



**SUMMARY OF  
HIGHER EDUCATION  
LEGISLATION**

**81ST TEXAS LEGISLATURE**

October 2009

External Relations



## Texas Higher Education Coordinating Board

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### Mission of the Coordinating Board

The Texas Higher Education Coordinating Board's mission is to work with the Legislature, governor, governing boards, higher education institutions and other entities to help Texas meet the goals of the state's higher education plan, *Closing the Gaps by 2015*, and thereby provide the people of Texas the widest access to higher education of the highest quality in the most efficient manner.

### Philosophy of the Coordinating Board

The Texas Higher Education Coordinating Board will promote access to quality higher education across the state with the conviction that access without quality is mediocrity and that quality without access is unacceptable. The Board will be open, ethical, responsive, and committed to public service. The Board will approach its work with a sense of purpose and responsibility to the people of Texas and is committed to the best use of public monies. The Coordinating Board will engage in actions that add value to Texas and to higher education. The agency will avoid efforts that do not add value or that are duplicated by other entities.

The Texas Higher Education Coordinating Board does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.



# SUMMARY OF HIGHER EDUCATION LEGISLATION

81ST TEXAS LEGISLATURE

## T A B L E O F C O N T E N T S

<b>Introduction</b> .....	5
<b>Summary of General Appropriations Act</b> .....	7
<b>Higher Education Legislation by Topic</b> .....	18
Academic Affairs .....	18
Accountability .....	21
Admissions .....	24
Appropriations .....	28
Campus/Facility Planning .....	29
Commissions .....	33
Community, State, and Technical Colleges .....	35
Financial Aid .....	38
Health-Related Programs .....	45
Institutional/Governance Changes .....	50
P-16 Initiatives.....	54
Research .....	59
Tuition and Fees .....	68
Tuition Revenue Bonds.....	75
Waivers and Exemptions.....	76
Vetoed .....	85
<b>Administration/Operations Legislation by Topic</b> .....	88
Contracts and Purchasing .....	88
Employees and Employee Benefits.....	89
Information Technology.....	94

Open Meetings/Open Records .....	95
Reports and Studies .....	96
Miscellaneous .....	99
<b>Cross-Reference Table .....</b>	<b>103</b>
Legislation by Bill Number .....	103
Legislation by Author .....	105
Legislation by Sponsor .....	106



## SUMMARY OF HIGHER EDUCATION LEGISLATION

### 81ST TEXAS LEGISLATURE

#### I N T R O D U C T I O N

As the 81st Texas Legislature prepared to convene in January 2009, the United States faced an economic crisis earmarked by government bailouts of banks and large Fortune 100 companies, escalating unemployment, and a record number of home foreclosures. Several state governments, including California, struggled to meet financial obligations and avoid slipping into insolvency. Compared to the rest of the nation, the economy in Texas remained relatively stable, but lawmakers confronted a worsening economic environment as they met to adopt laws and pass a state budget for the next two years.

Against this backdrop of economic uncertainty, the Texas Legislature continued to show remarkable commitment to higher education and the students of Texas. The All Funds appropriation to higher education for 2010-2011 rose to \$22.8 billion, a \$1.56 billion (7.4 percent) increase over the 2008-2009 biennium. The Legislature made unprecedented investments in state student financial aid, which passed the \$1 billion mark for the first time. This includes \$186.4 million in new funding for TEXAS Grant, \$10 million more in Texas Educational Opportunity Grants for community college students, and a \$63 million increase for the B-On-Time Student Loan Program. A scholarship program for students who have graduated with a grade point average in the top 10 percent of their high school graduating class received \$54 million, an increase of \$34 million over the last biennium. This overall increase from last biennium of 34 percent in state financial aid will give an estimated 33,600 new students the opportunity to pursue a postsecondary education and help Texas reach the goals of *Closing the Gaps by 2015*.

The Legislature also made significant investments in efforts designed to increase access to higher education, encourage research on campuses, develop additional national research institutions, and target key degree programs to encourage graduates in urgently needed fields. The state allocated \$49.7 million for the Professional Nursing Shortage Reduction Program, more than tripling the current available funding for producing nursing graduates. Further, the Legislature appropriated \$5 million for demonstration projects at community colleges and public technical institutions to develop and demonstrate new effective models for developmental education. Finally, \$80 million in Federal American Recovery and Reinvestment Act funds were appropriated to the Higher Education Performance Incentive Initiative for the improvement of teaching and educational excellence at public general academic teaching institutions.

Aside from significant strides in funding, the Legislature addressed a number of policy-related issues that impact statewide education policy. This legislation included improving public education accountability, curriculum, and promotion requirements, capping the first time entering top 10 percent enrollment at The University of Texas at Austin at 75 percent, incentivizing emerging public research institutions to achieve national status, and improving undergraduate excellence. Additionally, legislation was approved to create additional institutions of higher education, including a law school in Dallas and a medical school in South Texas.

This report contains a synopsis of major legislation related to higher education, including the General Appropriations Act. It also includes changes to administrative laws affecting institutional and/or Coordinating Board operations. The legislation is organized by topic with cross-reference tables by bill number, bill author, and bill sponsor at the end of the report.

# Summary of General Appropriations Act Related to Higher Education

81st Texas Legislature  
2010-11 BIENNIUM  
As of July 1, 2009

*This summary incorporates all funds appropriated via Article III, Article IX and Article XII of the General Appropriations Act (SB 1), funds appropriated via the Supplemental Appropriations Act (HB 4586), and all gubernatorial vetoes impacting the Coordinating Board and programs it administers. This summary highlights significant changes in the Coordinating Board bill pattern, to include new and amended riders. To review the complete Higher Education budget as approved by the Conference Committee, visit [http://www.lbb.state.tx.us/Bill\\_81/5\\_Conference/Bill-81-5\\_Conference\\_0509.pdf](http://www.lbb.state.tx.us/Bill_81/5_Conference/Bill-81-5_Conference_0509.pdf).*

The total **All Funds** appropriation for the State of Texas for the 2010-2011 biennium is \$182.3 billion, an increase of \$12.56 billion or 7.4 percent.

The total **All Funds** appropriation for higher education is \$22.8 billion (including all ARRA funds), an increase of \$1.56 billion or 7.4 percent. Higher education, for 2010-2011 will be 12.5 percent of the total state budget.

## COORDINATING BOARD

The Coordinating Board received a 29 percent increase in combined appropriations for the operating budget and trusteed funds over the FY 2008-2009 budget. The 2010-2011 **All Funds** appropriation to the Coordinating Board is **\$1.66 billion**, an increase of **\$374.5 million** over the last biennium. This includes significant increases in financial aid, professional nursing shortage reduction, adult basic education, and other key initiatives to help the state reach the goals of *Closing the Gaps by 2015*.

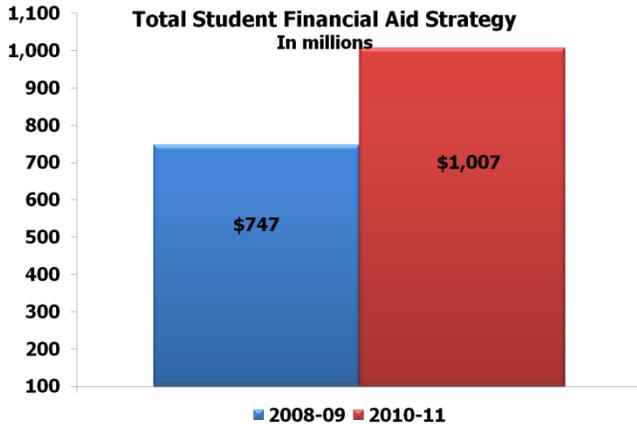
### Coordinating Board Appropriation by Source of Funds in Millions

	General Revenue Funds	General Revenue-Dedicated Funds	Federal Funds	Other Funds	All Funds
<b>Estimated/Budgeted 2008-09*</b>	<b>\$1,036.8</b>	<b>\$43.0</b>	<b>\$113.1</b>	<b>\$91.1</b>	<b>\$1,284.0</b>
<b>SB 1, as adopted 2010-11*</b>	<b>\$1,449.6</b>	<b>\$96.5</b>	<b>\$102.8</b>	<b>\$89.5</b>	<b>\$1,738.4</b>
<b>Difference</b>	<b>\$412.8</b>	<b>\$53.5</b>	<b>(\$10.3)</b>	<b>(\$1.6)</b>	<b>\$454.4</b>
<b>Biennial Changes</b>	<b>39.8%</b>	<b>124.3%</b>	<b>(9.1%)</b>	<b>(1.7%)</b>	<b>35.4%</b>

*\*Data from the Legislative Budget Board's Summary of Conference Committee Report Senate Bill No. 1 for the 2010-2011 Biennium, May 2009.*

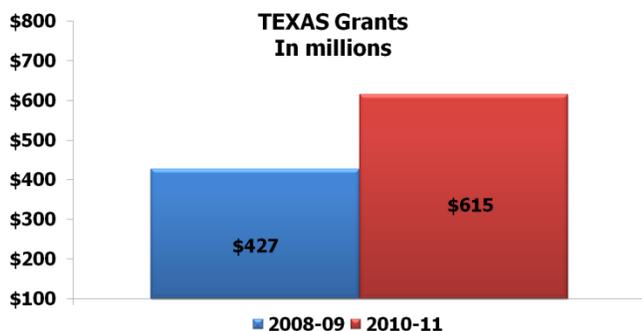
**FINANCIAL AID**

The Legislature appropriated substantial increases in the financial aid programs administered by the Coordinating Board. By far the largest increase was in Strategy B.1.12 Student Financial Aid. The total appropriation for that strategy now exceeds \$1 billion, an increase of \$259.6 million or 34.7 percent from the 2008-2009 biennium.

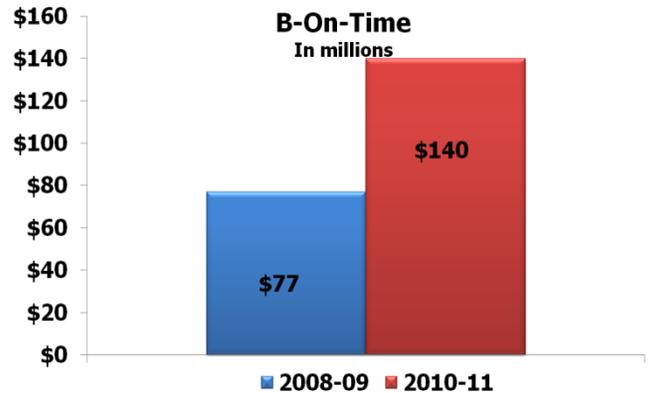


The state appropriation includes increases for the TEXAS Grants, Texas Educational Opportunity Grants (TEOG), and the B-On-Time (BOT) Loan Program. The College Work-Study program and the Tuition Equalization Grant (TEG) are also included in this strategy but received no increases from the last biennium.

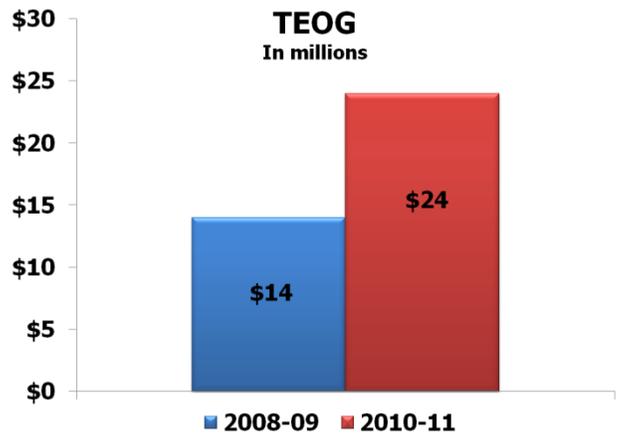
The TEXAS Grant program is the largest financial aid program in the state and served approximately 82,400 students during the last biennium. The Coordinating Board anticipates funding approximately 21,600 more students in 2010-11 due to the 43.5 percent or \$186.4 million increase in appropriations. This includes funding renewal students from the last biennium, and an additional 11,800 new students.



Funding for the BOT Program almost doubled, increasing by \$63 million, a total of \$140 million. Of the \$64 million increase, \$28 million is unexpended funds from the current biennium for a “real” increase of \$35 million, which is still significant.



With over 53 percent of students currently enrolled in postsecondary education in Texas attending community colleges, the Legislature increased TEOG funding to \$24 million, which is a \$10 million increase over the last biennium.



Overall, the Legislature funded a 34 percent increase in student financial aid over the last biennium. The Coordinating Board estimates this substantial increase will give 33,600 new students the opportunity to pursue a postsecondary education and help Texas reach the goals of *Closing the Gaps by 2015*.

## **APPROPRIATION RIDERS**

Appropriation bill riders not only give instruction on how funds may be expended, they often direct the Coordinating Board to conduct studies, compile reports, and create programs. The General Appropriations Act, SB 1, 81st Texas Legislature, contains 60 riders affecting the Coordinating Board in Article III (funding for higher education agencies/institutions and special provisions related to higher education) and in Article IX (contingency riders for recently passed legislation). Article XII regarding the American Recovery and Reinvestment Act (ARRA) of 2009 also contains riders as well as direct funding and is covered in the next part of this report. Below is a summary of new appropriation riders and significant amendments to existing appropriation riders found in Articles III and IX.

*The references in parentheses at the end of each item refers to the page and section (rider) number in the General Appropriations Act, SB 1, 81st Texas Legislature.*

### **CHANGES TO RIDERS CURRENTLY IN ARTICLE III:**

**TUITION EQUALIZATION GRANTS (TEG).** Provides that any student who is a Texas resident, or who is both a National Merit Finalist and eligible to pay Texas resident tuition, is eligible for the TEG program, provided other requirements have been met. Funds may not be expended for grants to nonresident students except for grants to National Merit Finalists. Institutions enrolling students receiving TEG funds must provide annual reports to the Coordinating Board regarding the diversity of their student body, faculty, executive committee, and governing boards. (III-49, Sec. 10)

**RESEARCH PROGRAMS.** Allows the Coordinating Board to expend up to \$750,000 each year to support the development, implementation, and administration of summer research efforts to provide Texas high school math and science teachers experience in a research lab supported by a Norman Hackerman Advanced Research Program grant. (III-50, Sec. 11)

**FIFTH-YEAR ACCOUNTING STUDENTS SCHOLARSHIP PROGRAM.** Appropriates an estimated \$2.62 million and all General Revenue-

Dedicated Fifth-Year Accounting Student Scholarship Program receipts received during the biennium beginning September 1, 2009, for this program. (III-53, Sec. 26)

*Note:* HB 2440 transfers administration of this program from the Coordinating Board to the Texas State Board of Public Accountancy effective September 1, 2009. Funds already obligated for distribution to the institutions to make awards for FY 2010 are to remain at the Coordinating Board. The remaining funds are to be transferred to the Board of Public Accountancy.

**CANCER REGISTRY.** The rider to provide funds for the registry was deleted. Funding will now come from bonds issued by the Cancer Prevention and Research Institute of Texas as authorized by voters in November 2007.

**PROFESSIONAL NURSING SHORTAGE REDUCTION PROGRAM.** The rider was modified extensively and funding increased substantially, from \$14.7 million in FY 2008-2009 to \$49.7 million in FY 2010-2011, allocated as follows:

- \$14.7 million to institutions with nursing programs based on increases in numbers of nursing students graduating, with a weight of 1.5 applied for increased graduates in nursing educator programs. The community colleges allocation increases to 50 percent (from 40 percent.)
- \$20.5 million to institutions with graduation rates of 70 percent or above (based on 2008 graduation rates) and enrollment increases of 12 percent in FY 2010 and 18 percent in FY 2011, at a rate of \$10,000 for each additional nursing student enrolled.
- Remaining amount (approximately \$9.5 million) to programs with graduation rates below 70 percent, hospital-based programs, or new nursing programs with graduation rates not yet determined, with \$20,000 allocated for each additional RN graduate in two-year programs and \$10,000 for each additional graduate in one-year programs. If funding is insufficient, the Coordinating Board will submit a plan to the Legislative Budget Board and governor outlining a method of proration. An application will be

developed for participating institutions indicating the number of nursing graduates for initial licensure, a payment schedule, benchmarks to be met, and consequences of failing to meet benchmarks.

- Additional \$5 million appropriated to The University of Texas at Arlington to establish a simulation learning facility.
- Institutions not meeting targets must return unearned funds to be reallocated.
- Institutions must submit a detailed accounting of funds.

(III-55, Sec. 35)

**ALIGN ADULT BASIC EDUCATION (ABE) AND POSTSECONDARY EDUCATION.** Adds a new provision to require the Coordinating Board, in coordination with the Texas Education Agency, to calculate annual performance measures for the: (1) number of adults in need of ABE services statewide; (2) number of ABE students served, including those served by developmental education, by provider, institution, and statewide; (3) number of students that passed the General Education Diploma test served and not served by Texas Education Agency; (4) number of ABE students exiting the program by provider and statewide; (5) number of ABE students exiting the program with a higher education goal by provider and statewide; (6) number of ABE students enrolled in higher education by provider, institution, and statewide; and (7) total annual program expenditures by revenue source per provider. Agencies must prepare a report that summarizes performance, evaluates outcomes, and recommends changes to improve outcomes and components of the plan, and submit copies to the House Committee on Higher Education, House Appropriations Committee, Senate Education Committee, Senate Finance Committee, the governor, Texas Workforce Commission, and the Legislative Budget Board by January 31, 2010. (III-58, Sec. 45)

**NEW CAMPUS FUNDING FOR COMMUNITY COLLEGES.** Appropriates \$3.5 million for FY 2010-2011. Funding was vetoed in FY 2008-2009. (III-59, Sec. 54)

### **NEW RIDERS IN ARTICLE III:**

**PHYSICIAN EDUCATION LOAN REPAYMENT PROGRAM RETENTION RATES.** Directs the Coordinating Board to report to the Legislative Budget Board and the governor by September 1 of every even numbered year the results of a survey of physicians who have completed a Physician Education Loan Repayment Program contract to practice in a health professional shortage area in exchange for a loan repayment award to determine rates of retention in those shortage areas and counties. (III-58, Sec. 49)

**DEVELOPMENTAL EDUCATION.** Directs the Coordinating Board to expend \$5 million for FY 2010-2011 to establish a pilot program for developmental education at community colleges and public technical institutions. The programs must use technology and diagnostic assessments to determine students' needs and college readiness and use educational methods, including non-course based, that would improve outcomes. The Coordinating Board must study the issue of developmental education focusing on researching best practices to implement statewide and submit a report to the governor, lieutenant governor, speaker, and the chairs of the Senate Finance Committee, House Appropriations Committees, Senate Committee on Higher Education, and House Committee on Higher Education before January 1, 2011. (III-58, Sec. 50)

**COST MATRIX STUDY.** Directs the Coordinating Board to conduct a cost study to validate the relative weights contained in the matrix for formula funding related to health-related institutions (HRI) and report results to the Legislative Budget Board and Governor's Office by September 1, 2010. The study must provide an All Funds analysis of HRI costs based on data in each institution's annual financial report, and address the differences between funding for nursing, pharmacy, allied health, or any other overlapping disciplines between the general academic matrix and the HRI matrix. (III-59, Sec. 51)

