 enrolled in a baccalaureate degree program offered under this
 5-32 subchapter tuition and fees in an amount that exceeds the amount of
 5-33 tuition and fees charged by the junior college to a similarly
 5-34 situated student who is enrolled in an associate degree program in a
 5-35 corresponding field.

5-36 SECTION 12. Section 130.0012(h), Education Code, is
 5-37 transferred to Subchapter L, Chapter 130, Education Code, as added
 5-38 by this Act, redesignated as Section 130.311, Education Code, and
 5-39 amended to read as follows:

5-40 Sec. 130.311. REPORT. Each biennium, each ~~[(h) Each]~~
 5-41 public junior college offering a baccalaureate degree program under
 5-42 this section shall conduct a review of each baccalaureate degree
 5-43 program offered and prepare a ~~[biennial]~~ report on the operation,
 5-44 quality, and effectiveness of those ~~[the junior college's~~
 5-45 baccalaureate] degree programs. A ~~[and shall deliver a]~~ copy of the
 5-46 report shall be delivered to the coordinating board in the form and
 5-47 at the time determined by the coordinating board.

5-48 SECTION 13. Section 130.0012(k), Education Code, is
 5-49 transferred to Subchapter L, Chapter 130, Education Code, as added
 5-50 by this Act, redesignated as Section 130.312, Education Code, and
 5-51 amended to read as follows:

5-52 Sec. 130.312. RULES. ~~[(k)]~~ The coordinating board shall
 5-53 adopt rules as necessary for the administration of this subchapter
 5-54 ~~[section]~~.

5-55 SECTION 14. The heading to Section 130.0012, Education
 5-56 Code, is repealed.

5-57 SECTION 15. This Act takes effect immediately if it
 5-58 receives a vote of two-thirds of all the members elected to each
 5-59 house, as provided by Section 39, Article III, Texas Constitution.
 5-60 If this Act does not receive the vote necessary for immediate
 5-61 effect, this Act takes effect September 1, 2017.

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