

BILL ANALYSIS

C.S.H.B. 271
By: Bernal
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding a practice by certain postsecondary educational institutions of withholding a student's official transcript until any outstanding debt is paid in full. There are suggestions that such a practice, rather than encouraging students to pay off debt, may have the effect of further restricting their ability to pay. C.S.H.B. 271 seeks to address these concerns by requiring certain postsecondary educational institutions to release a transcript or certificate of completion of training to a student on the student's request, subject to certain conditions, and by repealing the authority of a career school or college to withhold such documents on grounds of the student's financial obligations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 271 amends the Education Code to require a public, private, or independent institution of higher education and a career school or college to release a student's transcript or certificate of completion of training to the student on the student's request, except that in the case of a student who has not fulfilled the student's financial obligation to the applicable postsecondary educational institution, the requirement applies only if:

- the student has not been enrolled in the institution for at least five years; and
- the student includes with the request a copy of the posting for the job for which the student intends to apply or a statement that the student intends to enroll in another postsecondary educational institution.

The bill requires a transcript or certificate of completion released on the request of a student who has not fulfilled the student's financial obligation to be issued directly to the employer or institution for which the student is requesting the document.

C.S.H.B. 271 authorizes an applicable postsecondary educational institution to charge a reasonable fee in connection with the release of a transcript or a certificate of completion and requires the amount of the fee to be the same for each student, except in accordance with a policy of the institution that provides for charging a lower fee for certain students based on criteria other than whether the student has fulfilled the student's financial obligation to the institution.

C.S.H.B. 271 removes language specifying that a person who is liable for the difference between resident and nonresident tuition for one or more academic terms at a public institution of higher education as the result of an erroneous classification of residency status is not entitled to an official transcript that is based at least partially on or includes credit for courses taken while the person was erroneously classified as a Texas resident until the amount for which the person is liable is paid in full.

C.S.H.B. 271 repeals Section 132.062, Education Code, which authorizes a career school or college to withhold a student's transcript or certificate of completion of training until the student has fulfilled the student's financial obligation to the school or college.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 271 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions specifically applicable to a career school or college:

- prohibiting such a school or college from withholding a student's transcript or certificate of completion of training if the student is in good standing and providing for the meaning of "good standing";
- requiring payments toward outstanding debt obligations to be income-based; and
- limiting the amount such a school or college may charge a student for a transcript or certificate of completion of training.

The substitute includes provisions applicable to a career school or college and to a public, private, or independent institution of higher education:

- requiring such a postsecondary educational institution to release a student's transcript or certificate of completion of training to the student on the student's request;
- limiting the circumstances under which such an institution is required to release a transcript or certificate of completion for a student who has not fulfilled the student's financial obligations to the institution and requiring the transcript or certificate to be issued in those circumstances directly to the prospective employer or other postsecondary educational institution for which the student requests the document; and
- authorizing such an institution to charge a reasonable fee in connection with the release of a transcript or certificate of completion and requiring the fee to be the same for each student, subject to a certain exception.

The substitute repeals the authorization for a career school or college to withhold a student's transcript or certificate of completion of training until the student has fulfilled the student's financial obligation.

The substitute changes the bill's effective date to provide for immediate effect if the bill receives the necessary vote.