**TEXAS STATE TECHNICAL COLLEGE "RETURNED VALUE" FUNDING STUDY.** Directs the Coordinating Board to report to the 82nd Legislature on the feasibility of a funding model based on "returned value" to be used in calculating formula funding

for the Texas State Technical Colleges. The study must be conducted in consultation with the Office of the Comptroller, the Texas Workforce Commission, and the Texas State Technical College System (TSTCS). The TSTCS must transfer up to \$100,000 in FY 2010 to the Coordinating Board to cover the costs associated with the study. (III-59, Sec. 52)

**TOP 10 PERCENT SCHOLARSHIPS.** Directs the Coordinating Board to expend \$54 million for FY 2010-2011 to provide scholarships for undergraduate students who have graduated with a grade point average in the top 10 percent of the student's high school graduating class from an accredited Texas high school. (III-59, Sec. 53)

**DUAL CREDIT.** Directs the Coordinating Board to work with the Texas Education Agency to provide integrated data on certain topics relating to dual credit in the manner requested by the Legislative Budget Board, including the number of contact hours generated by dual credit courses taken on a high school campus and on a community college campus, the number of districts charging tuition for dual credit courses, the amount of the tuition charged by the districts, and, the number of high schools and community colleges who have entered into agreements to offer dual credit courses. (III-59, Sec. 55)

**ADULT BASIC EDUCATION COMMUNITY COLLEGE GRANTS.** Directs the Coordinating Board to expend \$10 million for FY 2010-2011 to award competitive grants to community colleges and public technical institutions to increase participation in adult basic education. (III-59, Sec. 56)

**ENROLLMENT GROWTH FUNDING FOR GENERAL ACADEMIC INSTITUTIONS.** Directs the Coordinating Board to expend \$3.5 million for FY 2010-2011 to assist public general academic institutions experiencing dramatic growth in weighted semester credit hours (SCHs) during 2010-2011, allocated by a formula developed by the Coordinating Board based on the following criteria:

- Funding for FY 2010 for increases in weighted SCHs greater than 3 percent between fall 2008 and 2009; and

- Funding for FY 2011 for increases greater than 6 percent between fall 2008 and 2010. (III-60, Sec. 57)

**ALTERNATIVE TEACHING CERTIFICATION.** Directs the Coordinating Board to allocate \$2.25 million to institutions that can demonstrate significant reductions in the cost of tuition for coursework in alternative teacher certification in comparison to the institution's average tuition. (III-60, Sec. 58)

**FUNDING FOR NON-SEMESTER-LENGTH DEVELOPMENTAL EDUCATION.** Directs the Coordinating Board to approve nonsemester-length developmental education interventions (including course-based, non-course-based, alternative-entry/exit, and other intensive developmental education activities) in the Lower Division Academic Course Guide Manual by August 31, 2009. Approved interventions will be eligible for formula funding beginning in FY 2010. Institutions must analyze fiscal and instructional impacts on student outcomes for both semester-length and nonsemester-length interventions, and prepare a report by June 1, 2010. The Board, in conjunction with the Legislative Budget Board and institutions of higher education, must use existing performance measures and data in evaluating student outcomes, including student success in the first college-level course by subject, persistence, transfer, and degree or certificate completion. Institution reports will be analyzed and compared to determine the most effective and efficient combination of developmental education interventions and will be used to make recommendations to the Legislative Budget Board and governor by January 1, 2011. (III-60, Sec. 59)

**STATISTICAL ANALYSIS OF PREDICTORS OF COLLEGE SUCCESS.** Directs the Coordinating Board to provide data to the Legislative Budget Board to conduct a statistical study of the predictors of access and success in higher education. These student-level, cohort data must include longitudinal measurements of: success in the first college-level course; persistence and transfer; college-level grade point average; degree completion and time to degree; federal financial aid calculations; impact of total academic costs on different family income groups; amounts of financial support via federal, state, or other aid/remissions; parental education

level; previous academic achievement; scores on national college entrance examinations; attainment of college readiness standards (in high school or through developmental education); part-time/full-time status; student demographics; and other relevant factors and information as determined by the Legislative Budget Board.

The Texas Education Agency must supply data on the following: scores on state assessment examinations; highest level of high school mathematics class successfully completed; high school graduation plan; high school class rank; size of high school graduation class; other demographic data collected in secondary education; and dual credit or college credit completed while in high school.

The Coordinating Board must assist the Legislative Budget Board in analyzing and interpreting data, which must be made available after each academic year. Data produced must comply with all relevant privacy laws. A report based on an analysis of these data shall be presented to the Legislature by October 1, 2010. (III-60, Sec. 60)

#### **NEW SPECIAL PROVISION RIDERS IN ARTICLE III:**

**SPECIAL ITEM STUDY.** Directs the Coordinating Board and the Legislative Budget Board to study each institution's Special Item Support Goal before the start of the 82nd Legislature. The study must determine: 1) if the special item is for "start up funding" and if so, for how long should it be continued; 2) does the institution get formula funding for the item and should the item be reduced by an equal amount; and 3) does the item still serve its original purpose and if so, how long should it continue. The rider states that the Legislature intends that items identified as "start up funding" only be funded for six years. (III-241, Sec. 54)

**COMMUNITY COLLEGE TRANSFER STUDENT REPORTING REQUIREMENT.** Directs all general academic institutions to develop and submit an annual report to the Coordinating Board detailing goals to increase the number, success, and persistence of community college transfer students as measured by the Board. The report must do the following: 1) assess each institution's existing academic and technical transfer

pathways, identify each institution's barriers to transfer, and define emerging issues; and 2) detail institutional actions to serve current and future transfer students through local and regional articulation agreements with faculty collaboration, community college program enhancements, student outreach and advising, website information development, targeted financial aid, university student success programs, and degree program alignment. The Coordinating Board is directed to: 1) provide performance data by institution (application rates, admission rates, financial aid awarded, time to degree, and baccalaureate graduation rates) of transfer and native students by program completion at community colleges and universities during the preceding year; 2) conduct a comparative analysis of the institutional reports and the performance data; and 3) submit an annual report to the Legislature evaluating actions to increase the number, success, and persistence of community college transfer students and make recommendations to meet state goals. The report must be delivered to the House Appropriations Committee, the Senate Finance Committee, the Legislative Budget Board and the governor by November 1 of each year. (III-241, Sec. 55)

#### **RIDERS IN ARTICLE IX FOR BILLS PASSED**

Article IX of the General Appropriations Act primarily addresses state agency administration, but it is also the location for riders for bills passed during the legislative session. The riders regarding new legislation relative to the Coordinating Board and higher education are listed below by bill number.

**HB 51.** Appropriates to the Coordinating Board \$25 million annually for the 2010-2011 biennium to implement provisions related to funding and incentives to support emerging public research universities in developing and maintaining programs of the highest tier. (IX-75, Sec.17.28)

**HB 1935.** Appropriates to the Comptroller of Public Accounts \$25 million in FY 2010 to award grants to expand existing programs and develop new programs that prepare students for careers in high-demand occupations, including the startup costs associated with career and technical education courses, and to provide scholarships for students in career and technical programs.

The unexpended balance is carried over to FY 2011. (IX-78, Sec.17.47)

**HB 2154.** Appropriates to the Coordinating Board (in addition to amounts appropriated for the Physician Education Loan Repayment Program in Strategy D.1.8, page III-45) \$7 million in FY 2010 and \$15 million in FY 2011 to expand the Physician Education Loan Repayment Program. The unexpended balance is carried over from FY 2010 to FY 2011. Up to \$510,864 in FY 2010 and \$344,711 in FY 2011 may be expended for administration and other operating expenses. The Coordinating Board is allowed to increase full-time equivalent (FTEs) positions by four in both fiscal years. The Coordinating Board may enter into a memorandum of understanding with the Department of State Health Services for money and FTEs to provide resources for staffing and technology, and must provide a copy to the Legislative Budget Board and the governor by December 31, 2009. (IX-79, Sec.17.49)

**HB 2425.** Appropriates to the Coordinating Board \$125,000 annually for the 2010-2011 biennium to implement provisions of this legislation which requires a study of baccalaureate degrees at community colleges. (IX-81, Sec.17.57)

**HB 3452.** Appropriates to the Coordinating Board \$1 million annually for the 2010-2011 biennium to create the Texas Armed Services Scholarship Program. The unexpended balance in FY 2010 is carried over to FY 2011. (IX-83, Sec.17.68)

**HB 3519.** Appropriates to the Coordinating Board \$675,000 annually for the 2010-2011 biennium, and requires the Coordinating Board and Texas Workforce Commission to enter into a memorandum of understanding (MOU) relating to coordination and administration of the Texas Career Opportunity Grant Program. (IX-83, Sec.17.69)

**SB 297.** Appropriates to the Coordinating Board \$349,500 annually for the 2010-2011 biennium to implement provisions relating to tuition rates and fees at public institutions of higher education for certain veterans and their families. (IX-86, Sec.17.85)

**SB 2298.** Appropriates to the Coordinating Board \$17,710 in FY 2010 and \$428,131 in FY 2011 to implement a loan repayment program for legislative employees. The Coordinating Board is allowed to increase full-time equivalent positions by one in FY 2011. (IX-93, Sec.17.120) (Funding lapse, no mention of the legislative loan repayment program in the bill)

#### **RIDERS VETOED IN ARTICLE IX:**

**HB 518.** Would have appropriated to the Coordinating Board \$391,551 in FY 2010 and \$869,117 in FY 2011 to create a student loan repayment program for certain correctional officers and a loan repayment assistance program for certain speech pathologists and audiologists. (IX-76, Sec.17.36)

#### **MISCELLANEOUS RIDERS**

##### **TEXAS EDUCATION AGENCY APPROPRIATION BILL PATTERN**

**ADULT EDUCATION.** Texas Education Agency must work with the Coordinating Board to develop and implement a plan aligning Adult Basic Education and post-secondary education, and provide data to analyze performance outcomes. (III-17, Sec. 46)

**TEXAS HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE.** The 2007 General Appropriations Act required Texas Education Agency to enter into a MOU with the Coordinating Board to transfer funding and full-time equivalent positions to implement the provisions of HB 2237, 80th Texas Legislature. Since funding and positions did not subsequently transfer, this rider repeats the MOU provision and requires that a copy be provided to the Legislative Budget Board and governor by December 31, 2009.

Texas Education Agency must allocate \$500,000 for FY 2010-2011 to train high school counselors to assist students in the college enrollment process, including financial aid opportunities, and allocate \$1.5 million to develop a pilot program (in collaboration with the Coordinating Board) for online college preparation assistance to students, parents, and high school counselors. (III-18, Sec. 51)

**PROGRAMS TO ENCOURAGE CERTIFICATION TO TEACH BILINGUAL EDUCATION, ENGLISH AS A SECOND LANGUAGE, OR SPANISH.** Texas Education Agency, in consultation with the affected institutions of higher education and the Coordinating Board, must develop and operate a program to assist students enrolled in educator preparation programs in bilingual education, English as a second language, or Spanish by providing financial incentives, such as tuition assistance, to encourage those students to become certified to teach bilingual education, English as a second language, or Spanish. (III-20, Sec. 61)

**PUBLIC COMMUNITY/JUNIOR COLLEGES APPROPRIATION BILL PATTERN**

**REPORTING REQUIREMENT FOR RANGER COLLEGE.** Ranger College must develop a plan to increase contact hours for 2010-2011 and report progress to the Coordinating Board and Legislative Budget Board by December 15, 2009, and must describe planned actions if formula funding is reduced due to further or continued decreases in contact hours. (III-192, Sec. 16)

**FORMULA FUNDING METHODOLOGY FOR PUBLIC COMMUNITY/JUNIOR COLLEGES.** Directs the Legislative Budget Board to prepare a methodology using contact hours generated in the previous academic year. (III-193, Sec. 22)

**PERFORMANCE REPORTING OF RETENTION, COMPLETION AND TRANSFERABILITY.** Directs the Legislative Budget Board to work with the Coordinating Board to establish and recommend to the 82nd Texas Legislature a comprehensive performance report for each community college district. (III-193, Sec. 25)

**VARIOUS UNIVERSITY APPROPRIATION BILL PATTERNS**

**TEXAS COMPETITIVE KNOWLEDGE FUND.** Upon attaining a three-year average of \$50 million in research expenditures as reported in the Coordinating Board's accountability system, \$5 million in general revenue appropriated to UT-Arlington, UT-Dallas, and UT-El Paso will be considered funding for the Texas Competitive

Knowledge Fund. (III-66, Sec. 6; III-71, Sec. 4; and III-74, Sec. 5)

**ARTICLE XII – AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

The U.S. Congress enacted HR 1, American Recovery and Reinvestment Act (ARRA), in February 2009 as the 81st Texas Legislature was in mid-session. The ARRA provided "stimulus funds" to help state budgets and stimulate the economy. The funds would be distributed to the states based on application by the governor of each state who would then be responsible for making allocations within the state. Funds available to Texas were estimated at over \$730 billion for a variety of services including P-12 and postsecondary education, public safety, and other government programs.

The ARRA specifically indicated that an institution of higher education that receives an allocation of ARRA funds should use the funds for education and general expenditures designed to mitigate the need to raise tuition for in-state students or for the modernization, renovation, or repair of facilities that are primarily used for instruction, research, or student living. These funds may not be used for increasing endowments, maintenance, facilities primarily used for athletic events, or religious buildings.

Article XII of the General Appropriations Act, SB 1, 81st Texas Legislature reflects the decisions of the governor and the Legislature in allocating federal ARRA funds to Texas state entities. Allocations affecting the Coordinating Board and higher education are listed below followed by the riders that set parameters, make allocations, and give other instructions regarding the use of the funds.

**ARTICLE XII, SECTION 1 APPROPRIATIONS TO DESIGNATED HIGHER EDUCATION AGENCIES:**

*(Funding in FY 2010 only for each of the below)*

- TEXAS HIGHER EDUCATION COORDINATING BOARD – \$80 million for incentive funding
- GENERAL ACADEMIC INSTITUTIONS – \$81 million for formula funding
- HEALTH RELATED INSTITUTIONS – \$51 million for formula funding
- PUBLIC COMMUNITY/JUNIOR COLLEGES – \$15 million for formula funding

- HIGHER EDUCATION AND OTHER GOVERNMENT PROGRAMS – \$111,407,500 for stimulus funding (see Allocation of Higher Education and Other Government Programs Stimulus Funding in riders below).

## **ARTICLE XII RIDERS**

**UNEXPENDED BALANCES.** Unexpended balances for FY 2010 may be carried over to FY 2011. (XII-8, Sec. 4)

**REPORTING REQUIREMENTS.** Entities must submit a plan to the Legislative Budget Board and governor by September 30, 2009, detailing the intended use of funding and funds encumbered prior to August 31, 2009. The Legislative Budget Board and governor must issue a written disapproval within 15 business days or the agency may expend the funds. Quarterly reports on expenditures must be submitted in a format prescribed by the Legislative Budget Board, including: (1) the estimated number of jobs to be created or retained; and (2) the number of full-time equivalents positions. Reports are due to the governor, Legislative Budget Board, State Auditor's Office, and Comptroller of Public Accounts (comptroller) on December 31, March 31, June 30, and September 30. Reports provided to the Legislative Budget Board and federal agencies must be posted on the agency or institution's website, with a link to the State Auditor's Office's fraud hotline. (XII-8, Sec. 5)

**LIMITATION ON USE OF FUNDS.** Funds must be spent as defined, or approval must be obtained from the governor and Legislative Budget Board for other purposes. The governor, comptroller, Legislative Budget Board and State Auditor's Office must be notified if the federal government disapproves an application, and of changes in federal law, rules, or regulations creating a future fiscal obligation beyond FY 2011. Entities must comply with applicable state law, federal law, rules, regulations, and other relevant guidance, and issue a statement that the agency's chief executive and executive staff have knowledge of ARRA law, and accept responsibility for funds. The comptroller and State Auditor's Office may

implement any payment and post-payment audit procedures necessary to ensure compliance. (XII-8, Sec. 6)

**PRIORITY OF FUNDING.** Agencies must prioritize expenditures that do not recur beyond the 2010-11 biennium, and not create a liability for the state for repayment to the U.S. treasury in the event of a future discontinuation of payments to direct or indirect beneficiaries. (XII-Sec. 7)

**DISCONTINUANCE OF POSITION ASSOCIATED WITH AMERICAN RECOVERY AND REINVESTMENT ACT.** Jobs created by ARRA funding must be eliminated after funds are spent or discontinued. (XII-9, Sec. 8)

**MAXIMIZATION OF AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS.** To maximize ARRA funding, state funds from any source used to provide services or benefits may be counted towards any required state matching contribution. (XII-9, Sec. 9)

**COOPERATION OF AGENCY AUDIT AND INVESTIGATION PERSONNEL WITH STATE AUDITOR.** All inspector generals, internal auditors, external contracted auditors, and all other personnel must cooperate with requests by the State Auditor's Office related to funds received or any subsequent federal economic stimulus legislation. (XII-9, Sec. 10)

**INFORMATIONAL RIDER: REDUCTION IN GENERAL REVENUE.** General revenue reductions in state agency appropriations are in accordance with Title V, State Fiscal Relief Fund, of ARRA. (XII-9, Sec. 11)

**MINORITY PARTICIPATION IN CERTAIN CONTRACTS.** Agencies must ensure minority participation in contracts for goods and services for ARRA expenditures. (XII-10, Sec. 16)

**INFORMATIONAL RIDER: GOVERNMENT SERVICES STABILIZATION.** Funds appropriated from Title XIV (b), Other Government Services, of ARRA are a one-time expenditure for the 2010-11 biennium. (XII-12, Sec. 24)

**ALLOCATION OF HIGHER EDUCATION AND OTHER GOVERNMENT PROGRAMS STIMULUS FUNDING.**

Appropriations made above for Higher Education and Other Government Programs Stimulus Funding shall be allocated as follows:

Angelo State University Nursing & Allied Health	\$2,000,000
Blinn College Star of Texas	\$ 100,000
Coastal Bend Community College Mobile Simulation Lab	\$ 500,000
Commission on the Arts Cultural Trust	\$1,000,000
Department of State Health Services Vernon State Hospital	\$2,500,000
Historical Commission Renovate Presidio de San Saba	\$1,000,000
Lamar Port Arthur Centennial Scholarships	\$ 500,000
Lamar University Institutional Enhancement	\$2,500,000
Midwestern University Autism Support Program	\$ 220,000
Office of the Governor Trusteed Programs	\$5,000,000
Defense Economic Adjustment Assistance Grants	
Sam Houston University Institutional Enhancement	\$4,000,000
Temple College Eastern Williamson County Higher Education Center	\$ 805,000
Texas A&M Health Science Center College of Medicine Expansion	\$8,000,000
Texas A&M Health Science Center Biosecurity and Import Safety in McAllen	\$1,000,000
Texas A&M Texarkana Downward Expansion	\$6,000,000
Texas A&M University-Commerce - BS Construction Engineering	\$1,000,000
Texas Department of Agriculture - Fair Park Agriculture Buildings	\$1,000,000
Texas Education Agency Houston Early College High School	\$1,000,000
Texas Engineering Experiment Station Nuclear Power Institute	\$4,000,000
Texas State University-San Marcos River Systems Monitoring	\$1,000,000
Texas Tech Health Science Center West Texas Area Health Education Center	\$4,000,000
Texas Tech University Emerging Technologies Research	\$4,000,000
University of Houston Energy Research	\$3,000,000
University of Houston-Downtown Community Development	\$ 250,000
University of North Texas Institutional Enhancement	\$2,000,000
University of North Texas State Historical Association	\$ 150,000
University of North Texas System Law School Contingency	\$5,000,000
University of Texas Health Science Heart Institute—Adult Stem Cell Program Center-Houston	\$5,000,000
University of Texas Health Science Public Health Ctr-Houston	\$9,500,000
University of Texas Health Science Life Science Institute Center-San Antonio	\$4,000,000
University of Texas Health Science Regional Academic Health Center-San Antonio	\$6,500,000
University of Texas-San Antonio Life Science Institute	\$4,000,000
University of Texas-Austin Law School Clinical Program	\$ 420,000
University of Texas-Dallas Middle School Brain Years	\$6,000,000
University of Texas-Dallas Academic Bridge	\$ 462,500
University of Texas-Dallas Center for Values in Medicine, Science and Technology	\$5,000,000
University of Texas-San Antonio P-16 Council	\$ 500,000
University of Texas-Southwestern Institute for Genetic & Molecular Disease	\$8,000,000
Vernon Community College Workforce Training Development	\$ 500,000

