By: VanDeaver

H.B. No. 8

A BILL TO BE ENTITLED

AN ACT

relating to the administration, coordination, and support of public higher education, including the public junior college state finance program and an Advanced Career and Education (ACE) scholarship program for students enrolled in dual credit courses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.009(b-2), Education Code, is amended to read as follows:

(b-2) Any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program described by Subsection (b-1) must:

(1) include specific program goals aligned with the statewide goals developed under Subsection (b-1);

(2) establish common advising strategies and terminology related to dual credit and college readiness;

(3) provide for the alignment of endorsements described by Section 28.025(c-1) offered by the district, and dual credit courses offered under the agreement that apply towards those endorsements, with postsecondary pathways and credentials at the institution and industry certifications;

(4) identify tools, including tools developed by the agency, the Texas Higher Education Coordinating Board, or the Texas Workforce Commission, to assist school counselors, students, and
families in selecting endorsements offered by the district and dual
credit courses offered under the agreement;

(5) establish, or provide a procedure for
establishing, the course credits that may be earned under the
agreement, including by developing a course equivalency crosswalk
or other method for equating high school courses with college
courses and identifying the number of credits that may be earned for
each course completed through the program;

(6) describe the academic supports and, if applicable,
guidance that will be provided to students participating in the
program;

(7) establish the district's and the institution's
respective roles and responsibilities in providing the program and
ensuring the quality and instructional rigor of the program;

(8) state the sources of funding for courses offered
under the program, including, at a minimum, the sources of funding
for tuition, transportation, and any required fees or textbooks for
students participating in the program;

(9) require the district and the institution to
consider the use of free or low-cost open educational resources in
courses offered under the program;

(10) ensure the accurate and timely exchange of
information necessary for an eligible student to receive a
scholarship under Section 28.0095;

(11) be posted each year on the district's and the
institution's respective Internet websites; and

(12) designate at least one employee of the
district or institution as responsible for providing academic
advising to a student who enrolls in a dual credit course under the
program before the student begins the course.

SECTION 2. Subchapter A, Chapter 28, Education Code, is
amended by adding Section 28.0095 to read as follows:

Sec. 28.0095. ADVANCED CAREER AND EDUCATION (ACE)
SCHOLARSHIP PROGRAM. (a) In this section:

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

(2) "Dual credit course" includes a course offered for
joint high school and junior college credit under Section 130.008.

(3) "Institution of higher education" has the meaning
assigned by Section 61.003.

(b) The agency and the coordinating board shall jointly
establish the Advanced Career and Education (ACE) scholarship
program to award scholarships to eligible students enrolled in dual
credit courses at participating institutions of higher education.

(c) A student is eligible to receive a scholarship under the
program if the student:

(1) is enrolled:

(A) in high school in a school district; and

(B) in a dual credit course at a participating
institute of higher education; and

(2) was educationally disadvantaged at any time during
the four school years preceding the student's enrollment in the
dual credit course described by Subdivision (1)(B).

(d) An institution of higher education is eligible to
participate in the program only if the institution charges for each
dual credit course offered by the institution an amount of tuition
that does not exceed the amount prescribed by coordinating board
rule for purposes of this section.

(e) The amount of a scholarship under the program is equal
to the amount of tuition set by coordinating board rule as described
by Subsection (d) for each dual credit course in which an eligible
student is enrolled.

(f) Each school district shall:

(1) on a high school student's enrollment in a dual
credit course, determine whether the student meets the criteria for
a scholarship under the program under Subsection (c)(2); and

(2) notify the institution of higher education that
offers the dual credit course in which the student is enrolled of
the district's determination under Subdivision (1).

(g) A school district may make the determination under
Subsection (f)(1) based on the district's records, the agency's
records, or any other method authorized by commissioner rule. If
the district bases the determination on a method other than the
agency's records, the district shall report the method used and the
data on which the method is based to the agency for purposes of
verification.

(h) On receipt of notice under Subsection (f)(2), a
participating institution of higher education shall certify to the
agency and the coordinating board the student's eligibility for a
scholarship under the program.

(i) From money appropriated for the Foundation School
Program, the agency shall transfer an amount equal to the total amount of scholarships for which students are eligible under this section to the coordinating board for distribution to the participating institutions of higher education in proportion to the number of eligible students enrolled in a dual credit course at the institution.

