

BILL ANALYSIS

C.S.H.B. 3486
By: Turner
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

S.B. 25, passed by the 86th Texas Legislature, made significant reforms to the process and protections available to students for understanding how their credits will apply when they transfer from a community college to a general academic teaching institution. C.S.H.B. 3486 seeks to build on these reforms and reflect best practices by revising provisions relating to fields of study curricula and the transferability of credentials earned by students in early college education programs and by revising certain dispute resolution procedures relating to the transfer of credit, among other provisions.

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 rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTIONS 1, 4, 5, and 6 of this bill.

ANALYSIS

C.S.H.B. 3486 amends the Education Code to authorize the Texas Higher Education Coordinating Board (THECB) by rule to authorize a general academic teaching institution to adopt, for each field of study curriculum developed by the THECB for which the institution offers a degree program, a set of courses specific to that field of study, not to exceed a total of six semester credit hours or the equivalent, that must be completed as part of the field of study curriculum for that institution. The bill requires each general academic teaching institution that adopts such a set of courses to post the set of courses on its website with the associated course numbers under the common course numbering system. With respect to the transfer to a general academic teaching institution of a block of courses constituting a field of study curriculum that a student successfully completes, the bill specifies that the requirement for that block of courses to be substituted for that institution's lower division requirements for the degree program for the field of study into which the student transfers is subject to the student having completed the set of courses adopted by the institution for that field of study under the bill's provisions.

C.S.H.B. 3486 replaces the requirement for the early college education program to allow a participating student to complete high school and receive, on or before the fifth anniversary of the date of the student's first day of high school, a high school diploma and either an associate degree or at least 60 semester credit hours toward a baccalaureate degree with a requirement for the program to allow a participating student to complete high school and enroll in a program at an institution of higher education that will enable the student, on or before that fifth anniversary, to receive a high school diploma and either of the following:

- an applied associate degree, as defined by THECB rule; or

- an academic associate degree, as defined by THECB rule, with a completed field of study curriculum developed by the THECB that is transferable toward a baccalaureate degree at one or more general academic teaching institutions.

C.S.H.B. 3486 expands the definition of "degree program" for purposes of provisions governing the THECB to include applicable subject matter courses that will entitle a student to an academic associate degree, as defined by THECB rule, or baccalaureate degree from a public junior college. The bill specifies that, for purposes of the term "certificate program," the associate degree from a technical institute or junior college to which a student will be entitled for completion of applicable subject matter courses excludes an academic associate degree, as defined by THECB rule.

C.S.H.B. 3486 authorizes the THECB by rule to approve a core curriculum of fewer than 42 semester credit hours for an associate degree program if the THECB determines that the approval would facilitate the award of a degree or transfer of credit consistent with provisions governing the transfer of credit. The bill replaces the requirement for the THECB, in adopting rules regarding the recommended core curriculum, to use negotiated rulemaking procedures under the Negotiated Rulemaking Act with a requirement for the THECB to appoint a committee under the Administrative Procedure Act to advise the THECB in adopting those rules.

C.S.H.B. 3486 requires a public institution of higher education to award a student a "Texas Direct" associate degree and to include an appropriate notation on the student's transcript if the student completes a field of study curriculum developed by the THECB and either the institution's core curriculum or an abbreviated core curriculum related to a specific approved field of study curriculum transferable to one or more general academic teaching institutions.

C.S.H.B. 3486 changes the scope and the applicability of provisions governing dispute resolution concerning the transfer of lower division course credit between public institutions of higher education by making the provisions applicable when an institution proposes to deny the application toward a student's degree requirements of course credit earned by the student at another institution in the other institution's core curriculum or in a field of study curriculum developed by the THECB, rather than when an institution does not accept course credit earned by a student at another institution as under current law. The bill updates the provisions to reflect this change in scope and applicability and further revises them to require an institution, when giving written notice of its intent to deny application of the course credit, to also provide the reasons for the proposed denial.

With respect to the timely resolution of transfer disputes, C.S.H.B. 3486 removes provisions providing for the dispute resolution process to be turned over to the commissioner of higher education if the dispute is not resolved to the satisfaction of the student or the institution at which the credit was earned within 45 days after the date the student received notice from the receiving institution regarding the denial of the credit transfer and requires instead that the receiving institution resolve the dispute not later than the 45th day after the date on which the student enrolls in the institution. However, the bill retains the requirement for the receiving institution to notify the commissioner of its denial and the reasons for the denial if the dispute is not satisfactorily resolved and the requirement for the commissioner or the commissioner's designee to make a final determination on the dispute and give written notice of the determination to the involved student and institutions. The bill imposes a deadline for the final determination to be made and notice of the determination to be given, which is not later than the 20th business day after the date the commissioner receives the institution's notice. The bill establishes that a determination by the commissioner or the commissioner's designee is final and may not be appealed and requires an institution to apply the applicable course credit toward the student's degree requirements if the commissioner or designee determines that the institution may not deny the application of the course credit. The bill requires the THECB to post on its website a list of each case that is considered by the commissioner or the commissioner's designee, including the disposition of the case.

C.S.H.B. 3486 changes from March 1 to May 1 the annual deadline for the submission of the following reports to the THECB and the legislature:

- the report from each general academic teaching institution describing any lower-division courses for which a student who transfers to the institution is not granted academic credit or, if applicable, credit toward the student's major; and
- the report from each public junior college on courses taken by students who transferred to a general academic teaching institution or earned an associate degree at the college during the preceding academic year.

With respect to a report submitted by a general academic teaching institution, the bill specifies that the institution, in indicating the reasons why academic credit was not granted, must also indicate whether the institution complied with the dispute resolution process.

C.S.H.B. 3486 applies beginning with the 2023-2024 academic year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3486 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions that were not present in the introduced that do the following:

- revise the definitions of "degree program" and "certificate program" for purposes of provisions governing the THECB; and
- require the THECB to appoint a committee to advise the THECB in adopting rules regarding the recommended core curriculum rather than use negotiated rulemaking procedures.

Moreover, the substitute also includes a provision absent from the introduced authorizing the THECB by rule to approve a core curriculum of fewer than 42 semester credit hours for an associate degree program if the THECB determines that the approval would facilitate the award of a degree or transfer or credit. Accordingly, whereas the introduced included completion of 42 semester credit hours of lower-division courses transferable to one or more general academic teaching institutions as an option to earn a "Texas Direct" associate degree, the substitute includes instead completion of an abbreviated core curriculum related to a specific approved field of study curriculum transferable to one or more general academic teaching institutions as an option to earn such a degree.