**Total**

**\$111,407,500**

(XII-13, Sec. 25)

**UNIVERSITY OF NORTH TEXAS.** Funds expended must include \$75,000 annually in the 2010-11 biennium for support of K-12 education programs sponsored by the Texas State Historical Association to enhance the study of history and mastery of the applicable Texas Essential Knowledge and Skills. (XII-13, Sec. 27)

**MIDWESTERN STATE UNIVERSITY.** Funds expended must include \$106,500 in FY 2010 and \$114,500 in FY 2011 for the Autism Support Program for students with autism spectrum disorder. (XII-13, Sec. 28)

**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) COMPLIANCE COSTS.** If Texas receives more than \$700 million from Title XIV (b), Other Government Services, of ARRA, the governor may allocate funds to agencies to cover the cost compliance associated with ARRA. (XII-14, Sec. 29)

**REDUCTION OF APPROPRIATIONS.** General revenue appropriations made in Article III to state agencies of higher education are reduced by \$227 million to correspond with the following Government Stabilization Funds appropriated above:

Higher Education Coordinating Board Incentive Funding	\$80,000,000
General Academic Institutions Formula Funding	\$81,000,000
Health-Related Institutions Formula Funding	\$51,000,000
Public Community/Junior Colleges Formula Funding	<u>\$15,000,000</u>
<b>Total</b>	<b>\$227,000,000</b>

(XII-14, Sec. 30)

# Summary of Higher Education Legislation by Topic

## Academic Affairs

### **HB 1096**      **Notice of textbook availability**

*Author:* Vo

*Sponsor:* Van de Putte

*Summary:* HB 1096 requires the Coordinating Board to prescribe procedures for institutions of higher education to follow in notifying students of the availability of textbooks through institution-affiliated bookstores and through retailers other than university-affiliated bookstores. The notice must be by hardcopy or electronic format in a manner that ensures it is reasonably likely to come to the students' attention, and must contain the following: "A student of this institution is not under any obligation to purchase a textbook from a university-affiliated bookstore. The same textbook may also be available from an independent retailer, including an online retailer."

Institutions must provide this notice to:

- 1) Each student during the week preceding each fall and spring semester;
- 2) Each student enrolled in a semester during the first three weeks of the semester and students enrolled in a summer term during the first week of the summer term; and
- 3) Prospective students attending an orientation conducted by or for the institution. These provisions apply with the beginning of the fall 2009 semester.

*Code Reference:*      Adds TEC 51.9075

*Effective Date:*      June 19, 2009

*Appropriation:*      N/A

*CB Rulemaking:*      Yes

*CB Reporting Requirement:*      No

*Lead CB Division:*      Academic Affairs and Research

### **HB 1325**      **DEGREES AWARDED BY THE TEXAS STATE TECHNICAL COLLEGE SYSTEM**

*Author:* Rios Ybarra

*Sponsor:* Lucio II

*Summary:* The bill allows the Board of Regents of the Texas State Technical College System to offer and award an Associate of Science degree in a field-of-study at Texas State Technical College – Harlingen campus if the Coordinating Board determines that the degree in that field-of-study is appropriate to the role and mission of the system and meets the educational or workforce needs of the region.

*Code Reference:*      Amends TEC 135.011

*Effective Date:*      June 19, 2009

*Appropriation:*      N/A

*CB Rulemaking:*      No

*CB Reporting Requirement:*      No

*Lead CB Division:*      Academic Affairs and Research

**HB 1758****REQUIREMENTS FOR A PLUMBER'S APPRENTICE TO OBTAIN A PLUMBER'S LICENSE***Author:* Thompson*Sponsor:* Carona

*Summary:* HB 1758 permits a plumber's apprentice to apply for and take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder if the apprentice has received an Associate of Applied Science degree from a plumbing technology program that includes a combination of classroom and on-the-job training and is approved by the Texas State Board of Plumbing Examiners and the Texas Higher Education Coordinating Board, or if the apprentice is enrolled in good standing in a training program approved by the United States Department of Labor, Office of Apprenticeship.

*Code Reference:* Amends Occupations Code, Section 1301.354(b)-(e)

*Effective Date:* September 1, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research

**HB 2425****ENGINEERING RECRUITMENT PROGRAMS AT PUBLIC OR PRIVATE INSTITUTIONS OF HIGHER EDUCATION; STUDY OF CERTAIN DEGREE PROGRAMS AT COMMUNITY COLLEGES***Author:* Morrison*Sponsor:* Averitt

*Summary:* HB 2425 requires the Coordinating Board to conduct a study relating to the success of community college baccalaureate degree programs and the feasibility of expanding such programs. The study must include the economic viability of expanding the programs, workforce needs served by the programs for various areas of the state, current and potential university offerings, and other methods for making baccalaureate degree programs available. The study shall be reported to each standing committee of the Legislature with primary jurisdiction over higher education no later than November 15, 2010.

This bill amends the Engineering Recruitment Program to include private and independent institutions. As originally established by HB 2978, 80th Texas Legislature and codified in the Education Code 61.791, the program included only public general academic teaching institutions.

*Code Reference:* Amends TEC 61.791, 61.792, and 130.0012

*Effective Date:* June 19, 2009

*Appropriation:* SB 1, IX-81, Sec. 17.57 appropriates \$125,000 in each year of the 2010-2011 biennium.

*CB Rulemaking:* Yes

*CB Reporting Requirement:* Yes

*Lead CB Division:* Academic Affairs and Research

**HB 2504**

**ONLINE PUBLICATION OF CERTAIN COURSE INFORMATION, COST INFORMATION, AND WORK-STUDY INFORMATION**

*Author:* Kolkhorst

*Sponsor:* Shapiro

*Summary:* Each institution of higher education (other than a medical and dental unit) is required to publish on their website, a course syllabus, major assignments, a curriculum vitae of each regular instructor, required and recommended reading lists, subject matter of each lecture or discussion, and department budget for every undergraduate course offered. The information is to be searchable and remain on the website for at least two years.

Following uniform standards established by the Texas Higher Education Coordinating Board, institutions will publish on their websites information about the full cost of attendance for a full-time, first-year entering student, including tuition and fees, room and board costs, book and supply costs, transportation costs, and other personal expenses. Each institution of higher education will also maintain an online list of work-study employment opportunities available to students on the institution's campus.

*Code Reference:* Adds TEC 51.974

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research

**SB 2465**

**EDUCATIONAL PROGRAMS OF THE JOHN BEN SHEPPERD PUBLIC LEADERSHIP INSTITUTE**

*Author:* Seliger

*Sponsor:* Lewis

*Summary:* This bill permits funds appropriated for the John Ben Shepperd Public Leadership Institute of The University of Texas of the Permian Basin to be used to pay for costs associated with the institute's educational programs for public secondary and university-level students, including registration fees, ground or air transportation, lodging, meals, training costs, and related expenses.

*Code Reference:* Adds Government Code, Section 660.004

*Effective Date:* September 1, 2009

*Appropriation:* SB1, III-79, C.3.1 strategy appropriates \$698,938 in both FY 2010 and FY 2011

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* N/A

## Accountability

### **HB 3**

#### **STUDENT PUBLIC EDUCATION ACCOUNTABILITY SYSTEM, CURRICULUM, AND STUDENT PROMOTION**

*Author:* Eissler

*Sponsor:* Shapiro

*Summary:* HB 3 mandates significant changes in both the student accountability system of public education and laws relating to student promotion. Further, it formalizes the joint responsibilities of the Commissioner of Education and Commissioner of Higher Education (or their respective agencies) relating to college readiness. The provisions related to the Commissioner of Higher Education and/or the Coordinating Board are:

- The bill establishes two performance standards for high school end-of-course (EOC) examinations—a standard performance and, for Algebra II and English III, a college readiness performance standard. The college and workforce readiness performance standard indicates the level of preparation a student must attain in English language arts and mathematics to enroll and succeed, without remediation, in an entry-level general education course for credit in the same content area. The performance standard is jointly established and reviewed by both Commissioners and applies to all public institutions of higher education, except those designated by the Coordinating Board as research institutions.
- The law also requires that a student, who completes either the Recommended or Advanced High School Program and demonstrates college and workforce readiness on the required EOC examinations, is exempt from the Texas Success Initiative (TSI) assessments. The Commissioner of Higher Education by rule shall establish the period for which an exemption is valid. The Commissioner of Education may also by rule establish uniform standards for placement of students.
- The Commissioner of Higher Education and the Commissioner of Education, in consultation with the comptroller and the Texas Workforce Commission, may award grants not to exceed \$1 million to IHE to develop advanced mathematics and science courses that prepare high school students for employment in a high-demand job. Institutions of higher education must work with at least one independent school district. Matching funds must be received by the institution from one or more business entities in the industry for which students are being trained by the course. The program is administered by the Commissioner of Higher Education, who uses funds allocated to the Coordinating Board through appropriations, gifts, contributions, etc. The Commissioner of Higher Education shall, by rule, establish the period for which an exemption from TSI assessments would be in effect if a student is determined to be college-ready based on his/her score on Algebra II and English III EOC examinations.
- This bill mandates that the Commissioner of Education and the Commissioner of Higher Education shall study the feasibility of allowing students to satisfy EOC requirements by successfully completing dual credit courses at institutions of higher education. Recommendations shall be made to the Legislature no later than December 1, 2010.



professional services, or monitor as approved by the SBEC, or permit closing programs that are rated as accredited-probation after appropriate hearings. Programs that have been evaluated as accredited-probation for three years shall be closed. These same provisions apply to particular fields of certification. The closure provisions last for two years before a program could be renewed. The Board would be required to make information available to the public for persons interested in educator preparation programs or school districts needing staff. The following information on educator preparation programs must be included:

- Results of certification exams, performance-based appraisal systems for beginning teachers, and achievement of students with beginning teachers;
- Average academic qualifications of persons admitted to program, such as: GPA by subject area, SAT, ACT and GRE scores, success in obtaining employment;
- Whether the program effectively trains persons to teach students with disabilities and those with limited English proficiency;
- Activities related to the use of technology to improve teaching;
- Persistence of beginning teachers as members of the Retirement System for at least three years after starting teaching;
- Exit survey results from program participants; and
- Evaluations of employed program participants by their school districts, and the accreditation status of programs.

Additionally, SBEC is authorized to adopt fees to cover costs associated with approving or renewing approval of an educator preparation program and adding certificates to the scope of educator preparation programs. Fees cannot exceed the amount needed for administration of these approvals. The SBEC must establish additional minimum standards for approval or renewal of educator preparation programs or their certification fields.

*Code Reference:* Amends TEC, Sections 21.041(c) and 21.045; Adds Section 21.041(d), 21.0451, 21.0452, and Chapter 51A.  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* Yes  
*Lead CB Division:* Planning and Accountability

## Admissions

### **HB 2424 EXEMPTING LAMAR STATE COLLEGE-ORANGE AND LAMAR STATE COLLEGE-PORT ARTHUR FROM CERTAIN REQUIREMENTS RELATING TO STUDENT ADMISSIONS**

*Author:* Morrison

*Sponsor:* Huffman

*Summary:* This legislation exempts Lamar State College-Orange and Lamar State College-Port Arthur, from the requirements set in the Education Code, Section 51.805. This section is the admissions policy requiring an applicant for admission to a public university who does not qualify for automatic admission to have graduated with the Recommended or Advanced High School Program. In effect, this legislation would place these two lower-division institutions on par with the community colleges who are exempt from the these admission statutes.

*Code Reference:* Adds TEC 51.805(f)

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* N/A

### **SB 175 AUTOMATIC ADMISSIONS TO GENERAL ACADEMIC TEACHING INSTITUTIONS (TOP 10 PERCENT LAW) AND SCHOLARSHIPS FOR TOP 10 PERCENT STUDENTS.**

*Author:* Shapiro

*Sponsor:* Branch

*Summary:* This bill covers the following:

#### Section 1:

- Automatic admission of certain high school students (Top 10 Percent Law) at The University of Texas at Austin
- Requirements for Coordinating Board's role to enhance institutional outreach to high school students and to report on impact of changes to law

#### Section 2:

- Automatic admission of applicants completing core curriculum at another higher education institution

#### Section 3:

- Notice by public school districts of automatic college admission provisions

#### Section 4:

- Role of high school counselors

#### Section 5:

- Scholarship program for high school students graduating in the top 10 percent of their high school class (*Note: This provision was not funded as outlined in the legislation. However, funding was appropriated to maintain the existing Top 10 Percent Scholarship*)

#### Section 6:

- Higher education assistance plan administered by the Coordinating Board

## **Section 1: Automatic Admission of Certain High School Students (Top 10 Percent Law) at The University of Texas at Austin**

Current Texas law requires each public general academic teaching institution in the state to admit applicants who are Texas high schools graduates or graduates of a high school operated by the U.S. Department of Defense who graduate with a grade point average (GPA) in the top 10 percent of their graduating class. This statute has become known as the Top 10 Percent Law.

SB 175 authorizes The University of Texas at Austin (UT-Austin) to place a cap on the number of students admitted under the Top 10 Percent Law. Beginning with admissions for the 2011-2012 academic year, UT-Austin is not required to offer admission to applicants qualifying under the Top 10 Percent Law in excess of the number needed to fill 75 percent of enrollment capacity for first-time resident undergraduate students.

New provisions in the law direct UT-Austin to:

- Offer admissions based on applicants' GPA percentile rank, starting with those in the top percentiles.
- Offer admission to all applicants with the same percentile rank and consider remaining applicants in the same manner as other first-time applicants.
- Notify Texas high school juniors and their parents by September 15 of the percentile rank of seniors anticipated to be offered admission under the 75 percent cut-off for the following year.
- Not refer to the 75 percent cap in any communication as the reason for denial of admission unless first-time resident students fill 100 percent of enrollment capacity designated for those students.
- Not consider the legacy status of applicants as a factor in admissions and must require students admitted under the cap to complete at least six semester credit hours (SCH) during evening or low-demand hours.
- Not offer admission under the cap if by the deadline for application a final court order prohibits consideration of race or ethnicity as a factor in admissions, or if such factors were not considered for the 2009-2010 academic year.
- Submit a report to the governor, lieutenant governor, and speaker by December 31 each year regarding progress in increasing geographic diversity of entering freshman, counseling and outreach aimed at students qualifying for automatic admission under the new cap, recruiting Texas residents graduating from other institutions to UT-Austin's graduate and professional degree programs, and assessing and improving the university's regional recruitment centers.

Under these provisions, out-of-state students cannot make up more than 10 percent of the top 10 percent admissions at UT-Austin.

After the 2015-2016 academic year, UT-Austin may not offer admission under the cap – admission requirements revert back to current Top 10 Percent Law provisions.

### **Role of the Coordinating Board**

The Coordinating Board must develop and implement a program to increase and enhance efforts of universities in conducting outreach to high-performing high school seniors who are likely to be eligible for automatic admission, and to provide information and counseling regarding admission under the Top 10 Percent Law and other opportunities, including financial aid assistance, to enhance their success at public institutions of higher education in Texas. After gathering information and

recommendations from available sources and examining current outreach practices by institutions in Texas and other states, the Coordinating Board must prescribe best practices guidelines and standards to be used in conducting student outreach.

The Coordinating Board also is required to publish an annual report on the impact of the 75 percent cap on the goals in the state's higher education plan, *Closing the Gaps by 2015*. The report must include information on students, disaggregated by race, ethnicity, socioeconomic status, and geographic region, as well as by graduation from a small school as defined by the Texas Education Agency or from a public high school having low college-going rates (ranked in the lowest 20 percent of schools with graduates that enroll in a university within two years following graduation). UT-Austin must provide information as required to complete the report.

## **Section 2: Automatic Admission of Students Completing the Core Curriculum**

The bill requires all public general academic institutions to admit, as a transfer student, an applicant who started at a two-year institution, completed the core curriculum with a 2.5 GPA or higher, and applied for admission to a four-year institution in a timely manner. The student must have:

- Graduated from high school within four years before admission is requested; and
- Graduated in the top 10 percent of the high school graduating class or have been previously offered admission by the institution under top 10 percent provisions.

The applicant must expressly and clearly claim application entitlement to admission and provide timely documentation to determine entitlement.

The provisions go into effect beginning with the spring 2010 semester.

## **Section 3: Role of public independent school districts**

The bill adds provisions regarding the notification of students and parents by the public independent school districts (ISD). The ISD must:

- Provide each student in the district with information regarding top 10 percent provisions when the student first registers for a class required for high school graduation; and
- Provide written notification regarding a student's eligibility for top 10 percent admission to each student in the *junior* year of high school who has a grade point which makes the student eligible (this notice is currently required only for high school seniors). The notice must be in plain language and must be sent to the student and to the student's parent/guardian.

## **Section 4: Role of public school counselors**

Certified school counselors must explain the requirements of automatic admission to each student who has a grade point which makes the student eligible for automatic admission at the beginning of grades 10 and 11.

## **Section 5: Top 10 Percent Scholarship**

*Note: There was no contingency appropriation for the Top 10 Percent Scholarship program as described below. However, SB 1 appropriated \$54 million in Higher*

*Education Coordinating Board strategy **B.1.13** to maintain the program as it existed in the 2008-2009 biennium. The specific eligibility requirements outlined in this section do not apply to the existing Top 10 Percent Scholarship.*

### **Section 6: Higher Education Assistance Plans**

Section 6 of the bill requires the Coordinating Board to develop a higher education assistance plan for high schools that are substantially below the state average in the number of graduates who attend public and independent IHEs. That plan must:

- Provide prospective students with enrollment information, including admissions and financial aid information; and
- Assist students in completing admissions and financial aid applications.

*Code Reference:* Amends TEC 51.803 (a), 28.026; Adds 51.803 (a-1/6(g-l), 51.8035 (U), 33.007(a), 56 (R), and 61.07622

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* Yes

*Lead CB Divisions:* Planning and Accountability, P-16, Business and Support Services

## Appropriations

### **HB 101**

#### **FORMULA FUNDING FOR CERTAIN CREDIT HOURS THAT DO NOT COUNT TOWARD A DEGREE**

*Author:* Brown, Fred

*Sponsor:* Uresti

*Summary:* Previous law did not allow formula funding for semester credit hours (SCH) earned by an undergraduate student for more than 30 SCH in excess of the number required to complete a degree program. This includes dual credit and dual enrollment course credits taken in high school.

HB 101 provides SCH earned by a student before graduating from high school and used to satisfy graduation requirements do not count toward the cap on SCH, and institutions of higher education will receive formula funding for these SCH, beginning with the 2011-12 academic year.