(j) The commissioner and the commissioner of higher education shall coordinate as necessary to:

(1) confirm an eligible student's enrollment in a participating institution of higher education; and

(2) obtain or share data necessary to verify a student's eligibility under Subsection (c)(2).

(k) The commissioner and the coordinating board shall adopt rules as necessary to implement this section.

SECTION 3. Section 28.010(a), Education Code, is amended to read as follows:

(a) Each school year, a school district shall notify the parent of each district student enrolled in grade nine or above of:

(1) the availability of:

(A) programs in the district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;

(B) career and technology education programs or other work-based education programs in the district, including any internship, externship, or apprenticeship programs or a P-TECH program under Subchapter N, Chapter 29; [and]
(C) subsidies based on financial need available for fees paid to take college advanced placement tests or international baccalaureate examinations under Section 28.054; and

(D) scholarships for dual credit courses under Section 28.0095; and

(2) the qualifications for:

(A) enrolling in programs described by Subdivision (1)(A) or (B); or

(B) receiving a scholarship described by Subdivision (1)(D).

SECTION 4. Section 61.003(2), Education Code, is amended to read as follows:

(2) "Public junior college" means any junior college listed as a public junior college [certified by the board] in accordance with Section 61.063 [of this chapter].

SECTION 5. Section 61.0571, Education Code, is amended by adding Subsections (c), (d), (e), and (f) to read as follows:

(c) The board may provide administrative support and services to institutions of higher education as necessary to implement this chapter, Chapter 130, or Chapter 130A.

(d) The board may establish an institutional collaboration center within the board to support the implementation of Chapter 130A and the efficient and effective operations of institutions of higher education.

(e) From money appropriated or otherwise available for the purpose, the board may procure goods and services for the direct benefit of an institution of higher education and enter into an
interagency contract under Chapter 771, Government Code, with the institution to reimburse the board for the cost of the goods and services.

(f) The board may accept gifts, grants, or donations from any public or private source to pay for goods or services procured for the direct benefit of an institution of higher education under Subsection (e).

SECTION 6. Section 61.059, Education Code, is amended by adding Subsection (b-3) to read as follows:

(b-3) In carrying out its duties under this section in regard to formulas used for appropriations recommendations for public junior colleges, the board shall ensure that the formulas are devised in accordance with Chapter 130A.

SECTION 7. Section 61.063, Education Code, is amended to read as follows:

Sec. 61.063. LISTING [AND CERTIFICATION] OF PUBLIC JUNIOR COLLEGES; ELIGIBILITY FOR STATE APPROPRIATIONS. (a) The commissioner of higher education shall file with the [state] comptroller on or before September [October] 1 of each year a list of each [the] public junior college [colleges] in this state that has certified to the board under Section 130.003 that the college is in compliance with the requirements of Subsection (b) of that section. [The commissioner shall certify the names of those colleges that have complied with the standards, rules, and regulations prescribed by the board.]

(b) Only a public junior college included on the list under Subsection (a) is [those colleges which are so certified shall be]
eligible for and may receive money appropriated [any appropriation made] by the legislature to public junior colleges.

SECTION 8. Sections 130.003(a), (b), (e), and (f), Education Code, are amended to read as follows:

(a) There shall be appropriated biennially from money in the state treasury not otherwise appropriated an amount sufficient to supplement local funds for the proper support, maintenance, operation, and improvement of those public junior colleges of Texas that meet the standards prescribed by this chapter. The sum shall be allocated in accordance with Chapter 130A [on the basis of contact hours within categories developed, reviewed, and updated by the coordinating board].

(b) To be eligible for and to receive money appropriated under Subsection (a) [a proportionate share of the appropriation], a public junior college must certify to the coordinating board, in the manner prescribed by coordinating board rule, that the college:

(1) offers [be certified as a public junior college as prescribed in Section 61.063];

(2) offers [offer] a minimum of 24 semester hours of vocational and/or terminal courses;

(2) collects [have collected] from each full-time and part-time student enrolled, tuition [matriculation] and other [session] fees in the amounts required by law or in the amounts set by the governing board of the junior college district as authorized by
(3) grants [grant], when properly applied for, the scholarships and tuition exemptions provided for in this code;

(4) [and]

(5) for a public junior college established on or after September 1, 1986, levies and collects [levy and collect] ad valorem taxes as provided by law for the operation and maintenance of the [public junior] college; and

(5) has complied with all laws and coordinating board rules for the establishment and operation of a public junior college.

