

1-1 By: Bowers, et al. (Senate Sponsor - Kolkhorst) H.B. No. 5264
1-2 (In the Senate - Received from the House May 8, 2023;
1-3 May 10, 2023, read first time and referred to Committee on Natural
1-4 Resources & Economic Development; May 22, 2023, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 9, Nays 0; May 22, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Kolkhorst	X		
1-10	Perry	X		
1-11	Blanco	X		
1-12	Hall	X		
1-13	Hancock	X		
1-14	Hughes	X		
1-15	LaMantia	X		
1-16	Miles	X		
1-17	Sparks	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 5264 By: Kolkhorst

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the adoption and use of certain performance indicators
1-22 to measure and evaluate career school or college programs.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 132, Education Code, is
1-25 amended by adding Section 132.027 to read as follows:

1-26 Sec. 132.027. PERFORMANCE INDICATORS. (a) In this
1-27 section, "institution of higher education" has the meaning assigned
1-28 by Section 61.003.

1-29 (b) The commission shall adopt a set of performance
1-30 indicators for the purpose of measuring and evaluating career
1-31 schools or colleges and the quality of the learning and achievement
1-32 of students enrolled in programs operated by career schools or
1-33 colleges. The commission periodically shall review the indicators
1-34 and make appropriate revisions based on that review.

1-35 (c) The performance indicators adopted under Subsection (b)
1-36 must allow for the assessment of a career school or college program
1-37 with respect to:

1-38 (1) industry recognition of the program and the
1-39 corresponding value that industry attaches to the program and to
1-40 any certifications or licenses related to the program;

1-41 (2) the rate at which students are able to
1-42 successfully complete the program;

1-43 (3) the availability of a program-related
1-44 certification or license after a student completes the program;

1-45 (4) the likelihood that a certification or license
1-46 related to the program will:

1-47 (A) lead to postsecondary work, an
1-48 apprenticeship program, or established industry credentials; or

1-49 (B) support employment in this state;

1-50 (5) whether a program-related certification or
1-51 license will be awarded by an independent third-party organization
1-52 using predetermined standards for knowledge, skills, and
1-53 competencies;

1-54 (6) the inclusion of accepted best practices for the
1-55 program that align to best practices contained in:

1-56 (A) widely accepted industry standards; or

1-57 (B) standards established by an independent
1-58 third-party organization with expertise in gathering information
1-59 from employers related to the value attached to any certifications
1-60 or licenses related to the program; and

2-1 (7) for a nursing education program, whether the
2-2 program has resulted in a decrease in the number of clinical
2-3 practice positions available to students enrolled in nursing
2-4 programs in institutions of higher education in the region in which
2-5 the program is offered.

2-6 (d) The commission shall:
2-7 (1) develop a methodology for determining the minimum
2-8 acceptable standards for a career school or college based on the
2-9 performance indicators adopted under Subsection (b);

2-10 (2) evaluate annually between 15 and 20 percent of
2-11 career school and college programs in this state for compliance
2-12 with the minimum acceptable standards described by Subdivision (1);
2-13 and

2-14 (3) coordinate with the Texas Board of Nursing and
2-15 other appropriate state agencies in implementing and administering
2-16 this section.

2-17 (e) A career school or college offering a program that fails
2-18 to meet the minimum standards developed under Subsection (d) is
2-19 ineligible to:

2-20 (1) enter into a contract with a local workforce
2-21 development board with respect to that program; or

2-22 (2) obtain nursing clinical practice positions in this
2-23 state until the career school or college provides evidence
2-24 satisfactory to the commission and the Texas Board of Nursing that a
2-25 nursing education program offered by the career school or college
2-26 will not result in a decrease in the number of nursing clinical
2-27 practice positions available to students enrolled in nursing
2-28 programs in institutions of higher education in the region in which
2-29 the program is offered.

2-30 (f) Not later than September 1 of each year, the commission
2-31 shall publish a list of each career school and college program that
2-32 has been reviewed by the commission and that meets the minimum
2-33 acceptable standards developed under Subsection (d).

2-34 (g) Rules adopted by the commission under Section [132.021](#)
2-35 must include rules for the periodic review of performance
2-36 indicators.

2-37 (h) On request by the commission, the Texas Board of Nursing
2-38 and other appropriate state agencies shall coordinate with the
2-39 commission for purposes of Subsection (d)(3), including by
2-40 providing available data or other information to the commission.

2-41 SECTION 2. Not later than September 1, 2025, the Texas
2-42 Workforce Commission shall publish the initial list required under
2-43 Section 132.027(f), Education Code, as added by this Act.

2-44 SECTION 3. This Act takes effect September 1, 2023.

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