*Code Reference:* Amends TEC 61.0595(d)

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes, Chapter 13, Subchapter F. Section 13.104

*CB Reporting Requirement:* No

*Lead CB Division:* Planning and Accountability

## Campus/Facility Planning

### **HB 746**

#### **USE OF UNDERUSED CLASSROOMS AT INSTITUTIONS OF HIGHER EDUCATION**

*Author:* Brown, Fred

*Sponsor:* Patrick, Dan

*Summary:* HB 746 provides that a public institution of higher education (IHE) may make unused classrooms available during weekday evenings and on Saturdays for use by another public junior college (on request) for the purpose of teaching courses in the core curriculum or continuing education. If an IHE makes a classroom available, the room must be made available for the entire semester. The host IHE may charge a rate, as determined by the Coordinating Board, for use of the space. The amount established would be based on the infrastructure formula funding that the host IHE would have received for teaching a course in that space.

*Code Reference:* Adds TEC 51.975

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* No

*Lead CB Division:* Planning and Accountability

### **HB 2805**

#### **ADMINISTRATION, POWERS, DUTIES, OPERATION, AND FINANCING OF THE EAST WILLIAMSON COUNTY MULTI-INSTITUTION TEACHING CENTER**

*Author:* Maldonado

*Sponsor:* Ogden

*Summary:* The bill would allow institutions that participate in the East Williamson County Multi-Institution Teaching Center to finance capital projects through the issuance of bonds with a maturity term not longer than 30 years. Those institutions may pledge any or all available revenue for payment of the bonds. An agreement providing for the bonds may provide for an entity created for the benefit of the center to have an ownership or other interest in the financed facilities.

*Code Reference:* Amends TEC 130.092

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Planning and Accountability

### **HB 3340**

#### **CONVEYANCE OF FOREST LAND IN CHEROKEE COUNTY, TEXAS**

*Author:* Hopson

*Sponsor:* Nichols

*Summary:* HB 3340 authorizes the Board of Regents of Texas A&M University System (TAMU) to convey 221.64 acres of inaccessible real property in Cherokee County, Texas. The conveyance is to be of fee title to the surface, exclusive of all mineral rights, and in a form acceptable to the TAMU System.

*Code Reference:* N/A  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Planning and Accountability

**SB 504**      **USE OF LAND AT TEXAS A&M UNIVERSITY**

*Author:* Ogden                                      *Sponsor:* Brown, Fred

*Summary:* SB 504 makes a change in the language that authorizes the Texas A&M Board of Regents to grant to the Texas A&M Foundation a lease of surface area not to exceed eight acres (previously was five acres) on the original main campus to construct and occupy a building for use consistent with the Foundation 's stated purposes.

*Code Reference:* Amends TEC 85.25(3)(c)  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Planning and Accountability

**SB 811**      **TRANSFER OF THE SAN ANGELO MUSEUM OF FINE ARTS TO A NONPROFIT ORGANIZATION**

*Author:* Duncan                                      *Sponsor:* Darby

*Summary:* SB 811 authorizes the Texas Tech University System Board of Regents to transfer the title, following a public meeting, of the San Angelo Museum of Fine Arts to a nonprofit organization if the Board determines that the transfer will serve the interest of the university and public, the facility is not needed for academic purposes, and the nonprofit entity intends to continue the use of the property for public purposes and opens the property on a frequent and regular basis. The deed executing transfer must include provisions that the title reverts to the Texas Tech University System in the event public use is discontinued or the nonprofit organization executes a document purporting to change title.

*Code Reference:* Adds TEC 109A.005  
*Effective Date:* May 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Planning and Accountability

**SB 1796**

**APPROVAL OF MAJOR CONSTRUCTION AND RENOVATION PROJECTS AT INSTITUTIONS OF HIGHER EDUCATION**

*Author:* Zaffirini

*Sponsor:* Castro

*Summary:* New construction projects at institutions of higher education that cost \$1 million or more and renovation projects at or over \$2 million require Coordinating Board approval.

SB 1796 changes the threshold to \$4 million for both new construction and renovations, and authorizes the Board to make further increases.

*Code Reference:* Amends TEC 61.058

*Effective Date:* September 1, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* No

*Lead CB Division:* Planning and Accountability

**SB 1952**

**AUTHORIZATION OF CERTAIN MUNICIPALITIES AND COUNTIES TO ISSUE PUBLIC SECURITIES TO FINANCE PERMANENT IMPROVEMENTS FOR USE BY AN INSTITUTION OF HIGHER EDUCATION**

*Author:* Jackson

*Sponsor:* Weber

*Summary:* SB 1952 allows a home-rule municipality with a population of 25,000 or more that has an institution of higher education within its boundaries, or has entered into an agreement relating to the provision of educational services, to issue public securities, including certificates of obligation, to finance acquisition, construction, and permanent improvements for use by the institution. The municipality may impose ad valorem taxes and pledge those taxes to secure payment of the securities.

*Code Reference:* Amends Government Code 1434.001-003.  
Adds 1434.051(a-1).

*Effective Date:* May 27, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* No

*Lead CB Division:* Business and Support Services

**SB 2240**

**CLARIFYING LANGUAGE ON FINANCING OF FACILITIES FOR HIGHER EDUCATION**

*Author:* Zaffirini

*Sponsor:* Crownover

*Summary:* SB 2240 clarifies language pertaining to the Attorney General’s (AG) approval of bonds issued to finance facilities for institutions of higher education. Previously, the statute only directed the action of the AG in the event bonds were found to be issued in accordance with the statute. This bill directs the AG’s actions in the event the findings indicate noncompliance. Additionally, the bill amends language defining an educational facility from one used “exclusively” for educational and administrative functions to facilities used for those purposes. The removal of the word “exclusively” expands the

definition. Lastly, SB 2240 permits employees and officers of a city to serve as the director of a higher education facility authority if the governing body of the locality determines one is necessary. Current language precludes an officer or employee of the city to serve in this capacity.

*Code Reference:* Amends TEC 53.35, 53.40, and 53A.02.

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Planning and Accountability

## Commissions

### **HB 4328 ESTABLISHMENT OF THE INTERAGENCY LITERACY COUNCIL**

*Author:* Strama

*Sponsor:* Uresti

*Summary:* HB 4328 authorizes the Texas Workforce Commission to establish the Interagency Literacy Council (Council) for the study, promotion, and enhancement of literacy in the state. The Council is composed of the following nine members, serving two-year terms (reappointments permitted): one representative of the Texas Workforce Commission, who will serve as the presiding officer, appointed by the executive director; one representative of the Texas Education Agency, appointed by the Commissioner; one representative of the Texas Higher Education Coordinating Board, appointed by the Commissioner; and six public members who are leaders of the business and nonprofit communities engaged in literacy promotion efforts, appointed by the Texas Workforce Commission executive director. Members cannot receive compensation, but reimbursement is allowed for meals, lodging, and transportation. The Council will meet three times annually (by conference call if necessary), with stakeholders invited to participate in at least one meeting annually for submission of oral or written testimony. The Texas Workforce Commission will provide necessary staff and resources.

The powers and duties of the Council are as follows:

- Study current research to assess the adult literacy needs in this state, including needs relating to business and finance, workforce and technology, civics, and health and wellness;
- Consult with key stakeholders to identify barriers to improving literacy and evidence-based best practices for improving literacy;
- Review the status of the programs and services administered by agencies or entities represented on the council that promote literacy in an effort to coordinate efforts, align services, reduce redundancies, implement best practices, integrate support services, and improve accountability;
- Build existing funding streams and identify additional state and federal funding sources available for the promotion of literacy;
- Raise literacy awareness and engage community leaders in creative solution-building for improving literacy; and
- Develop a comprehensive statewide action plan for the improvement of literacy in this state, including a recommended timeline for implementation.

By November 1 of each even-numbered year, the Council shall submit a written report to the Governor, both houses of the Legislature, and the Texas Workforce Investment Council. The report will include information on the developments and actions taken on the statewide action plan, areas that need improvement and changes to the plan, and programs and services that address literacy in Texas. The initial report is due November 1, 2012.

The Texas Workforce Commission may accept gifts, grants, and donations to carry out the Council's duties, and may adopt necessary implementation rules.

*Code Reference:* Adds Labor Code 312.001-011

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Commissioner's Office

**SB 482**

**TEXAS HOLOCAUST AND GENOCIDE COMMISSION**

*Author:* Ellis                      *Sponsor:* Chisum

*Summary:* SB 482 establishes the Texas Holocaust and Genocide Commission which shall be administratively attached to the Texas Historical Commission. The commission will serve as an advisory board and its primary purpose is to work with K-12 and higher education institutions to implement Holocaust and genocide courses of study and awareness programs. The Commission must also decide which, if any, existing resources could be used to support the courses or awareness programs, find volunteers who would be willing to share their knowledge and experience of the Holocaust or genocide, and to coordinate events to be held January 27, International Holocaust Remembrance Day.

Five public members must be appointed by the governor, five by the lieutenant governor, five by the speaker of the House, and three ex-officio members which include the Commissioner of Education, Commissioner of Higher Education, and the Executive Director of the Texas Veteran's Commission. Public members are appointed for four-year terms and must meet certain requirements. For example, they must be Texas residents, and have significant professional experience in the field of Holocaust or genocide education, or serve as leaders for groups that were subjected to the Holocaust or genocide. Ex-officio members may designate a representative to serve on the commission. Further, provisions included allowing for the removal of members for specific reasons. The governor shall select the presiding officer, and meetings shall be set quarterly. The Texas Historical Commission will provide staff and support functions for activities of the newly created commission.

*Code Reference:* Adds Government Code Chapter 449  
*Effective Date:* September 1, 2009  
*Appropriation:* SB 1 IX-87, Sec. 17.87, Appropriates \$86,397 in FY 2010, and \$81,397 in FY 2011.

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Academic Affairs and Research

## Community, State, and Technical Colleges

### **HB 962**

#### **RELATING TO THE PURCHASE OF LIBRARY GOODS AND SERVICES BY PUBLIC JUNIOR COLLEGES**

*Author:* Guillen

*Sponsor:* Zaffirini

*Summary:* Previous law provided that all community college districts adhere to purchasing and contracting rules established for public schools for all goods and services for contracts valued at \$25,000 or more.

HB 962 exempts community college districts from these rules when acquiring certain library materials including electronic databases, digital content, information products, e-books, equipment and supplies specific to storage and access of library content, library and resource-sharing programs operated by the Texas State Library and Archives Commission, and books and periodicals and other library services not available under a statewide contract.

*Code Reference:* Amends TEC 44.031 and 44.0311

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Planning and Accountability

### **HB 1325**

#### **DEGREES AWARDED BY THE TEXAS STATE TECHNICAL COLLEGE SYSTEM**

*Author:* Rios Ybarra

*Sponsor:* Lucio II

*Summary:* The bill allows the Board of Regents of the Texas State Technical College System to offer and award an Associate of Science degree in a field-of-study at Texas State Technical College – Harlingen campus if the Coordinating Board determines that the degree in that field-of-study is appropriate to the role and mission of the system and meets the educational or workforce needs of the region.

*Code Reference:* Amends TEC 135.011

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research

### **HB 1423**

#### **GRANTING CHARTERS TO PUBLIC JUNIOR COLLEGES FOR OPEN-ENROLLMENT CHARTER SCHOOLS**

*Author:* Guillen

*Sponsor:* Shapiro

*Summary:* HB 1423 allows the State Board of Education (SBOE) to grant charters to public junior colleges to operate open-enrollment charter schools on their campuses or in the same county where the college campus is located.

Specifically, this bill amends Subchapter E, Chapter 12, Education Code, which authorized senior colleges and universities to operate charter schools on their campuses to include junior colleges. The charter school name must include the name of the junior college. The SBOE may only authorize up to 215 open-enrollment charter schools statewide.

In order for the SBOE to grant a charter, a public junior college must satisfy the following criteria in their application, as determined by the Board:

- 1) The education program must be supervised by a junior college faculty member;
- 2) The faculty member must have substantial experience;
- 3) The education program must have specific goals state in the application and each aspect of program directed toward those goals;
- 4) Program goals must be measured with specific standards set forth in the charter, including assessment methods and a time frame; and
- 5) The financial operations of the charter school must be supervised by the junior college business office.

The bill stipulates the SBOE may deny an application based on criteria it adopts, but must include improving student performance, encouraging innovative programs, and a statement from any school district regarding enrollment and financial impact on the district.

*Code Reference:* Amends TEC 12.151-12.152, 12.154-12.155, and 12.156(a)  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Academic Affairs and Research

## **HB 2424**

### **EXEMPTING LAMAR STATE COLLEGE-ORANGE AND LAMAR STATE COLLEGE-PORT ARTHUR FROM CERTAIN REQUIREMENTS RELATING TO STUDENT ADMISSIONS**

*Author:* Morrison                      *Sponsor:* Huffman

*Summary:* This legislation exempts Lamar State College-Orange and Lamar State College-Port Arthur, from the requirements set in the Education Code, Section 51.805. This section is the admissions policy requiring an applicant for admission to a public university who does not qualify for automatic admission to have graduated with the Recommended or Advanced High School Program. In effect, this legislation would place these two lower-division institutions on par with the community colleges who are exempt from the these admission statutes.

*Code Reference:* Adds TEC 51.805(f)  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* N/A

**HB 2480**

**AGREEMENTS WITH PUBLIC JUNIOR COLLEGES FOR COURSES FOR JOINT HIGH SCHOOL AND JUNIOR COLLEGE CREDIT**

*Author:* Hochberg

*Sponsor:* Seliger

*Summary:* HB 2480 broadens existing statute to allow a public junior college to enter into an agreement with a school district, organization, or other person that operates a high school, to offer a dual credit course, regardless of whether the high school is located within the service area of the junior college district. A public junior college may enter into such agreement, with respect to a high school located within the service area of another junior college district only if the other junior college district is unable to provide the requested course to the satisfaction of the school district.

*Code Reference:* Adds TEC 130.008(d-1)

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* Chapters 4 and 9 of Board rules amended

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research

## Financial Aid

### **HB 1935 ESTABLISHMENT OF THE JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM AND THE GREEN JOBS SKILLS DEVELOPMENT FUND TRAINING PROGRAM**

*Author:* Villarreal

*Sponsor:* Duncan

*Summary:* HB 1935 adds two distinct subchapters to Government Code 403:

Subchapter O requires the Comptroller of Public Accounts (CPA) to establish and administer the Jobs and Education for Texans (JET) fund to provide grants to public junior colleges, public technical institutes, and eligible nonprofit organizations that support programs related to adult and postsecondary education and workforce development in high-demand occupations and green jobs. Amounts deposited in this general revenue-dedicated fund will consist of general revenue appropriations, interest, gifts, grants, and other donations.

- An advisory board will assist the CPA in administering this program, composed of seven members, serving two-year terms (reappointments permitted). The governor, lieutenant governor, speaker, Texas Higher Education Coordinating Board, and the Texas Workforce Commission will appoint one member each, and the CPA will serve as the presiding officer. The advisory board will meet at least quarterly to review applications and recommend awarding grants.
- Grants will be awarded to nonprofit organizations that develop, support, or expand programs that meet requirements and that prepare low-income students for careers in high-demand fields. Awards will be balanced geographically with priority given to programs that assist veterans or demonstrate employment of students at full-time starting wages exceeding the prevailing wage for the occupation entered. Grants will not be given to organizations that provide a comprehensive educational program substituting for a similar program provided by a school district or open-enrollment charter school. Eligibility requirements include:
  - 1) Providing programs that assist low-income students to prepare, apply, and enroll in an eligible institution;
  - 2) Governing by a board that includes recognized leaders of broad based community organizations and the local business community;
  - 3) Demonstrating above average success in completion of developmental education and persistence rates among participating institutions, and certificate or degree completions rates by participating students in a three-year period when compared to students of demographically comparable public junior colleges and public technical institutes; and
  - 4) Providing matching funds from any source, including in-kind or individual contributions, grants, and local government funds.
- Grants awarded to an eligible institution for the development of new career and technical education courses and programs may only be used to:
  - 1) Support programs that prepare students for career opportunities identified by local businesses in high-demand fields;
  - 2) Finance initial course or program development cost, including facilities, equipment, and other costs; and

- 3) Finance a course or program that leads to a license, certificate, or postsecondary degree. Awards must consider the potential economic returns to the state, and whether the course or program is in a new, emerging industry or high-demand occupations, offers opportunities in public high schools for new or expanded dual career and technical credit, and is provided in cooperation with other public junior colleges or public technical institutes across existing service areas.

A public junior college or public technical institute must provide matching funds from any source, including in-kind or individual contributions, grants, and local government funds. The CPA may award scholarships to students with financial need who are enrolled in a training program for a high-demand occupation.

- The CPA must conduct a study on the feasibility of basing a portion of all public postsecondary technical program funding on the economic benefits to the state, and must estimate additional tax revenues generated by employers from the ability of public junior, technical, and state colleges to prepare students for employment in fields with employer demand. The study must begin by January 1, 2010, and recommendations based on the study must be submitted to the lieutenant governor and the speaker by January 1, 2011, for possible legislative action.

Subchapter P provides for the establishment of the Green Job Skills Development Fund Training Program to promote green industry employment and career opportunities through training programs that enhance green job skills that result in high-wage jobs. The CPA shall establish and administer a program that awards grants in cooperation with the Texas Workforce Commission and the State Energy Conservation Office for the implementation, expansion, and operation of green jobs skills training programs. The development fund for making the grants will be composed of appropriations, gifts, grants, and matching funds from federal or local government, private corporations, or other persons. Green job definitions, grant program requirements, and application procedures are detailed in the legislation. The CPA must submit a report by October 1 of each even-numbered year to the governor, lieutenant governor, and speaker that summarizes the results of the program.

*Code Reference:* Adds Government Code 403 Subchapters O and P  
*Effective Date:* June 19, 2009  
*Appropriation:* SB 1, IX-78, Section 17.47 appropriates \$25 million in 2010 with unexpended balance carried over to 2011

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Commissioner's Office

## **HB 2154      **PHYSICIAN EDUCATION LOAN REPAYMENT PROGRAM AND TAX CODE CHANGES****

*Author:* Edwards                      *Sponsor:* Hinojosa

*Summary:* HB 2154 authorizes changes to the Physician Education Loan Repayment Program of Texas (PELRP) and creates the Physician Education Loan Repayment Program Account.

To create funding revenue for PELRP and other programs, the bill authorizes changes to the Tax Code relating to tobacco products other than cigars. The changes affect cans or

packages of smokeless tobacco, taxing such products based on the weight of the unit sold, rather than the retail price. Significant increased revenue is anticipated from tax receipts on non name-brand smokeless tobacco products, currently sold at lower retail prices than the name-brand products of the same weight per unit.

The bill makes changes to the eligibility requirements for participation in the PELRP. Physicians applying after the effective date will no longer qualify for loan repayment on the basis of employment for one of the four state agencies previously named in the statute. Physicians must practice in Health Professional Shortage Areas and must accept Medicaid assignment and payment under the Children's Health Insurance Program. The maximum number of years of repayment assistance is changed from five years to four years, and loan repayment is authorized for up to \$25,000 per year for the first year of service, \$35,000 for the second year, \$45,000 for the third year, and \$55,000 for the fourth year of service, for a maximum aggregate of \$160,000 per physician.

The bill specifies the percentage of new tax revenues that will be deposited to the Property Tax Relief Fund, the General Revenue Fund, and the Physician Education Loan Repayment Program Account.