(e) The primary purpose of each public junior [community] college shall be to provide:

(1) technical programs up to two years in length leading to associate degrees or certificates;

(2) vocational programs leading directly to employment in semi-skilled and skilled occupations;

(3) [freshman and sophomore] courses in the core curriculum and field of study curriculum, as those terms are defined by Section 61.821 [arts and sciences];

(4) continuing adult education programs for occupational or cultural upgrading;

(5) compensatory education programs designed to fulfill the commitment of an admissions policy allowing the enrollment of disadvantaged students;

(6) a continuing program of counseling and guidance designed to assist students in achieving their individual
educational goals;

(7) work force development programs designed to meet local and statewide needs;

(8) adult literacy and other basic skills programs for adults; and

(9) such other purposes as may be prescribed by the coordinating board [Texas Higher Education Coordinating Board] or local governing boards in the best interest of post-secondary education in this state [Texas].

(f) This section does not affect the application of [alter, amend, or repeal] Section 54.231 [54.060 of this code].

SECTION 9. Section 130.0033(c), Education Code, is amended to read as follows:

(c) Charging tuition at a reduced rate under this section does not affect the right of the public junior college to an allocation [a proportionate share] of state appropriations under Section 130.003 for the contact hours attributable to students paying tuition at the reduced rate.

SECTION 10. Section 130.0034(a), Education Code, is amended to read as follows:

(a) The governing board of a [public] junior college district may charge a student a higher rate of tuition than the tuition that would otherwise be charged for a course in which the student enrolls if:

(1) the student has previously enrolled in the same course or a course of substantially the same content and level two or more times; and
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(2) the student's enrollment in the course is not included in the contact hours used to determine the junior college's allocation [proportionate share] of state appropriations under Section 130.003.

SECTION 11. Section 130.0051(a), Education Code, is amended to read as follows:

(a) The board of trustees of a junior college district by resolution may change the name of the district or a college within the district [by eliminating the words "community" or "junior" from the name of the district or college], unless the change would cause the district or college to have the same or substantially the same name as an existing district, college, or other public or private institution of higher education in this state.

SECTION 12. Section 130.008(c), Education Code, is amended to read as follows:

(c) The contact hours attributable to the enrollment of a high school student in a course offered for joint high school and junior college credit under this section, excluding a course for which the student attending high school may receive course credit toward the physical education curriculum requirement under Section 28.002(a)(2)(C), shall be included in the contact hours used to determine the junior college's allocation [proportionate share] of the state money appropriated and distributed to public junior colleges under Sections 130.003 and 130.0031, even if the junior college waives all or part of the tuition or fees for the student under Subsection (b).

SECTION 13. Section 130.085(b), Education Code, is amended
(b) This action by the board of trustees does not affect their authority under Section 130.123 [of this code], nor does this section in any way supersede that section. This action of the board does not affect the right of the college to an allocation [a proportionate share] of state appropriations under Section 130.003 [of this code].

SECTION 14. Section 130.090(c), Education Code, is amended to read as follows:

(c) The grant of an exemption from tuition under Subsection (b) does not affect the right of a junior college to an allocation [a proportionate share] of state appropriations under Section 130.003 attributable to the contact hours of the junior college with the student receiving the exemption.

SECTION 15. Sections 130.310(a) and (b), Education Code, are amended to read as follows:

(a) Except as provided by Subsection (b), a degree program created under this subchapter may be funded solely by a public junior college's allocation [proportionate share] of state appropriations under Section 130.003, local funds, and private sources. This subsection does not require the legislature to appropriate state funds to support a degree program created under this subchapter. The coordinating board shall weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered under this subchapter used to determine a public junior college's allocation [proportionate share] of state appropriations under Section 130.003 in the same manner as a lower
division course in a corresponding field.

