

BILL ANALYSIS

Senate Research Center

S.B. 1429
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Health & Human Services
3/27/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2017, the Texas Board of Nursing (BON) 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 when these exams are used to deny students the opportunity to take the NCLEX licensure exam. Many vocational and professional nursing education programs had incorporated the use of these exams into the curriculum in various ways. At the time, a survey revealed many nursing programs were using these 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 licensure exam.

Although BON has no purview over a nursing program's decisions to use these exams, BON staff met with three vendors to clarify the intended purposes for these exams and to assist nursing programs in their use. All agreed standardized examinations are one of many measures of program quality. With input from the vendors, Board Education Guideline 3.7.4.a outlines the effective uses of vendor-created standardized exams as an evaluation of student progress and cautions nursing programs from using these exams in a high stakes manner. The guideline recommends that these exams should not prevent students from progressing or graduating.

Six years later, a second survey revealed that despite BON's guideline and cautions, many nursing programs disregarded BON's recommendation and continue to use vendor-created standardized exams in a high stakes manner. BON continues to respond to many complaints or questions from students.

S.B. 1429 would authorize BON to adopt rules to prohibit the use of vendor-created standardized examinations as a graduation requirement or to deny students an affidavit of graduation. The bill codifies the same recommended uses for the exams outlined in Board Education Guideline 3.7.4.a.

As proposed, S.B. 1429 amends current law relating to the use of standardized examinations by a school of nursing or educational program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Nursing in SECTION 1 (Section 301.1571, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 301, Occupations Code, by adding Section 301.1571, as follows:

Sec. 301.1571. USE OF STANDARDIZED EXAMINATIONS. (a) Requires the Texas Board of Nursing (BON) to adopt rules related to the use by a school of nursing or educational program offered in this state of a standardized examination prepared by a private entity. Requires that the rules prohibit the use of a standardized examination as a graduation requirement or to deny students an affidavit of graduation. Authorizes the rules to authorize the use of a standardized examination only to:

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

(b) Requires that the rules adopted under Subsection (a) provide that a score on a standardized examination are prohibited from accounting for more than 10 percent of a course grade for a course in a school of nursing or educational program.

(c) 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.

(d) Provides that failure to comply with the rules adopted under Subsection (a) may subject the school of nursing or educational program to disciplinary action, including removal of the school's or program's approval status, as determined by BON.

SECTION 2. Requires BON, as soon as practicable after the effective date of this Act, to adopt the rules required by Section 301.1571, Occupations Code, as added by this Act.

SECTION 3. Effective date: September 1, 2023.