*Code Reference:* Amends TEC 61.532(a), 61.533, 61.535(a), 61.536-538, 61.539(b)-(c), 61.540; Adds 61.5391; Repeals 61.531(b)-(c) and 61.532(b)  
Amends Tax Code 155.0211(b), 155.101, 155.103(b), 155.105(b), 155.2415; Adds 155.0211 (b-1)-(b-4),(c)-(e), 155.102 (c), 155.103 (a-1), and 155.111 (b-1)

*Effective Date:* September 1, 2009

*Appropriation:* SB 1, IX-79, Section 17.49 appropriates \$22 million FY 2010-2011

*CB Rulemaking:* Yes

*CB Reporting Requirement:* Yes

*Lead CB Division:* Business and Support Services

## **HB 2440**

### **FIFTH-YEAR ACCOUNTING STUDENT SCHOLARSHIP PROGRAM**

*Author:* McCall

*Sponsor:* Williams

*Summary:* HB 2440 transfers the administration of the Fifth-Year Accounting Student Scholarship Program from the Coordinating Board to the Texas State Board of Public Accountancy (TSBPA). Excess funds are to be transferred to the scholarship trust fund of TSBPA on September 1, 2009. Funds for FY 2010 awards are to remain at the Coordinating Board as long as needed to make awards for the 2009-2010 academic year. Two members named by the Coordinating Board will be on the advisory committee. TSBPA is to adopt rules for the administration of the program by January 1, 2010.

*Code Reference:* Amends Occupations Code 901.155; Transfers TEC Subchapter N, Chapter 61, to Occupations Code Chapter 901, Subchapter N, 901.651-901.660

*Effective Date:* September 1, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* No

*Lead CB Division:* Business and Support Services

**HB 3452 TEXAS ARMED SERVICES SCHOLARSHIP PROGRAM**

*Author:* Gattis *Sponsor:* Ogden

*Summary:* HB 3452 authorizes the Texas Armed Services Scholarship Program for selected students enrolled in Reserve Officers' Training Corps (ROTC) programs at Texas public or private institutions.

Each State Representative and Senator may select one scholarship recipient and the governor and lieutenant governor may each select two scholarship recipients. Therefore, up to 185 students per year may be selected. The bill authorizes the selected students to receive up to \$15,000 per year, depending on the amount of funding available.

Recipients must sign agreements promising to remain enrolled in ROTC for four years and to graduate within five years. Recipients also must agree to enter into a four-year commitment to be a member of the Texas Army or Air Force National Guard or enter into a contract to become a commissioned officer in any branch of the Armed Services of the United States.

Recipients must sign a promissory note agreeing to repay any scholarship funds received if the satisfactory academic requirements or any other program requirement is not met. Thus, the scholarship is essentially a loan which has forgiveness provisions. If the loan is not forgiven, the Board must service and collect the loan.

*Code Reference:* Adds TEC 61.9771-61.9776  
*Effective Date:* September 1, 2009  
*Appropriation:* SB 1, IX-83, Sec. 17.68 appropriates \$2 million for 2010-2011

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**HB 3519 TEXAS CAREER OPPORTUNITY GRANT PROGRAM**

*Author:* Branch *Sponsor:* Hinojosa

*Summary:* HB 3519 requires the Coordinating Board and Texas Workforce Commission to enter into a memorandum of understanding (MOU) regarding the coordination and administration of the Texas Career Opportunity Grant Program. Functions assigned to the agencies will be pursuant to the MOU, beginning with grants awarded for the fall 2010.

*Code Reference:* Amends Labor Code 305.003  
*Effective Date:* May 27, 2009  
*Appropriation:* SB 1, IX-83, Section 17.69 appropriates \$1,350,000 for 2010-2011

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**HB 3951****REQUIRING PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO DESIGNATE STAFF TRAINED IN FINANCIAL AID PROGRAMS FOR MILITARY VETERANS AND DEPENDENTS***Author:* Turner, Chris*Sponsor:* Davis, Wendy

*Summary:* HB 3951 requires public institutions of higher education to assign staff to be trained in state and federal student financial aid programs available to military veterans and their families, especially specifically applicable programs, and to assist in understanding and obtaining the benefits available. The designated staff must be available for assistance during regular business hours at the financial aid or other office assigned. Institutions must comply by January 1, 2010.

*Code Reference:* Amends TEC 56.006*Effective Date:* June 19, 2009*Appropriation:* N/A*CB Rulemaking:* No*CB Reporting Requirement:* No*Lead CB Division:* Business and Support Services**HB 4476****TUITION EQUALIZATION GRANT PROGRAM***Author:* Cohen*Sponsor:* Zaffirini

*Summary:* HB 4476 modifies the Tuition Equalization Grant Program (TEG) student eligibility requirements to be more aligned with the requirements for a Towards EXcellence, Access and Success (TEXAS) Grant, beginning with grants awarded for the 2009-2010 academic year. The new legislation allows students to receive awards if enrolled three-quarters time (rather than full-time), and allows eligibility for an award in the second year of college to be based on the student's compliance with academic progress requirements of his/her institution (rather than a 2.5 GPA). Rules adopted will allow an otherwise eligible student to continue to receive a TEG if a failure to make satisfactory academic progress was due to a hardship or other good cause.

*Code Reference:* Amends TEC 61.2551(b)-(c) and (e)*Effective Date:* May 27, 2009*Appropriation:* N/A*CB Rulemaking:* Yes*CB Reporting Requirement:* No*Lead CB Division:* Business and Support Services**SB 194****PROHIBITION OF CERTAIN ACTIVITIES BY EMPLOYEES IN FINANCIAL AID OFFICES***Author:* Shapleigh*Sponsor:* Howard, Donna

*Summary:* SB 194 prohibits certain activities for employees of financial aid offices of a public institution of higher education (IHE) (Section 1) or a career school or college (Section 2). Employees are prohibited from:

- (1) Owning stock or other ownership interest in student loan lenders, other than shares in a publicly traded mutual fund or similar investment vehicle in which the person does not exercise any discretion regarding investment of the assets; or
- (2) Soliciting or accepting any gift from a student loan lender.

Employees of an IHE violating these provisions are subject to dismissal or other appropriate disciplinary actions. A career school or college may not knowingly hire an individual who violates these provisions, and must take prompt action upon determination that a violation has occurred, including appropriate disciplinary action based on the severity of the violation and whether the violation was inadvertent.

*Code Reference:* Adds TEC 51.9645 and 132.158  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 305**      **WORK-STUDY OPPORTUNITIES POSTED ON INSTITUTIONAL WEBSITES**

*Author:* Shapleigh                      *Sponsor:* Castro

*Summary:* SB 305 requires institutions of higher education to establish and maintain an online list of work-study employment opportunities, sorted by department, and available to students on campus. The list must be easily accessible to the public through a clearly identifiable link that appears in a prominent place on the financial aid page of the institution's website.

*Code Reference:* Adds TEC 56.080  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 1304**      **NOTICE TO STUDENTS REGARDING TUITION SET-ASIDE FOR FINANCIAL AID**

*Author:* Patrick. Dan                      *Sponsor:* Branch

*Summary:* SB 1304 requires institutions of higher education that must set aside a portion of a student's tuition for financial aid assistance to disclose to each student the amount of designated tuition (paid by the student) that is being set aside, beginning with tuition charged for spring 2010. Institutions are required to notify students in a prominently printed statement to be included the student's tuition bill, billing statement, or tuition receipt. If an institution does not provide students with a printed bill or receipt, the institution must include this information (prominently) in an e-mail notice or include it with any e-mail sent to the student in connection with the student's tuition charges. The Coordinating Board will prescribe minimum standards for the manner, form, and content of the required notice.

*Code Reference:* Amends TEC 56.014  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 1764**

**UNIFORM STANDARDS FOR PUBLICATION OF COST OF ATTENDANCE INFORMATION**

*Author:* Watson                      *Sponsor:* Cohen

*Summary:* SB 1764 requires the Coordinating Board to prescribe uniform standards to ensure that information regarding the cost of attending an institution of higher education (IHE) is available to prospective students and families in a manner that is consumer-friendly and understandable. The Board must examine common and recommended practices regarding the publication of this type of information, and solicit recommendations and comments from public and private IHEs.

The uniform standards must:

- (1) Address all of the elements that constitute the total cost of attendance, including tuition, fees, room and board, books and supplies, transportation, and other personal expenses; and
- (2) Prescribe model language to be used to describe each element of the cost of attendance. Each IHE that offers an undergraduate degree or certificate program must prominently display the cost of attendance on its website, and in electronic and printed materials, information conforming to the standards for full-time, first-time students, other prospective undergraduates and graduates, nonresidents, and students enrolled in professional programs.

The Coordinating Board is also required to:

- (1) Prescribe requirements for institutions to provide information on their websites on opportunities for student financial aid and the cost of attendance for a full-time, first-time entering student, including a link to the primary federal student financial aid website;
- (2) Provide on the Board's website a program or web tool that will compute the estimated net cost of attendance for a full-time entering first-year student, require institutions to provide the necessary information, and make the web tool available to private and independent institutions that participate in the Tuition Equalization Grant (TEG) Program. If these institutions use a different web tool, it must comply with the requirements for the net price calculator under the Federal Higher Education Act; and
- (3) Encourage these private or independent IHEs to display on their websites, and electronic and printed materials, information conforming to these standards and related requirements.

The Coordinating Board must prescribe the initial standards and requirements not later than January 1, 2010, and institutions must comply by April 1, 2010.

*Code Reference:* Adds TEC 61.0777  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Planning and Accountability; Business and Support Services

## Health-Related Programs

### **HB 3456**      **EDUCATION AND PREPARATION OF RESIDENT PHYSICIANS**

*Author:* Branch

*Sponsor:* Zaffirini

*Summary:* HB 3456 updates the Baylor College of Medicine Graduate Medical Education (GME) statutory language from the old (and no longer funded) Resident Physician Compensation Program. The new language is designed to allow the Coordinating Board to contract with Baylor for any GME funding program, whether it be for formula GME funding, or any other, and put in place for Baylor the same rules and conditions that apply to all other institutions.

*Code Reference:*      Amends TEC 61.097. Repeals 61.098-61.099

*Effective Date:*      September 1, 2009

*Appropriation:*      N/A

*CB Rulemaking:*      No

*CB Reporting Requirement:* No

*Lead CB Division:*      Planning & Accountability

### **HB 3961**      **REGULATION OF NURSING**

*Author:* McReynolds

*Sponsor:* Nelson

*Summary:* Existing statute requires the Texas Higher Education Coordinating Board (THECB) and the Statewide Health Coordinating Council to establish the Health Professions Resource Center for the collection and analysis of educational and employment trends for health professions in the state. Within the center, the nursing resource section is housed, which focuses specifically on the collection and analysis of employment and educational trends for nurses. The Statewide Health Coordinating Council is under the Texas Department of State Health Services (DSHS) umbrella. HB 3961 amends Chapter 105 of the Health and Safety Code by adding Section 105.008 which requires, the nursing resource section to design and conduct a study on alternate ways of assuring clinical competency of graduates from professional nursing pre-licensure programs (nursing programs). The study must identify expected student outcomes of clinical judgment and behaviors, clinical exit evaluation tools, and correlations between the success rate of graduates of these nursing programs on standardized exit evaluation tools and their educational background. The study must also determine whether or not graduates of a clinical competency assessment program(s) are substantially equivalent to graduates from nursing programs with supervised clinical learning experiences programs. The study must be completed no later than June 30, 2014.

For the study described above, the legislation requires the nursing resource section to contract with an independent researcher to develop the research design and conduct the research. The independent researcher must be selected by a seven-member advisory committee composed of one representative from the nursing resource center's nursing advisory committee, one representative from the Texas Health Care Policy Council, the presiding officer of the Texas Board of Nursing (TBON), one representative of the THECB designated by the governor, one representative designated by Texas Hospital

Association, one representative designated by the Texas Association of Business, and one representative designated by a clinical competency assessment program.

Additionally, the bill allows the nursing resource section to cooperate with the TBON and THECB in conducting the study. Data identifying specific individuals or health care facilities would be confidential unless unique identifiers are removed. The study could be supported by state appropriations, gifts, donations, and grants. The nursing research section shall apply for any grant funds available through the National Council of State Boards of Nursing.

HB 3961 amends the Occupations Code, Section 301.155(c) to increase the TBON's licensure surcharge for registered nurses from \$3 to "at least \$3 and not more than \$5" and the surcharge for vocational nurses from \$2 to "at least \$2 and not more than \$3." The surcharge would cover administrative costs by the TBON and the DSHS Nursing Resource Center.

The bill adds a new section to the Occupations Code, Section 301.157, to allow the TBON to recognize and accept as approved, a school of nursing operated in another state and approved by the Board of Nursing or other regulatory body of that state. The TBON would be required to develop policies to ensure that the other state's standards are substantially equivalent to the board's standards. The bill states the criteria for which a nursing program would be considered to meet standards substantially equivalent to the board's standards.

The bill also adds a new section to the Education Code, 63.202, to allow the grant funding from the THECB be awarded to the DSHS nursing resource section to fund the study required in this bill to evaluate the competencies of clinical judgment and behaviors that professional nursing students should possess at the time of graduation. The Sunset Commission is given the authority to evaluate whether certain sections of the Health and Safety Code should be extended and recommend changes relating to the eligibility for a license of graduates of a clinical competency assessment program operated in another state.

*Code Reference:* Amends Occupations Code various sections in Chapter 30; Adds 301.206-301.207; Repeals 301.202(b).  
Amends TEC 63.202(f).  
Adds Health and Safety Code 105.008.

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research

## **HB 4471**

### **OPERATION OF THE PROFESSIONAL NURSING SHORTAGE REDUCTION PROGRAM**

*Author:* Kolkhorst

*Sponsor:* Nelson

*Summary:* The Professional Nursing Shortage Reduction Program was created to increase the number of graduates from professional nursing programs, master's, and graduate programs. Eligible public and private nursing programs can earn additional funding if the program demonstrates an increase in total nursing graduates. The funding must be used to create additional nursing faculty positions, provide temporary salary

supplements for professional nursing faculty, and/or engage qualified preceptors to expand faculty capacity.

The bill amends the definition of "professional nursing program" in Education Code, Section 61.9621 to mean an education program of a public or private institution of higher education. However, diploma programs established prior to September 1, 2009, are still eligible to participate in the grant program if the nursing program continues to meet all other criteria for participation other than being an institution of higher education.

HB 4471 also requires the Board to establish a process by which a professional nursing program may apply for a grant based on set criteria established by Board rule. Criteria must include the institution's agreement to increase enrollments and/or graduates from its professional nursing program. The Commissioner of Higher Education may accept a joint application from multiple institutions that agree to cooperate on a regional or joint basis. An application submitted to the grant program must include the number of additional students to be enrolled or graduate, benchmarks for meeting those numbers, the amount of funds requested, and a proposed payment schedule. The Commissioner may negotiate changes to the application before approving it. If an institution fails to enroll or graduate the number of additional students stated in the approved application, the Commissioner may require the institution to return unearned grant monies, withhold grant awards, re-negotiate the terms of the application, or rescind approval of the application.

The Coordinating Board may appoint an advisory committee to implement the grant program, evaluate applications, and recommend applications for approval. The Board shall have rules for newly established programs to participate in the grant program.

*Code Reference:* Amends TEC 61.9621, 61.9623(a); Adds 61.96232, 61.96233, and 61.9629

*Effective Date:* June 19, 2009

*Appropriation:* SB 1 III-55, D.1.12 strategy appropriates \$49.7 million for the 2010-2011 biennium.

*CB Rulemaking:* Yes

*CB Reporting Requirement:* Yes (under appropriation rider)

*Lead CB Division:* Planning and Accountability

## **SB 291**

### **HEPATITIS B VACCINATION FOR STUDENTS ENROLLED IN HEALTH-RELATED COURSES OF STUDY**

*Author:* Nelson

*Sponsor:* McReynolds

*Summary:* SB 291 allows students enrolled in a course of study that involves potential exposure to human or animal blood or bodily fluids to receive the Hepatitis B vaccine before the student begins a course of study. Current rules from the Department of State Health Services require that students enrolled in health professional degree programs complete a three-dose series of the Hepatitis B vaccine prior to providing direct care in medical and dental facilities.

*Code Reference:* Adds TEC, Section 51.933(b-1)

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Academic Affairs and Research

**SB 1225**      **FACULTY TEMPORARY LICENSES TO PRACTICE MEDICINE**

*Author:* Huffman                      *Sponsor:* Eissler

*Summary:* SB 1225 clarifies the licensure process for applicants who are hired as faculty by health-related institutions, hospitals, and residency programs. Further, this bill removes the requirement that an applicant for licensure under the faculty temporary license be appointed by a medical school in this state. Additional revisions allow faculty physicians at residency programs accredited by the Accreditation Council on Graduate Medical Education or nonprofit health corporations to be eligible for a temporary medical license. Licensure is extended to residency programs and nonprofit hospitals.

*Code Reference:* Amends Occupations Code 155.104(b), (e), and (g)-(h)  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* N/A

**SB 1326**      **STATEWIDE HEALTH COORDINATING COUNCIL**

*Author:* Nelson                      *Sponsor:* King, Susan

*Summary:* SB 1326 streamlines the purpose of the Statewide Health Coordinating Council by removing the requirement to meet applicable federal law. The proposed legislation cleans up the existing statute by amending outdated names to comply with current names, for example, replacing Mental Health and Retardation with Department of Aging and Disability Services. Another substantive change is that hospitals are required to report data or be subject to civil penalties if they do not comply.

*Code Reference:* Amends Health and Safety Code, 104.001(a), 104.002, 104.011(a), 104.015, 104.022(b)-(c), 104.042(a)-(b), 104.042(f), 104.043(a) and (c), 105.005, and 311.033(d). Repeals Sections 104.003 and 104.041.  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* N/A

**SB 1526**      **COMPOSITION, ADMINISTRATION, AND DUTIES OF THE BORDER HEALTH INSTITUTE**

*Author:* Shapleigh                      *Sponsor:* Pickett

*Summary:* SB 1526 changes the functions and membership of the Border Health Institute. Each member of the institute is required to submit a long-term strategic plan

that must include a statement of the member's goals and objectives for providing healthcare services and education to the citizens of the border region, and any research related to issues affecting public health in the border region.

The Medical Center of the Americas Foundation and the Department of State Health Services are added as members of the Border Health Institute and The University of Texas Health Science Center at Houston, School of Public Health, the El Paso County Medical Society, the Paso del Norte Health Foundation, and the Texas Department of Health are removed from the list of members. Further, the bill removes language that specifies the activities in which the institute is required to facilitate and assist. A provision is repealed that requires the governing board to meet at least once a year to review the progress of the institute and determine the institute's actions and plans for the future.

*Code Reference:* Amends TEC 151.002(b), 151.003(a), and 151.008  
*Effective Date:* June 16, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Planning and Accountability

## **SB 1728**

### **ADMINISTRATION AND ELIGIBILITY OF THE JOINT ADMISSIONS MEDICAL PROGRAM**

*Author:* West

*Sponsor:* Chavez/Branch

*Summary:* SB 1728 amends the Education Code, Section 51.826(a) relating to the Joint Admissions Medical Program to remove an eligibility requirement that requires undergraduate participants to enroll at an institution of higher education not later than the first fall semester following the student's graduation from high school. This provision applies to applicants beginning in fall 2009. Further, the bill adds the Texas Tech University Health Science Center, Paul Foster School of Medicine, to the list of institutions eligible for the program.