(b) Notwithstanding Subsection (a), in its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that a public junior college authorized to offer baccalaureate degree programs under Section 130.303(a) or 130.304 receive substantially the same state support for junior-level and senior-level courses in the fields of applied science, applied technology, dental hygiene, and nursing offered under this subchapter as that provided to a general academic teaching institution for substantially similar courses. For purposes of this subsection, in determining the contact hours attributable to students enrolled in a junior-level or senior-level course in the field of applied science, applied technology, dental hygiene, or nursing offered under this subchapter used to determine a public junior college's allocation [proportionate share] of state appropriations under Section 130.003, the coordinating board shall weigh those contact hours as necessary to provide the junior college the appropriate level of state support to the extent state funds for those courses are included in the appropriations. This subsection does not prohibit the legislature from directly appropriating state funds to support junior-level and senior-level courses to which this subsection applies.

SECTION 16. Section 130.352, Education Code, is amended to read as follows:

Sec. 130.352. FORMULA FUNDING FOR WORKFORCE CONTINUING EDUCATION COURSES. Notwithstanding Section 130.003 or any other law, contact hours attributable to the enrollment of a student in a
workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's allocation of state money appropriated and distributed to public junior colleges under Sections 130.003 and 130.0031, regardless of whether the college waives all or part of the tuition or fees for the course under Section 130.354.

SECTION 17. Section 130.355, Education Code, is amended to read as follows:

Sec. 130.355. RULES. The coordinating board shall adopt any rules the coordinating board considers necessary for the administration of this subchapter. [In adopting those rules, the coordinating board shall use the negotiated rulemaking procedures under Chapter 2008, Government Code.]

SECTION 18. Subtitle G, Title 3, Education Code, is amended by adding Chapter 130A to read as follows:

CHAPTER 130A. PUBLIC JUNIOR COLLEGE STATE FINANCE PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 130A.001. LEGISLATIVE INTENT. It is the intent of the legislature that, as public junior colleges are locally governed institutions, providing foundational funding for instruction and operations of public junior colleges should be primarily a local responsibility, supported through a combination of tuition, fees, and local property taxes, with state funding focused primarily on rewarding outcomes aligned with regional and state education and workforce needs.

Sec. 130A.002. PURPOSE. The purpose of the public junior
college state finance program established under this chapter is to
to provide a modern and dynamic finance system that ensures that each
public junior college has access to adequate state appropriations
and local resources to support the education and training of the
workforce of the future.

Sec. 130A.003. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of higher
education.

(2) "Coordinating board" means the Texas Higher
Education Coordinating Board.

(3) "Program" means the public junior college state
finance program established under this chapter.

(4) "Public junior college" has the meaning assigned
by Section 61.003.

Sec. 130A.004. PROGRAM COMPONENTS. The program consists
of:

(1) a base tier of state and local funding determined
in accordance with Subchapter B that ensures each public junior
college has access to a consistent level of base funding for
instruction and operations; and

(2) a performance tier of state funding determined in
accordance with Subchapter C that constitutes the majority of state
funding and is distributed based on measurable outcomes aligned
with:

(A) regional and state workforce needs; and

(B) state goals aligned to the state's long-range
master plan for higher education developed under Section 61.051.
Sec. 130A.005. ADMINISTRATION OF PROGRAM. (a) The coordinating board may adopt rules, require reporting, and take other actions consistent with Chapter 61, Chapter 130, and this chapter as necessary to implement and administer the program.

(b) The coordinating board may adopt rules under this section in consultation with public junior colleges.

(c) Notwithstanding Section 61.033, the coordinating board is not required to use negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of rules under this section.

Sec. 130A.006. REQUIRED REPORTING. The coordinating board by rule shall require each junior college district to report to the coordinating board through the Education Data System, Community College Annual Reporting and Analysis Tool, or any successor program, data necessary to:

(1) calculate funding under this chapter;

(2) provide timely data and analyses to inform management decisions by the governing body of each junior college district; or

(3) administer or evaluate the effectiveness of the program.

Sec. 130A.007. COMMISSIONER AUTHORITY TO RESOLVE DATA REPORTING ERRORS AND UNINTENDED CONSEQUENCES FROM FUNDING FORMULAS. (a) The commissioner may review the accuracy of contact hour and semester credit hour data reported to the coordinating board by junior college districts.

