

## **BILL ANALYSIS**

S.B. 1429  
By: Hinojosa  
Higher Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 2017, the Texas Board of Nursing issued the Board Education Guideline 3.7.4.a in response to numerous reports and questions from students, parents, and policymakers about the use of vendor-created standardized examinations, especially the use of the exams to deny students the opportunity to take the NCLEX licensure exam. Many nursing education programs had incorporated the use of these exams into the curriculum in various ways including using the exams as a graduation requirement or to deny students from receiving their affidavit of graduation, which is required to be submitted to register for the NCLEX exam. S.B. 1429 seeks to codify the recommended uses for exams outlined in Board Education Guideline 3.7.4.a by requiring the board to adopt rules to prohibit such deleterious uses of standardized examinations.

### **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 Board of Nursing in SECTION 1 of this bill.

### **ANALYSIS**

S.B. 1429 amends the Occupations Code to require the Texas Board of Nursing to adopt rules related to the use by a school of nursing or educational program offered in Texas of a standardized examination prepared by a private entity. The rules must prohibit the use of a standardized examination as a graduation requirement or to deny students an affidavit of graduation. The rules may authorize the use of a standardized examination only for the following purposes:

- to familiarize students with computerized testing;
- to assess potential or enrolled students for the purposes of serving as one component of admissions criteria, evaluating a student's strengths and weaknesses for remediation purposes, or identifying students experiencing academic difficulties who require early remediation; or
- to assess the effectiveness of the school of nursing or educational program by providing the following:
  - trend data on student performance;
  - a comparison of student performance with nationwide averages;
  - feedback of student knowledge of program content;
  - data to monitor the effectiveness of specific course, level, and program curriculum revisions;
  - a measure of student mastery of content; or
  - an evaluation of the effectiveness of curriculum content for revision purposes.

S.B. 1429 requires such rules to provide that a score on a standardized examination may not account for more than 10 percent of a course grade for a course in a school of nursing or educational program. The bill also prohibits a school of nursing or educational program that determines a student is in need of academic remediation on the basis of a standardized examination from requiring the student to attend any course offered by the examination provider. The bill establishes that failure to comply with the adopted rules may subject such a school or program to disciplinary action, including removal of the school's or program's approval status, as determined by the board.

S.B. 1429 requires the board to adopt rules as soon as practicable after the effective date of the bill.

**EFFECTIVE DATE**

September 1, 2023.