*Code Reference:* Amends TEC 51.826(a) and 51.821.  
Repeals TEC 51.823 and 51.8265.  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* N/A

## Institutional/Governance Changes

### **HB 602**      **DESIGNATE MIDWESTERN STATE UNIVERSITY AS A PUBLIC LIBERAL ARTS UNIVERSITY**

*Author:* Farabee                      *Sponsor:* Estes

*Summary:* Designates Midwestern University as a public liberal arts university. The institution was previously designated as a state college.

*Code Reference:*      Amends TEC 103.07  
*Effective Date:*      May 12, 2009  
*Appropriation:*      N/A

*CB Rulemaking:*                      No  
*CB Reporting Requirement:*      No  
*Lead CB Division:*                  N/A

### **HB 1056**      **AUTHORITY FOR DOWNWARD EXPANSION OF THE UNIVERSITY OF HOUSTON-VICTORIA**

*Author:* Morrison                      *Sponsor:* Hegar

*Summary:* Previous law limited course levels offered at the University of Houston-Victoria to junior, senior, and graduate only. The bill removes those limits so that the institution is authorized to expand downward and offer lower-division courses as well.

*Code Reference:*      Amends TEC 111.96  
*Effective Date:*      June 19, 2009  
*Appropriation:*      N/A

*CB Rulemaking:*                      No  
*CB Reporting Requirement:*      No  
*Lead CB Division:*                  Academic Affairs and Research

### **SB 98**      **ESTABLISHMENT OF A HEALTH SCIENCE CENTER AND MEDICAL SCHOOL IN SOUTH TEXAS**

*Author:* Lucio II                      *Sponsor:* Lucio III

*Summary:* The bill establishes The University of Texas Health Science Center-South Texas, which includes The University of Texas Medical School-South Texas. The University of Texas System is directed to convert the current Lower Rio Grande Valley Regional Academic Health Center to The University of Texas Health Science Center-South Texas as a component institution of the system.

- The main campus and administrative offices are to be in Cameron County and the Board of Regents may include facilities in Bee, Brooks, Cameron, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Starr, Willacy, and Zapata Counties.
- The institution would be eligible to participate in the Available University Fund and the Permanent Health Fund for Higher Education.



San Antonio from operating as a general academic teaching institution until enrollment reaches 1,000 FTSE at the TAMU-Kingsville System Center, contingent on the issuance of the TRBs, or 2,500 FTSE in the absence of such bonding authority.

SB 629 amended the statute, allowing TAMU-San Antonio, TAMU-Central Texas, and UNT-Dallas to operate as general academic teaching institutions when enrollment reaches 1,000 FTSE. SB 629 also removes the January 1, 2010, deadline for the 1,500 FTSE requirement to issue TRBs for all three institutions, thereby allowing bonds to be issued immediately when that threshold is met. In summary, the end effect of the legislation is to set the same FTSE requirements (1,000) for the three institutions to operate as stand-alone universities and to issue TRBs.

*Code Reference:* Amends TEC 87.841 and 105.501; Repeals 55.1771(d)-(e) and 55.1775(d)

*Effective Date:* May 23, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Planning & Accountability

## **SB 956**

### **ESTABLISHMENT OF A LAW SCHOOL IN THE CITY OF DALLAS BY THE UNIVERSITY OF NORTH TEXAS SYSTEM**

*Author:* West

*Sponsor:* Branch

*Summary:* The bill authorizes the Board of Regents of the University of North Texas System to establish and operate a school of law in the city of Dallas as a professional school of the System.

- The law school would be entitled to formula funding as though the law school were part of a general academic teaching institution.
- The law school will become a professional school of the University of North Texas at Dallas (UNT-Dallas) five years after UNT-Dallas has been administered as a general academic teaching institution.
- The Texas Higher Education Coordinating Board is to prepare a feasibility study on actions to be taken by the System in order to get the law school accredited. The report is due to the Legislature by June 1, 2010.
- The bill authorizes tuition revenue bonds (TRBs) not to exceed \$30 million to construct law school buildings. TRBs may not be issued until the law school has provisional accreditation. If the law school does not receive provisional accreditation by January 1, 2012, the authority to issue bonds expires.
- The Coordinating Board is to conduct a study on the need for and feasibility of establishing a public law school in areas of Texas where there are none, including the Texas-Mexico border region. A report on the study is due to the governor and the Legislature by November 1, 2010.

*Code Reference:* Amends TEC 105.001, 105.151, and 61.0665.  
Adds 105.502

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* Yes

*Lead CB Division:* Academic Affairs and Research

## P-16 Initiatives

### **HB 1935 ESTABLISHMENT OF THE JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM AND THE GREEN JOBS SKILLS DEVELOPMENT FUND TRAINING PROGRAM**

*Author:* Villarreal

*Sponsor:* Duncan

*Summary:* HB 1935 adds two distinct subchapters to Government Code 403:

Subchapter O requires the Comptroller of Public Accounts (CPA) to establish and administer the Jobs and Education for Texans (JET) fund to provide grants to public junior colleges, public technical institutes, and eligible nonprofit organizations that support programs related to adult and postsecondary education and workforce development in high-demand occupations and green jobs. Amounts deposited in this general revenue-dedicated fund will consist of general revenue appropriations, interest, gifts, grants, and other donations.

- An advisory board will assist the CPA in administering this program, composed of seven members, serving two-year terms (reappointments permitted). The governor, lieutenant governor, speaker, Texas Higher Education Coordinating Board, and the Texas Workforce Commission will appoint one member each, and the CPA will serve as the presiding officer. The advisory board will meet at least quarterly to review applications and recommend awarding grants.
- Grants will be awarded to nonprofit organizations that develop, support, or expand programs that meet requirements and that prepare low-income students for careers in high-demand fields. Awards will be balanced geographically with priority given to programs that assist veterans or demonstrate employment of students at full-time starting wages exceeding the prevailing wage for the occupation entered. Grants will not be given to organizations that provide a comprehensive educational program substituting for a similar program provided by a school district or open-enrollment charter school. Eligibility requirements include:
  - 1) Providing programs that assist low-income students to prepare, apply, and enroll in an eligible institution;
  - 2) Governing by a board that includes recognized leaders of broad based community organizations and the local business community;
  - 3) Demonstrating above average success in completion of developmental education and persistence rates among participating institutions, and certificate or degree completions rates by participating students in a three-year period when compared to students of demographically comparable public junior colleges and public technical institutes; and
  - 4) Providing matching funds from any source, including in-kind or individual contributions, grants, and local government funds.
- Grants awarded to an eligible institution for the development of new career and technical education courses and programs may only be used to:
  - 1) Support programs that prepare students for career opportunities identified by local businesses in high-demand fields;
  - 2) Finance initial course or program development cost, including facilities, equipment, and other costs; and

- 3) Finance a course or program that leads to a license, certificate, or postsecondary degree. Awards must consider the potential economic returns to the state, and whether the course or program is in a new, emerging industry or high-demand occupations, offers opportunities in public high schools for new or expanded dual career and technical credit, and is provided in cooperation with other public junior colleges or public technical institutes across existing service areas.

A public junior college or public technical institute must provide matching funds from any source, including in-kind or individual contributions, grants, and local government funds. The CPA may award scholarships to students with financial need who are enrolled in a training program for a high-demand occupation.

- The CPA must conduct a study on the feasibility of basing a portion of all public postsecondary technical program funding on the economic benefits to the state, and must estimate additional tax revenues generated by employers from the ability of public junior, technical, and state colleges to prepare students for employment in fields with employer demand. The study must begin by January 1, 2010, and recommendations based on the study must be submitted to the lieutenant governor and the speaker by January 1, 2011, for possible legislative action.

Subchapter P provides for the establishment of the Green Job Skills Development Fund Training Program to promote green industry employment and career opportunities through training programs that enhance green job skills that result in high-wage jobs. The CPA shall establish and administer a program that awards grants in cooperation with the Texas Workforce Commission and the State Energy Conservation Office for the implementation, expansion, and operation of green jobs skills training programs. The development fund for making the grants will be composed of appropriations, gifts, grants, and matching funds from federal or local government, private corporations, or other persons. Green job definitions, grant program requirements, and application procedures are detailed in the legislation. The CPA must submit a report by October 1 of each even-numbered year to the governor, lieutenant governor, and speaker that summarizes the results of the program.

*Code Reference:* Adds Government Code 403 Subchapters O and P  
*Effective Date:* June 19, 2009  
*Appropriation:* SB 1, IX-78, Section 17.47 appropriates \$25 million in 2010 with unexpended balance carried over to 2011

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Commissioner's Office

## **HB 3646 PUBLIC SCHOOL FINANCE AND PROGRAMS**

*Author:* Hochberg                      *Sponsor:* Shapiro

*Summary:* HB 3646 amends provisions in the Texas Education Code relating to public school finance. Specifically, the bill makes substantial changes to the formulas and provisions of the Foundation School Program. The provisions outlined in the following summary are specific to higher education and the Texas Higher Education Coordinating Board.

HB 3646 entitles a subsidy to a student who successfully completes the career and technology program offered by a school district in occupations that qualify for the most current or emerging high-demand, high-wage, high-skill occupations. The Commissioner of Education shall collaborate with the Commissioner of Higher Education and the Texas Workforce Commission to determine as necessary the occupations that qualify for the most current or emerging high-demand, high-wage, high-skill occupations. The Texas Education Agency (TEA) is responsible for selecting up to 100 school districts to participate in the program. Not later than January 1, 2011, TEA must provide the Legislature a report on the implementation and effectiveness of the program.

In addition, HB 3646 amends Section 42.006 of the Education Code referring to the average daily attendance at public schools. The revision states that a district may include a student attending a dual credit course taught by a college or university in its average daily attendance. This section reverts to the previous language effective September 1, 2011. Further, the bill requires the Commissioner of Education and the Commissioner of Higher Education to conduct a study of dual credit programs and courses, focusing on the costs to the state, school district, community college, and student, and to make recommendations to the 82nd Legislature on the following:

- How to provide all students with the opportunity to earn 12 semester credit hours of college credit before graduating from high school
- How to ensure efficient use of state resources regarding dual credit programs and courses
- How to promote the ability of students to access quality dual credit courses

Further, this bill creates a Select Committee on Public School Finance, Weights, Allotments, and Adjustments to conduct a comprehensive review of weights allotments, and adjustments under the public school finance system. Additional duties of the Committee include reviewing and identifying specific short term goals that will assist the state in meeting the objectives and goals of public education. Recommendations shall include methods to close the achievement gap and define college and workforce readiness measures, revisions to the public accountability system, and methods for promoting efficient support structures for public schools. The Commissioner of Higher Education serves as an ex-officio member of the Committee for these purposes.

HB 3646 allows the State Board of Education to reserve a percentage of the cost value of the permanent school fund (PSF) from use in guaranteeing school district bonds, and it allows a district and a local institution of higher education to contract with the district to contribute toward the costs of an athletic facility, stadium, or instructional facility owned or controlled by the college or university if the contract authorizes the district's use of the facility.

*Code Reference:* Amends TEC, 29.190 (a)(c) and adds (e), 42.005(g); Adds TEC Chapter 42, Subchapter I, and 45.109(a-1) and (a-2).

*Effective Date:* This Act takes effect September 1, 2009, except Section 48 takes effect September 1, 2011, and Section 87 takes effect immediately

*Appropriation:* SB 1, Rider 85, III-26 and XII-4, items 7 & 9, Texas Education Agency

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* P-16/ Academic Affairs and Research

**SB 90**

**TEXAS PARTICIPATION IN THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

*Author:* Van de Putte                      *Sponsor:* Geren

*Summary:* SB 90 enters Texas into the Interstate Compact on Educational Opportunity for Military Children, a compact between member states with provisions that apply to public schools to address inequities in educational opportunities and success for children of military service members.

A provision in the bill establishes procedures for coursework exit exams. The Commissioner of Education is authorized to adopt rules to implement duties and authority regarding the adoption of a test passing standard in a course or test score required for graduation. The Commissioner must consider any comments submitted by the Coordinating Board before adopting or revising a passing standard, and the Coordinating Board is required to monitor the postsecondary performance of students that graduate in accordance with that passing standard.

*Code Reference:*            Adds TEC Chapter 162  
*Effective Date:*            May 5, 2009  
*Appropriation:*            N/A

*CB Rulemaking:*            No  
*CB Reporting Requirement:* No  
*Lead CB Division:*        P-16

**SB 2258**

**INTENSIVE SUMMER PROGRAMS FOR PUBLIC SCHOOL STUDENTS AND COLLEGE READINESS PROGRAMS AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION**

*Author:* Zaffirini                              *Sponsor:* Hochberg

*Summary:* The bill moves development of pilot intensive summer programs (ISP) for students at risk of dropping out of college to the statutory authority of the Texas Higher Education Coordinating Board (these provisions were previously in statutes administered by the Texas Education Agency). In order for institutions to be eligible for grants related to the pilot ISP, the statute requires that participating students meet certain eligibility requirements but also allows the Coordinating Board certain flexibility in setting eligibility requirements.

The bill further requires the Coordinating Board to allocate \$8.75 million each year from funds appropriated for distribution for: math, science, and technology teacher preparation academies required by statute; to provide funds to Texas Education Agency for ISP administered by that agency; and to provide funds for ISP administered by the Coordinating Board.

*Code Reference:*            Amends TEC 29.098, 61.0762, 39.363,  
*Effective Date:*            June 19, 2009  
*Appropriation:*            SB1, III-44, A.1.3 strategy appropriates \$20,624,631 for FY 2010 and \$16,143,996 for FY 2011 with \$8.75 million directed each fiscal year for the teacher preparation academies and ISP, including the ISP under Texas Education Agency’s authority.

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* No  
*Lead CB Division:* P-16 Initiatives

**SB 2262**

**ADMINISTRATION OF MATHEMATICS, SCIENCE, AND TECHNOLOGY TEACHER PREPARATION ACADEMIES AT INSTITUTIONS OF HIGHER EDUCATION**

*Author:* Zaffirini

*Sponsor:* Branch

*Summary:* This bill transfers the administration of the mathematics, science, and technology teacher preparation academies at institutions of higher education from the Texas Education Agency to the Texas Higher Education Coordinating Board. It also reduces the number of years of teaching experience needed to participate in the academies from five to two years.

*Code Reference:* TEC, Section 21.462 is transferred to Subchapter C, Chapter 61, and designated as Sec. 61.0766; Amends TEC Section 39.363

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* No  
*Lead CB Division:* P-16

## Research

### **HB 51**

#### **FUNDING AND INCENTIVES TO EMERGING PUBLIC RESEARCH UNIVERSITIES, THE CONVERSION OF THE HIGHER EDUCATION FUND TO THE NATIONAL RESEARCH UNIVERSITY FUND, INCENTIVES FOR INSTITUTES OF EXCELLENCE, AND THE AUTHORIZATION OF REVENUE BONDS FOR CERTAIN INSTITUTES OF HIGHER EDUCATION.**

*Author:* Branch

*Sponsor:* Zaffirini

*Summary:* HB 51 was a major piece of legislation primarily intended to raise the excellence of public universities and set the structures in place to develop, fund, and maintain major research universities in Texas. Due to its significance and long-term implications, a section by section summary is provided below. Highlights of the bill include:

- Requires long-term strategic plan for each research and emerging research university;
- Authorizes tuition revenue bonds for renovations related to Hurricane Ike at Texas A&M University at Galveston (\$5 million) and The University of Texas Medical Branch at Galveston (\$150 million);
- Establishes funding criteria as well as incentive grants for excellence programs at universities; requires Coordinating Board to make funding recommendations for this purpose;
- Allocates the annual \$262.5 million from the Higher Education Fund (HEF) to authorized institutions for FY 2011-2015 (funded through general revenue);
- Codifies provision of performance incentive funding to universities based on at-risk student enrollments and graduation rates of students in high-need fields;
- Changes the constitutionally dedicated HEF to the National Research University Fund (NRUF) with approval from voters; specifies criteria for institutions to be eligible for proceeds from the fund to support research;
- In addition to NRUF, creates two other funds to support the development of national research universities:
  - Research University Development Fund (RUDF) based on research expenditures at eligible institutions;
  - Texas Research Incentive Program (TRIP) to match certain gifts and endowments at eligible institutions;
- Creates a select interim committee to be coordinated by the Coordinating Board to study the feasibility of collecting data and maintains a searchable electronic database regarding technology research projects conducted at public universities;
- Directs the Coordinating Board to study and make recommendations regarding the appropriate definitions and categories of research expenditures for eligibility for the RUDF.

### **HB 51 Section-by-Section Analysis**

#### **Section 1**

**Long-term strategic plan:** Requires a long-term strategic plan for each institution designated as a research university or emerging research university under the Coordinating Board accountability system to submit a detailed, long-term strategic plan to the Coordinating Board. The plan must document how the institution intends to

achieve recognition as a research university or enhance the university's reputation as a research university.

## **Section 2**

**Tuition revenue bonds (TRB):** Authorizes the issuance TRBs to assist with recovery of damages or other impact caused by Hurricane Ike. The Texas A&M University System is authorized to issue an amount not to exceed \$5 million for damages at Texas A&M Galveston, and the University of Texas System is given authority for \$150 million for the University of Texas Medical Branch at Galveston (UTMB-Galveston). Authority includes acquisition, construction, improvement, equipping, etc. of property, buildings, roads, etc. The governing boards of both institutions are given authority to transfer funds among institutions for debt service, subject to the Legislative Budget Board's (LBB) prior approval. In determining approval for the UTMB-Galveston bonds, the Legislative Budget Board must also consider the impact of reimbursement agreements with the Galveston County Commissioner's Court, or the impact of ad valorem taxes imposed by a hospital district.

## **Section 3**

**Coordinating Board approval of TRB property financing:** Provides that the Coordinating Board does not have to approve real property financed by bonds under two TRBs authorized in Section 2 above except to determine if property meets standards adopted by board for cost, efficiency, and space use.

## **Section 4**

**Coordinating Board approval of TRB construction financing:** Provides that the Coordinating Board does not have to approve construction, repair, or rehabilitation financed by bonds under two TRBs authorized above except to determine if they meet the standards adopted by the Board for cost, efficiency, and space use.

## **Section 5**

**Funding for excellence programs:** Requires the Coordinating Board to biennially determine the amount the Board considers appropriate for funding excellence in specific programs and fields and for incentive grants as outlined in Section 6 below.

## **Section 6**

**Funding criteria for excellence programs grants:** This section addresses university funding for excellence in specific programs and fields.

- (a) Directs the Coordinating Board to encourage General Academic Teaching Institutions (GATI) that are not research or emerging research universities to develop and maintain programs or fields-of-study of the highest national rank or recognition;
- (b) Authorizes the Coordinating Board to award incentive grants for purposes of (a) above;
- (c) Provides that an institution may designate only one degree program at a time for consideration;
- (d) Requires the Coordinating Board to establish benchmarks for each program under consideration and determine the amount of funding appropriate for each benchmark;
- (e) Requires at least three benchmarks for each program;
- (f) Requires institutions to reimburse the Coordinating Board for administrative costs; and

- (g) Authorizes the Coordinating Board to provide other funds in addition to incentive grants, to assist the institutions in achieving national ranking or recognition for specific programs.