(b) The commissioner may adjust:
(1) the distribution of funding under this chapter for a state fiscal year as necessary to correct errors in data reporting identified through the commissioner's review under Subsection (a); and

(2) a junior college district's funding under this chapter if the funding formulas used to determine the district's entitlement would result in an unanticipated loss or gain for the district that would have a substantial negative impact on the district's operations.

(c) Before making an adjustment under this section, the commissioner must request and receive written approval from the Legislative Budget Board and the office of the governor. A request to make an adjustment is considered approved unless the Legislative Budget Board or the office of the governor issues a written disapproval within 60 business days after the date on which the request is received.

(d) If the commissioner makes an adjustment under Subsection (b), the commissioner shall provide to the legislature an explanation regarding the changes necessary to resolve the data reporting errors or the unintended consequences, as applicable.

Sec. 130A.008. CENSUS DATE ELIGIBILITY. A junior college district may report a student in attendance on the district's approved course census date for the purpose of funding under this chapter.

Sec. 130A.009. RECOVERY OF OVERALLOCATED FUNDS. (a) If a junior college district has received an overallocation of state funds, the coordinating board shall recover from the district an
amount equal to the overallocation by withholding from subsequent allocations of state funds for the current or subsequent academic year or by requesting and obtaining a refund from the district.

(b) Notwithstanding Subsection (a), the coordinating board may recover an overallocation of state funds over a period not to exceed the subsequent five academic years if the commissioner determines that the overallocation was the result of exceptional circumstances reasonably caused by statutory changes to Chapter 130 or this chapter and related reporting requirements.

(c) If a junior college district fails to comply with a request for a refund under Subsection (a), the coordinating board shall certify to the comptroller that the amount constitutes a debt for purposes of Section 403.055, Government Code. The coordinating board shall provide to the comptroller the amount of the overallocation and any other information required by the comptroller. The comptroller may certify the amount of the debt to the attorney general for collection. The junior college district's governmental immunity is waived to the extent necessary to collect the debt owed under this section.

(d) Subject to Subsection (e), the coordinating board may review a junior college district as necessary to determine if the district qualifies for each amount received by the district under this chapter. If the coordinating board determines that a junior college district received an amount to which the district was not entitled, the coordinating board may establish a corrective action plan or withhold the applicable amount of funding from the district.
(e) The coordinating board may not review junior college district expenditures that occurred seven or more years before the review.

Sec. 130A.010. GIFTS, GRANTS, AND DONATIONS. Except as provided by other law, the coordinating board may solicit and accept gifts, grants, or donations of personal property from any public or private source to implement or administer this chapter.

SECTION 130A.051. BASE TIER FORMULA. The amount of base tier state funding to which a junior college district is entitled for instruction and operations under this subchapter for a state fiscal year is an amount equal to the amount, if any, by which the district's guaranteed instruction and operations funding, as determined under Section 130A.052, exceeds the district's local share of base tier funding, as determined under Section 130A.056.

Sec. 130A.052. GUARANTEED INSTRUCTION AND OPERATIONS FUNDING FORMULA. The amount of a junior college district's guaranteed instruction and operations funding for a state fiscal year is equal to the sum of:

(1) the product of:

(A) the district's basic allotment under Section 130A.053; and

(B) the number of weighted full-time equivalent students enrolled at the district determined in accordance with Section 130A.054; and

(2) the district's contact hour funding under Section 130A.055.
Sec. 130A.053. BASIC ALLOTMENT. (a) The basic allotment for a junior college district for a state fiscal year is an amount per weighted full-time equivalent student set by the General Appropriations Act or other legislative appropriation.

(b) The coordinating board by rule shall establish an equitable adjustment to the basic allotment for each junior college district with a total enrollment of fewer than 5,000 full-time equivalent students.

(c) Not later than November 1 of each even-numbered year, a junior college district that receives an adjustment under Subsection (b) shall submit to the commissioner a report on the district's participation in institutional partnerships and shared services available under Section 61.0571 or other partnerships to reduce costs and improve operational efficiency.

Sec. 130A.054. WEIGHTED FULL-TIME EQUIVALENT STUDENT. (a) The coordinating board by rule shall establish student weights for purposes of this chapter that reflect the higher cost of educating certain students.