No appropriations may be made by the Legislature before the Coordinating Board certifies that one or more institutions have reached at least one of the benchmarks established for a specific program.

### **Section 7**

**Accountability system review:** Requires the Coordinating Board to conduct a review of the groupings in the accountability system at least once every 10 years.

### **Section 8**

**Section renaming:** Renames Chapter 62 of the Education Code to "Constitutional and Statutory Funds To Support Institutions of Higher Education" (Previous title was "Constitutional and Statutory Division of Constitutionally Appropriated Funds Among Certain Institutions of Higher Education").

### **Section 9**

**Eligible institution for Research Development Fund (RDF):** Defines what an eligible institution is considered for the RDF (currently in statute) to provide funding to promote increased research capacity at eligible general academic teaching institutions.

### **Section 10**

**Higher Education Funds (HEF):** Allocates the annual \$262.5 million HEF proceeds to authorized institutions for FY 2011 - 2015. Also authorizes the University of North Texas at Dallas to participate in the funding as soon as it operates as a general academic teaching university.

### **Section 11**

**Cleanup:** Removes dated language regarding funds prior to August 31, 2008.

### **Section 12**

**Funding streams:** Establishes three funding streams for different purposes.

- **Research University Development Fund (RUDF)**  
(Added as Subchapter C to Chapter 62 of the Education Code)  
The purpose of the fund is for recruitment and retention of faculty and to enhance research productivity at research and emerging research universities. The Coordinating Board will distribute any funds appropriated by the Legislature among the eligible institutions in proportion to the total amount of restricted research funds expended by each institution in the two most recent fiscal years.
- **Performance Incentive Funding**  
(Added as new Subchapter D to Chapter 62 of the Education Code)  
The Coordinating Board will distribute this funding to eligible institutions as follows:
  - 50 percent in proportion to the increase in the average number of degrees awarded in the two most recent fiscal years compared to the average number in the two preceding fiscal years based on certain weights (points).

- 50 percent in proportion to the average number of degrees awarded by each institution in the three most recent fiscal years based on certain weights (points).

A table of number of points assigned for each degree awarded is provided within the legislation. The points are based on such factors as at-risk students and critical fields.

- **Texas Research Incentive Program (TRIP)**

(Added as new Subchapter F to Chapter 62 of the Education Code)

Under this fund, the state would match a certain percentage of the total amount of gifts received by an emerging research university if certain conditions are met. The Coordinating Board will develop and administer this fund. (Note: SB 1, General Appropriations Act, 81st Texas Legislature, allocates \$25 million each year of the 2010-2011 biennium for TRIP).

### **Section 13**

**National Research University Fund (NRUF)** (Added as new Subchapter G to Chapter 62 of the Education Code): Provides funding to emerging research universities that meet critical benchmarks for achieving national research university criteria such as certain levels of endowments, certain numbers of Ph.D. degrees awarded, etc.

### **Section 14**

**Funding for Research Development Fund (RDF):** The RDF already exists in statute. This provision removes the requirement for the comptroller to deposit \$50 million into the fund at the beginning of each fiscal year.

### **Section 15**

**Lamar Institute of Technology:** Establishes the institute as a lower-division institution of higher education.

### **Section 16**

**Higher Education Fund repeal:** Repeals sections 62.025 and 62.026 of the Education Code dealing with the HEF. *Note: If approved by voters, this constitutional fund will be "re-purposed" as the NRUF. See Section 21 below as well as provisions of HJR 14, 81st Texas Legislature.*

### **Section 17**

**Use of funds for Lamar Institute of Technology:** Repeals section authorizing expenditure of Lamar University funds for the Lamar Institute of Technology.

### **Section 18**

**Interim study on technology research data collection:**

- Creates a select interim committee to study the feasibility of collecting data and maintaining a searchable electronic database regarding specialized technology research projects conducted at public universities or similar facilities. Outlines a number of issues which must be considered in the study including appropriate entities to administer the data collection, the extent of legislative oversight needed, and information to be included in the data collection;
- The interim committee will be composed of one representative from each of the research or emerging research universities (nine members) and an unspecified number of members appointed by the Coordinating Board as the Board deems appropriate; and

- The interim committee will report its findings and recommendations to the governor, lieutenant governor, and speaker of the house no later than December 1, 2010.

### **Section 19**

#### **Study and recommendations on Research University Development Fund (RUDF):**

- Directs the Coordinating Board, in consultation with the institutions eligible for RUDF funding, to study and make recommendations regarding the appropriate definitions and categories of research expenditures to be included and applied in determining eligibility for and distributions from the RUDF.
- The Coordinating Board is to report its findings and recommendations to the governor, lieutenant governor, speaker of the house, and the chairs of various legislative committees by December 1, 2010.
- The written response of a participating institution to the Board's recommendations shall be included with the report upon the request of the institution.

### **Section 20**

**Rulemaking:** Grants rulemaking authority for the Coordinating Board. Rules are to be developed "as soon as practicable."

### **Section 21**

**Enabling provisions/effective dates:** Provides that funding for the RUDF (see Section 12 above) may not be appropriated or distributed prior to September 1, 2011.

Provides that funding for the NRUF (see Section 13 above) may not be appropriated or distributed prior to September 1, 2011. Further provides that funding for the NRUF is contingent on the approval of the voters of the constitutional amendment proposed by the 81st Texas Legislature (see summary of HJR 14 in this report).

*Code Reference:* Adds TEC 51.358, 55.1717, 55.17721, 61.059(o), 61.0596, 61.0904, 62.021(a-1)-(a-2), 62.021(e)-(f). 62.051 - 62.124, and 62.141-62.149

Amends TEC 61.0572(e), 61.058(b), 62.003(1), 62.021(a), 62.024, 62.094, and 96.703(a)

Repeals TEC 62.025 - 62.026 and 96.703(c)

*Effective Date:* Section 10 related to HEF allocations is effective June 1, 2009. Other sections are effective September 1, 2009.

*Appropriation:* Please see the table on following page

*CB Rulemaking:* Yes

*CB Reporting Requirement:* Yes

*Select Interim Committee:* Yes

*Lead CB Division:* Planning and Accountability; Academic Planning and Research

**TEXAS HIGHER EDUCATION COORDINATING BOARD  
HB 51 Funding for FY 2010 - 2011**

<b>HB 51 Provision</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>Notes</b>
<b>THECB Administration/Studies</b> (HB 51 Sections 1, 5, 7, 12, 13 and 18)	\$0	\$0	No appropriation/funding. CB estimates cost of administering funds and studies required by HB 51 at \$281,608 in FY 2010 and \$247,810 in FY 2011 for staffing, computer, and travel expense.
<b>TRB TX A&amp;M-Galveston</b> (HB 51 Sections 2, 3, and 4)	\$0	\$0	No appropriation/funding. CB estimates debt service on \$5 million TRB at \$435,923 per year.
<b>TRB UT Medical Branch</b> (HB 51 Sections 2, 3 and 4)	\$0	\$0	No appropriation/funding. CB estimates debt service on \$150 million TRB at \$14.6 million/year
<b>Excellence in specific programs and fields; incentive grants</b> (HB 51 Sections 5 and 6)	\$0	\$0	No appropriation/funding. Cost for awards estimated at \$500,000 in FY 2011.
<b>Performance incentive funding</b> (HB 51 Section 12)	\$40,000,000	\$40,000,000	Appropriation (SB 1, III-58, Sec. 46) using federal stimulus funds. CB to distribute funds to universities based on at-risk student enrollments and graduation rates of students in high-need fields.
<b>Higher Education Fund (HEF) allocations</b> (HB 51 Section 10)	\$262,500,000	\$262,500,000	General revenue appropriation (SB 1, III-61). HEF is an existing constitutional fund, the interest of which was supposed to fund certain allocations to eligible institutions. The corpus has never provided sufficient income so Legislature provides general revenue instead. HB 51, Sec.21 converts the constitutional HEF to the NRUDF if approved by voters (see NRUDF below).
<b>National research university development: Research University Development Fund (RUDF)</b> (HB 51 Section 12 and 21)	\$0	\$0	No appropriation/funding. HB 51, Sec. 21 provides that no appropriation or distribution can be made until FY 2012. When available, distribution of funds will be based on research expenditures at eligible institutions currently estimated by CB at \$117 million per year.
<b>National research university development: Texas Research Incentive Program (TRIP)</b> (HB 51 Section 12)	\$25,000,000	\$25,000,000	General revenue appropriation (SB 1, IX-75, Sec. 17.28). CB to distribute funds as percentage match of certain gifts and endowments at eligible institutions currently estimated by CB at \$47 million per year.
<b>National research university development: National Research University Fund (NRUF)</b> (HB 51 Sections 13 and 21; See also HJR 14, Sec. 2)	\$0	\$0	Existing constitutional fund (HEF) to be converted to NRUF with approval of voters in Nov. 3, 2009, referendum authorized in HJR 14, Sec. 2. Fund corpus now about \$425 million generating about \$70 million in income each year. HB 51, Sec. 21 provides no appropriation or distribution can be made until FY 2012. When available, distribution of funds will be for research support at eligible institutions based on criteria specified in bill.
<b>Total Funding</b>	<b>\$327,500,000</b>	<b>\$327,500,000</b>	

**HB 58**

**ELIGIBILITY OF PRIVATE OR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION TO PARTICIPATE IN THE ADVANCED RESEARCH PROGRAM ADMINISTERED BY THE TEXAS HIGHER EDUCATION COORDINATING BOARD**

*Author:* Branch

*Sponsor:* Averitt

*Summary:* HB 58 amends the Education Code, Sec. 142.001(3), by expanding the existing Norman Hackerman Advanced Research Program (NHARP) to include a private or independent institution of higher education in the definition of an "eligible institution" for the purpose of participation in the advanced research program administered by the Texas Higher Education Coordinating Board.

*Code Reference:* Amends TEC 142.001(3)

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research

**HB 1358**

**CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS**

*Author:* Keffer

*Sponsor:* Nelson

*Summary:* HB 1358 adds additional committees and amends the process for awarding grants from the Cancer Prevention and Research Institute of Texas. Specifically, the legislation creates the Cancer Prevention and Research Institute of Texas University Advisory Committee composed of nine members to include the following: 1) two members appointed by the governor to represent private or independent institutions of higher education in the state that have demonstrated success and leadership in cancer research; 2) two members appointed by The University of Texas (UT) System Chancellor to represent UT Southwestern Medical Center at Dallas; UT Medical Branch at Galveston; UT Health Science Centers at Houston, San Antonio, or Tyler; or M. D. Anderson Cancer Center; 3) one member appointed by the chancellor of the Texas A&M University System (A&M) to represent the A&M Health Science Center or the teaching hospital for the A&M Health Science Center College of Medicine; 4) one member appointed by the chancellor of the Texas Tech University System to represent the Texas Tech University Health Sciences Center; 5) one member appointed by the chancellor of the University of Houston System Center to represent the system; 6) one member appointed by the Texas State University System to represent the system; 7) one member appointed by the chancellor of the University of North Texas System to represent the system. The university advisory committee shall advise the oversight and research and prevention programs committees on the role of institutions of higher education in cancer research.

The oversight committee shall create ad-hoc committees of experts to advise the committee on issues relating to cancer and to determine the period of time to be served by these ad-hoc committees. The bill clarifies that only 5 percent of money received for cancer research would be used for indirect costs and would define indirect costs as "the expenses of doing business that are not readily identified with a particular grant, contract, project, function, or activity but are necessary for the general operation of the organization" and its activities. The section would add facility purchase, remodeling, and

renovation to construction for those activities limited to five percent of the funds. Expenditures for facilities would be required to benefit cancer prevention and research.

The bill directs the oversight committee to issue rules regarding the procedures for awarding grants under this chapter. The proposed procedure would require the research and prevention programs committee to review cancer research grant applications and to give the executive director a prioritized list of grant applications in the order to be funded. The executive director would submit a list substantially based on the committee's list to the oversight committee.

An additional oversight committee appointed by the governor, lieutenant governor, and speaker is created. This oversight committee will serve staggered six-year terms, with the terms of three members expiring on January 31 of each odd-numbered year. The oversight committee is granted rulemaking authority and the ability to appoint members of the scientific research and prevention programs committee. Members of the scientific research and preventions program committee may receive an honorarium.

HB 1358 allows for two additional members of the University Advisory Committee; one member appointed by the president of Rice University and one member appointed by the president of Baylor University College of Medicine. Additional members may also be appointed at the executive director's discretion by the chancellors of other institutions.

*Code Reference:* Amends Health and Safety Code, Chapter 102. Adds 102.056, 102.151(a-1)-(d), 102.154, 105.155, and 102.156. Repeals Sections 102.151(a)-(c).

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research

## **HJR 14**

### **PROPOSED CONSTITUTIONAL AMENDMENTS TO LIMIT THE PUBLIC TAKING OF PRIVATE PROPERTY, ESTABLISHING THE NATIONAL RESEARCH UNIVERSITY FUND, AND ELIMINATING THE HIGHER EDUCATION FUND AND TRANSFERRING THE BALANCE TO THE NATIONAL RESEARCH UNIVERSITY FUND.**

*Author:* Corte

*Sponsor:* Duncan

*Summary:* HJR 14, Article II, contains the enabling legislation for the constitutional amendment called for in HB 51, Section 21. This resolution proposes two amendments to the Texas Constitution:

Article 1 would amend Section 17, Article I, further specifying conditions that must be met for the public taking, damage, or destruction of a person's private property. The taking of property must be for the ownership, use, and enjoyment of the state, a political subdivision of the state (which includes an institution of higher education), the public at large, and entities granted the power of eminent domain, notwithstanding incidental use, or for the elimination of urban blight. Property cannot be taken for transfer to a private entity primarily for economic development or tax revenues. After January 1, 2010, the Legislature may enact a law granting eminent domain authority only upon a two-thirds vote of each chamber.

Article 2 would amend Article VII by adding Section 20, establishing the National Research University Fund (NRUF), a dedicated source of funding (including GR appropriations) to enable emerging research universities in the state to achieve national prominence as major research universities. Allocations should provide a stable and predictable stream of funds to eligible universities, established by criteria set by the Legislature, and made through an equitable formula established by the Legislature or an agency designated, and reviewed and adjusted biennially, as appropriate. Distributions may be used only for the support and maintenance of educational and general activities that promote increased research capacity. Distribution limitations are imposed based on specified conditions of the purchasing power and fair market value of fund investment assets. The University of Texas at Austin and Texas A&M University are not eligible for NRUF distributions. Effective January 1, 2010, the Higher Education Fund (HEF) would be eliminated and any amount in or payable to the HEF would be transferred to the NRUF.

The proposed constitutional amendments shall be effective upon passage by the voters at a November 3, 2009, election.

*Code Reference:* Proposed amendments to the Texas Constitution, Section 17 of Article I, and Article VII; also adds a temporary provision Section 20 to Article VII that expires January 1, 2010.

*Effective Date:* Upon passage by voters at November 3, 2009, election.

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research, Planning and Accountability

**SB 44**

**PARTICIPATION OF UNDERGRADUATE STUDENTS IN THE NORMAN HACKERMAN ADVANCED RESEARCH PROGRAM**

*Author:* Zaffirini

*Sponsor:* Branch

*Summary:* SB 44 requires the Norman Hackerman Advanced Research Program funds to support basic research projects that include undergraduate students. Further, a grant condition must be set that each grant award must use a portion of funds to support basic research conducted by undergraduate students.

*Code Reference:* Amends TEC, Section 142.001(3), 142.002(2), and 142.003(c). Adds 142.001 (3-1).

*Effective Date:* June 19, 2009

*Appropriation:* SB1, III-45, C.1.1 strategy appropriates \$16,723,141 in FY 2010

*CB Rulemaking:* Yes, Chapter 14, Subchapter B

*CB Reporting Requirement:* No

*Lead CB Division:* N/A

## Tuition and Fees

### **HB 269**

#### **COURSE CREDIT FOR MILITARY SERVICE AND STANDARD FEE FOR RESERVE OFFICER TRAINING CORPS COURSES**

*Author:* Lucio III

*Sponsor:* Van de Putte

*Summary:* HB 269 has two distinct sections:

Section 1 instructs institutions of higher education to award undergraduate students admitted to the institution and persons called into military service who are being readmitted to the institution, course credit for all physical education courses required for the person's degree and additional course credit for up to 12 hours for courses that can meet the elective course requirements for the degree. To qualify, the student must have graduated from an accredited high school or a high school operated by the U.S. Department of Defense and be an honorably discharged former member of the U.S. Armed Forces who either completed at least two years of service or was discharged because of a disability. The provisions apply regardless of whether the student was admitted prior to the effective date of the bill.

Section 2 of the bill calls for the Coordinating Board, working with institutions, to determine a standard fee for a course offered through a Reserve Officers' Training Corps (ROTC) program and provides guidance on how the calculation is to be made. The calculated amount is to act as the upper limit on the amount an institution may thereafter charge for an ROTC course. However, if the ROTC course can provide course credit towards the student's degree, the governing board may charge a tuition rate as established by Chapter 54 of the Education Code, less any reimbursements or other amounts the institution receives from the military service or other source for offering the course. Unless it will adversely affect the accreditation status of an institution, the institution may count ROTC courses (whether they count towards the student's degree or not) in determining whether an individual is enrolled full time.

*Code Reference:* Adds TEC 51.3042 and 51.9112

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research

### **HB 2954**

#### **INCREASE IN THE STUDENT CENTER FEE AT TEXAS SOUTHERN UNIVERSITY**

*Author:* Coleman

*Sponsor:* Ellis

*Summary:* HB 2954 authorizes the Board of Regents at Texas Southern University (TSU) to increase the student center fee to \$75 (currently \$35) for each semester and to \$37.50 (currently \$17.50) for each summer term, beginning with the 2009-2010 academic year. The fee is used to operate, maintain, improve, and equip the student center and to acquire and construct additions. Any fee increase (currently more than 10 percent) must be approved by a majority of students. The fee may not be charged after the fifth year in which the fee is first charged, unless before the end of that year, TSU

has issued bonds payable in whole or in part from the fee, and the fee may not be charged after the year the bonds are paid off.

*Code Reference:* Amends TEC 54.522 (a),(c)- (e); Adds 54.522(f)  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Student Services

**HB 2961**      **INCREASE IN THE STUDENT UNION FEE AT THE UNIVERSITY OF HOUSTON**

*Author:* Coleman                      *Sponsor:* Ellis

*Summary:* HB 2961 authorizes the Board of Regents at the University of Houston (UH) to increase the student center fee to \$150 (currently \$35) for each semester and to \$75 (currently \$17.50) for each summer term, beginning with the 2009-2010 academic year. The fee is used to finance, construct, operate, maintain, and improve a Student Union Building. The fee may not be charged after the fifth year in which the fee is first charged, unless before the end of that year, UH has issued bonds payable in whole or in part from the fee, and the fee may not be charged after the year the bonds are paid off.

*Code Reference:* Amends TEC 54.526(a); Adds TEC 54.526(c)  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**HB 3353**      **ENVIRONMENTAL SERVICE FEE AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION**

*Author:* Naishtat                      *Sponsor:* Shapleigh

*Summary:* HB 3353 authorizes the governing board of an institution of higher education to charge each student enrolled an environmental service fee, if approved by a majority of students, beginning with the effective date of the bill. The fee may be used only to provide environmental improvements through services related to recycling, energy efficiency and renewable energy, transportation, employment, product purchasing, planning and maintenance, or irrigation, or to provide matching funds or grants for such purposes.