(b) The student weights must be established in a manner that results in appropriate funding to a junior college district for the education of a student enrolled in an eligible credit or non-credit program who is:

(1) 25 years of age or older;

(2) economically disadvantaged, as defined by coordinating board rule; or

(3) academically disadvantaged, as defined by coordinating board rule.
The number of weighted full-time equivalent students enrolled at a junior college district for purposes of this subchapter is equal to the product of:

1. the number of full-time equivalent students enrolled in the district; and
2. the sum of the weights assigned to students enrolled in the district.

Sec. 130A.055. CONTACT HOUR FUNDING. (a) The coordinating board by rule shall establish the amount of funding to be provided to a junior college district under this subchapter per contact hour.

(b) The amount of funding per contact hour must be weighted by discipline to reflect the cost of providing the applicable course.

Sec. 130A.056. LOCAL SHARE. (a) A junior college district's local share of base tier funding is an amount equal to the sum of the amounts of revenue that would be generated by:

1. imposing a maintenance and operations ad valorem tax in the district at a rate of $0.05; and
2. assessing an amount of tuition and fees to each student enrolled in the district equal to the statewide average amount of tuition and fees assessed by junior college districts to an equivalent student, determined as provided by coordinating board rule.

(b) Notwithstanding Subsection (a), the commissioner by rule may provide that a junior college district that imposes a maintenance and operations ad valorem tax at a rate of less than
$0.05 may substitute the amount of revenue generated by the district at that tax rate for the amount of revenue required under Subsection (a)(1).

SUBCHAPTER C. STATE FUNDING: PERFORMANCE TIER

Sec. 130A.101. PERFORMANCE TIER. (a) A junior college district is entitled to performance tier funding for a state fiscal biennium in an amount equal to the sum of the amounts determined under Subsection (b) for each measurable outcome described by Subsection (c).

(b) The amount of performance tier funding for each measurable outcome described by Subsection (c) is equal to the product of:

(1) the number of times that outcome was achieved by the junior college district during the preceding state fiscal biennium;

(2) for an outcome described by Subsection (c)(1) or (2), the sum of the applicable student weights established by coordinating board rule under Section 130A.054 for the students who achieved the outcome at the junior college district during the preceding state fiscal biennium; and

(3) the amount set by the General Appropriations Act or other legislative appropriation for the outcome.

(c) The measurable outcomes considered for purposes of performance tier funding are:

(1) the number of credentials of value awarded, including degrees, certificates, and other credentials from credit and non-credit programs that equip students for continued learning
and greater earnings in the state economy, with an additional
weight for credentials in a high-demand field, as defined by
coordinating board rule;

(2) the number of students who earn at least 15
semester credit hours or the equivalent at the junior college
district and subsequently transfer to a general academic teaching
institution, as that term is defined by Section 61.003; and

(3) the number of students who complete a sequence of
at least 15 semester credit hours or the equivalent for dual credit
courses that apply toward academic and workforce program
requirements at the postsecondary level.

SECTION 19. Sections 61.0593 and 130.003(d), Education
Code, are repealed.

SECTION 20. Sections 28.009(b-2) and 28.010(a), Education
Code, as amended by this Act, and Section 28.0095, Education Code,
as added by this Act, apply beginning with the 2023-2024 school
year.

SECTION 21. The Texas Higher Education Coordinating Board
may identify rules required by the passage of Chapter 130A,
Education Code, as added by this Act, that must be adopted on an
emergency basis for purposes of the state fiscal year beginning
September 1, 2023, and may use the procedures established under
Section 2001.034, Government Code, for adopting those rules. The
coordinating board is not required to make the finding described by
Section 2001.034(a), Government Code, to adopt emergency rules
under this section.

SECTION 22. (a) Except as provided by Subsection (b) of
this section, this Act takes effect September 1, 2023, and applies
to the allocation of state funding to junior college districts
beginning with the state fiscal biennium beginning September 1,
2023.

(b) Sections 28.009(b-2) and 28.010(a), Education Code, as
amended by this Act, and Section 28.0095, Education Code, as added
by this Act, take effect immediately if this Act receives a vote of
two-thirds of all the members elected to each house, as provided by
Section 39, Article III, Texas Constitution. If this Act does not
receive the vote necessary for immediate effect, those provisions
take effect September 1, 2023.