The fee may not exceed \$5 for each semester or summer term of more than six weeks, or \$2.50 for each summer session of six weeks or less. Fee increases must be approved by a majority of students, and the increased fee may not exceed \$10 per semester or summer term or more than six weeks, or \$5 for a summer session of six weeks or less. The fee may not be charged after the fifth year in which the fee is first charged unless the institution has issued bonds payable from the fee, and the fee may not be charged after the year the bonds are fully paid. Revenue generated and interest earned from the fee cannot be used for other environmental projects or other purposes not defined in the legislation.

(Identical to SB 2182 in this report.)

*Code Reference:* Adds TEC 54.5041  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**HB 4501**      **INCREASE IN THE STUDENT CENTER FEE AT TEXAS SOUTHERN UNIVERSITY**

*Author:* Coleman                      *Sponsor:* Ellis

Summary: HB 4501 authorizes the Board of Regents at Texas Southern University (TSU) to charge each student enrolled an intercollegiate athletics fee not to exceed \$10 per credit hour, beginning fall 2009. The fee may be used to develop and maintain an intercollegiate athletics program at TSU. Students enrolled in a semester may not pay more than the fee paid by students enrolled for 15 credit hours in the same semester. The fee may not be imposed or increased unless approved by a majority of students. The fee may not be charged after the fifth year in which the fee is first charged, unless before the end of that year, TSU has issued bonds payable in whole or in part from the fee, and the fee may not be charged after the year the bonds are paid off.

*Code Reference:* Adds TEC 54.5223  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Student Services

**HCR 288**      **LIMITATION IN INCREASES TO TOTAL ACADEMIC CHARGES AT GENERAL ACADEMIC TEACHING INSTITUTIONS**

*Author:* Branch                      *Sponsor:* N/A

*Summary:* HCR 288 directs the governing board's of general academic teaching institutions to make every effort to ensure that increases in total academic costs (including tuition, mandatory fees, and other academic-related general and course fees) for resident undergraduate students do not exceed the costs for a similarly situated student enrolled in the preceding year by the greater of 3.95 percent or \$280 for academic years 2010-11, 2011-12, or 2012-13.

For academic year 2013-14 the increase should be held to the greater of 3.95 percent or the average of the following: 1) the consumer price index (CPI) for the most recent three-year period as compared to the CPI for the year preceding each of those years; 2) the average increase in an appropriate higher education price index (HEPI) for the most recent three-year period as compared to the HEPI for the year preceding each of those years.

HCR 288 does not have the weight of law but is a strong expression of the will of the House of Representatives that institutions limit increases in tuition and fees.

*Code Reference:* N/A  
*Effective Date:* N/A  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirements:* No  
*Lead CB Division:* Business Support and Services

**SB 256**      **INTERCOLLEGIATE ATHLETICS FEE AT MIDWESTERN STATE UNIVERSITY**

*Author:* Estes                                      *Sponsor:* Farabee

*Summary:* SB 256 authorizes the Board of Regents at Midwestern State University (MSU) to charge each student enrolled an intercollegiate athletics fee not to exceed the lesser of \$10 per credit hour or \$120 for each regular semester or summer session of more than six weeks, or \$60 for each summer session of six weeks or less. The fee may be used only to develop and maintain an intercollegiate athletics program at MSU. The fee may not be imposed or increased by more than 10 percent per year unless approved by a majority of students. The fee may not be charged after the fifth year in which the fee is first charged unless MSU has issued bonds payable from the fee, and may not be charged after the year the bonds are fully paid.

*Code Reference:* Adds TEC 54.5442  
*Effective Date:* May 27, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 473**      **INTERCOLLEGIATE ATHLETICS FEE AT THE UNIVERSITY OF NORTH TEXAS**

*Author:* Estes                                      *Sponsor:* Crownover

*Summary:* SB 473 authorizes the Board of Regents at the University of North Texas (UNT) to charge each student enrolled an intercollegiate athletics fee (IAF) not to exceed the lesser of \$10 per credit hour for each semester or summer session. The fee may be used only for financing, construction, operating, maintaining, or improving an athletic facility or for operating an intercollegiate athletics program at UNT. Students enrolled in more than 15 credit hours pay the same fee as students enrolled for 15 credit hours. The fee may not be imposed or increased by more than 10 percent per year unless approved by a majority of the student body. Students charged a compulsory student services fee receive a \$3 per-credit-hour reduction for the first semester the IAF is charged. The fee may not be charged before the first semester a new football stadium is available for use, or after the fifth year in which the fee is first charged unless UNT has issued bonds payable from the fee, and may not be charged after the year the bonds are fully paid.

*Code Reference:* Adds TEC 54.5191  
*Effective Date:* May 23, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 1334**      **CONTINUATION OF INTERCOLLEGIATE ATHLETICS FEE AT PRAIRIE VIEW A&M UNIVERSITY**

*Author:* Hegar                                      *Sponsor:* Zerwas

*Summary:* Prairie View A&M University's current authority to charge students enrolled an intercollegiate athletics fee of \$10 per-credit-hour is set to expire September 1, 2013.

SB 1334 extends the expiration date if the Board of Regents issues bonds payable from the fee before the end of the 2012-2013 academic year. The fee may not be charged after the year the bonds are fully paid.

*Code Reference:*              Amends TEC 54.5393(f)  
*Effective Date:*              June 19, 2009  
*Appropriation:*              N/A

*CB Rulemaking:*                      No  
*CB Reporting Requirement:*      No  
*Lead CB Division:*                  Business and Support Services

**SB 1764**      **UNIFORM STANDARDS FOR PUBLICATION OF COST OF ATTENDANCE INFORMATION**

*Author:* Watson                                      *Sponsor:* Cohen

*Summary:* SB 1764 requires the Coordinating Board to prescribe uniform standards to ensure that information regarding the cost of attending an institution of higher education (IHE) is available to prospective students and families in a manner that is consumer-friendly and understandable. The Board must examine common and recommended practices regarding the publication of this type of information, and solicit recommendations and comments from public and private IHEs.

The uniform standards must:

- (1) Address all of the elements that constitute the total cost of attendance, including tuition, fees, room and board, books and supplies, transportation, and other personal expenses; and
- (2) Prescribe model language to be used to describe each element of the cost of attendance. Each IHE that offers an undergraduate degree or certificate program must prominently display the cost of attendance on its website, and in electronic and printed materials, information conforming to the standards for full-time, first-time students, other prospective undergraduates and graduates, nonresidents, and students enrolled in professional programs.

The Coordinating Board is also required to:

- (1) Prescribe requirements for institutions to provide information on their websites on opportunities for student financial aid and the cost of attendance for a full-time, first-time entering student, including a link to the primary federal student financial aid website;
- (2) Provide on the Board's website a program or web tool that will compute the estimated net cost of attendance for a full-time entering first-year student, require institutions to provide the necessary information, and make the web tool available to private and independent institutions that participate in the Tuition

Equalization Grant (TEG) Program. If these institutions use a different web tool, it must comply with the requirements for the net price calculator under the Federal Higher Education Act; and  
(3) Encourage these private or independent IHEs to display on their websites, and electronic and printed materials, information conforming to these standards and related requirements.

The Coordinating Board must prescribe the initial standards and requirements not later than January 1, 2010, and institutions must comply by April 1, 2010.

*Code Reference:* Adds TEC 61.0777  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Planning and Accountability; Business and Support Services

### **SB 1941**

#### **CHANGES TO THE STATE'S PROGRAMS FOR PREPAYING OF SAVING TOWARD THE COST OF ATTENDING AND INSTITUTION OF HIGHER EDUCATION**

*Author:* Shapiro                      *Sponsor:* Morrison

*Summary:* SB 1941 expands the definitions of "beneficiary" and "prepaid tuition contract" to add a career school to the educational entities that a person can apply purchased tuition units under a prepaid tuition contract (Texas Tomorrow Fund II) toward payment of undergraduate tuition and required fees. "Career school" is defined as a career school or college as defined by existing law that offers a two-year Associate degree as approved by the Coordinating Board.

SB 1941 also adds the Texas Tomorrow Fund II (plan) to programs under the Prepaid Higher Education Tuition Board, authorizes the comptroller to designate the plan manager as the authorized representative to pay expenditures or transfer funds for a beneficiary enrolled at an institution of higher education, and adds the Texas Save and Match program to the list of organizations entitled to participate in the state employee charitable campaign beginning autumn 2009.

*Code Reference:* Amends TEC 54.603, 54.751(2) and (6), 54.7521, 54.753(a), 54.754(d), 54.765(a)-(c) and (f)-(g), 54.767, 54.7671(b), 54.769(b)-(c), 54.774(a), and 54.775(b).  
Adds TEC 54.751(3-a).  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

*Author:* Shapleigh*Sponsor:* Naishtat

*Summary:* SB 2182 authorizes the governing board of an institution of higher education to charge each student enrolled an environmental service fee, if approved by a majority of students, beginning September 1, 2009. The fee may be used only to provide environmental improvements through services related to recycling, energy efficiency and renewable energy, transportation, employment, product purchasing, planning and maintenance, or irrigation, or to provide matching funds or grants for such purposes. The fee may not exceed \$5 for each semester or summer term of more than six weeks, or \$2.50 for each summer session of six weeks or less. Fee increases must be approved by a majority of the students, and the increased fee may not exceed \$10 per semester or summer term or more than six weeks, or \$5 for a summer session of six weeks or less. The fee may not be charged after the fifth year in which the fee is first charged unless the institution has issued bonds payable from the fee, and the fee may not be charged after the year the bonds are fully paid. Revenue generated and interest earned from the fee cannot be used for other environmental projects or other purposes not defined in the legislation.

(Identical to HB 3353 in this report.)

*Code Reference:* Adds TEC 54.5041.

*Effective Date:* September 1, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Business and Support Services

## Tuition Revenue Bonds

### **SB 629 ENROLLMENT THRESHOLD FOR CERTAIN INSTITUTIONS TO OPERATE AS GENERAL ACADEMIC TEACHING INSTITUTIONS AND ISSUE REVENUE BONDS**

*Author:* West

*Sponsor:* Aycock

*Summary:* SB 629 changes enrollment requirements that were tied to the issuance of tuition revenue bonds (TRB) for three system centers, thereby allowing these centers to become stand-alone universities more quickly. Under previous law:

- 3) The University of North Texas (UNT) System could issue TRBs in the amount of \$25 million for the UNT-Dallas campus if the full-time student equivalent (FTSE) enrollment reached 1,500 students for one semester by a deadline of January 1, 2010. This would convert the campus into a university, but it would be prohibited from receiving additional general revenue funding or a small school supplement until the enrollment reached 2,500 FTSE.
- 4) The Texas A&M University (TAMU) System could issue \$40 million in TRBs for TAMU-San Antonio and \$25 million for TAMU-Central Texas if the FTSE enrollment reached 1,500 students for one semester by January 1, 2010. Current law prohibits TAMU-San Antonio from operating as a general academic teaching institution until enrollment reaches 1,000 FTSE at the TAMU-Kingsville System Center, contingent on the issuance of the TRBs, or 2,500 FTSE in the absence of such bonding authority.

SB 629 amended the statute, allowing TAMU-San Antonio, TAMU-Central Texas, and UNT-Dallas to operate as general academic teaching institutions when enrollment reaches 1,000 FTSE. SB 629 also removes the January 1, 2010, deadline for the 1,500 FTSE requirement to issue TRBs for all three institutions, thereby allowing bonds to be issued immediately when that threshold is met. In summary, the end effect of the legislation is to set the same FTSE requirements (1,000) for the three institutions to operate as stand-alone universities and to issue TRBs.

*Code Reference:* Amends TEC 87.841 and 105.501; Repeals 55.1771(d)-(e) and 55.1775(d)

*Effective Date:* May 23, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Planning & Accountability

## Waivers and Exemptions

### **HB 1568**      **TUITION AND FEE EXEMPTION FOR EMPLOYEES OF COMMUNITY COLLEGE DISTRICTS**

*Author:* Gonzales

*Sponsor:* Zaffirini

*Summary:* HB 1568 authorizes the governing board of a junior college/community college district to exempt district employees who enroll in courses offered in the district from all or part of tuition and or fee charges. This is an option for the governing boards, not a requirement.

*Code Reference:*      Adds TEC 130.0851

*Effective Date:*      June 19, 2009

*Appropriation:*      N/A

*CB Rulemaking:*      No

*CB Reporting Requirement:* No

*Lead CB Division:*      Business and Support Services

### **HB 1736**      **COMPENSATION FOR INDIVIDUALS WRONGLY IMPRISONED**

*Author:* Anchia

*Sponsor:* Duncan

*Summary:* HB 1736 deals with compensation of and services to persons wrongfully imprisoned. Only one provision deals with higher education – a provision requiring the state to pay all types of tuition (including designated tuition) and mandatory fees to a public institution of higher education or career center for up to 120 credit hours on behalf of the claimant if requested by the claimant within seven years of the date a pardon was received or relief was granted.

*Code Reference:*      Adds Civil Practice and Remedies Code 103.054.

*Effective Date:*      September 1, 2009

*Appropriation:*      N/A

*CB Rulemaking:*      No

*CB Reporting Requirement:* No

*Lead CB Division:*      Business and Support Services

(Summary only applies to Sec. 103.054, the provision impacting higher education.)

### **HB 2013**      **EXTENSION OF FIREFIGHTER EXEMPTION TO VOLUNTEER FIREFIGHTERS**

*Author:* Keffer

*Sponsor:* Hegar

*Summary:* Currently, firefighters employed by political subdivisions of the state are entitled to an exemption from tuition and laboratory fees for courses taken as a part of a Fire Science Curriculum.

HB 2013 extends this provision to persons who have been an active member of an organized volunteer fire department in Texas, as defined by the fire fighters' pension commissioner, who holds one of the following credentials:

- 1) An accredited advanced level of certification, or an equivalent successor certification, under the State Firemen's and Fire Marshals' Association of Texas volunteer certification program; or
- 2) A Phase V (Firefighter II) certification, or an equivalent successor certification, under the Texas Commission on Fire Protection's voluntary certification program under Section 419.071, Government Code.

To receive continuation awards through the program, a firefighter (paid or volunteer) must meet the institution's financial aid academic progress requirements. In addition, the bill specifies the exemption may not be applied to the additional tuition charged to an undergraduate student with excess or repeated hours under Education Code 54.014(a) or (f), or to the additional tuition charges levied a graduate student with excess hours under Education Code 61.059(l)(1) or (2).

Rules will be developed governing the granting or denial of this exemption, including eligibility requirements and a uniform listing of degree programs covered.

Firemen enrolled in fire science courses prior to the fall 2009 term continue to receive exemptions that existed prior to this legislation. HB 2013 provisions apply to tuition and fee charges in fall 2009.

*Code Reference:* Amends TEC 54.208  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* No  
*Lead CB Division:* Academic Affairs and Research

**HB 2347 TUITION AND FEE EXEMPTIONS FOR CERTAIN PEACE OFFICERS AND EDUCATIONAL AIDES**

*Author:* Thibaut                      *Sponsor:* Whitmire

*Summary:* HB 2347 has two sections regarding two distinct programs:

Section 1: Extends the current tuition and laboratory fee exemption program for firefighters taking courses in a Fire Science Curriculum (Education Code 54.208) to include peace officers taking criminal justice or law enforcement courses.

- To qualify, the peace officer must be
  - a) Employed by the state or by a political subdivision of the state;
  - b) Enrolled in a criminal justice or law enforcement-related degree program;
  - c) Meet the institution's academic progress requirements; and
  - d) Apply for the exemption at least one week prior to the last date of the institution's regular registration for a given term.
- The exemption may not be used to avoid the excess credit hour limitation in the Education Code 61.0595 (a), or be awarded to more than 20 percent of the class maximum student enrollment.
- Rules adopted by the Coordinating Board will govern denial of an exemption, determination of a student's eligibility, and the creation of a uniform listing of degree programs covered by the exemption.
- If the Legislature does not appropriate sufficient funds to pay the institution's costs for complying with this statute, the governing board is to report the cost of

compliance to the Senate Finance Committee and House Appropriations Committee.

- Initial exemptions begin fall 2011.

Section 2: Current law required that the application for the Educational Aide Exemption Program be completed in parts by the employee of a school district, the school district, and the financial aid office of the institution. Student eligibility is then determined by the Coordinating Board.

HB 2347 changes current law to require the institution to determine student eligibility, once it receives information from the student and school district. The Coordinating Board continues to have rulemaking authority and continues to disburse funds. The changes apply beginning with fall 2009.

*Code Reference:* Amends TEC 54.208 and 54.214  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* No  
*Lead CB Division:* Academic Affairs and Research

## **HB 4244**

### **RESTRICTIONS FOR STUDENTS RECEIVING INSTITUTIONAL SCHOLARSHIPS AND COMPETITIVE SCHOLARSHIP-BASED WAIVER OF NONRESIDENT TUITION**

*Author:* Hochberg                      *Sponsor:* Zaffirini

*Summary:* HB 4244 bill has two distinct sections:

Section 1: Previously, a student who is related to a current member of the governing board of an institution of higher education or university system is prohibited from receiving scholarships unless the scholarship is awarded exclusively based on academic merit or is an athletic scholarship. When applying for a scholarship a student must indicate if he/she is related within the second degree of affinity (relationship by marriage or by ties other than those of blood) or third degree of consanguinity (relationship by descent from a common ancestor) to a member of the institution's governing board.

HB 4244 changes the requirement for certification from the point at which the student applies for the scholarship to a point in time prior to *receiving* the scholarship.

Section 2 indicates an otherwise-eligible nonresident student receiving a competitive scholarship of \$1,000 or more in a given academic year or summer term is not entitled to a waiver of nonresident tuition, although the institution has the authority to grant a waiver if it so chooses. (Previously, the scholarship entitled the student to the waiver.) Students already awarded scholarship-based waivers for the fall 2009 term continue to be entitled to waivers if they remain enrolled in the same degree programs and continue to meet other program requirements. This grandfather provision expires August 1, 2014. Section 2 establishes that the additional tuition paid by students denied the waiver at a given institution is not to be accounted for in a way to reduce general revenue appropriation to an institution that chooses to continue awarding the waiver (charging a nonresident student resident tuition.)

*Code Reference:* Amends TEC 51.969(c) and 54.064

*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* Yes (for each section)  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 43**

**TUITION AND FEE EXEMPTIONS FOR PERSONS UNDER THE CONSERVATORSHIP OF THE TEXAS DEPARTMENT OF FAMILY PROTECTIVE SERVICES (DFPS)**

*Author:* Zaffirini                      *Sponsor:* Gonzalez Toureilles

*Summary:* Currently the state has a tuition and fee exemption program for students who were once in foster care under the conservatorship of DFPS. To qualify, students must have been in foster care or other residential care under the conservatorship of the DFPS on or after:

- (1) The day preceding the student's 18th birthday;
- (2) The day of the student's 14th birthday, if the student was also eligible for adoption on or after that day; or
- (3) The day the student graduated from high school or received the equivalent of a high school diploma.

In addition, the student has to enroll in an institution of higher education as an undergraduate no later than:

- (1) The third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school or the date the student received the equivalent of a high school diploma (whichever is the earliest); or
- (2) The student's 21st birthday.

SB 43 expands the program by:

- (1) Authorizing the use of the exemption to meet tuition and fee charges for dual credit courses taken while the student is in high school if the student is under the conservatorship of the DFPS at that time;
- (2) Indicating that the use of the exemption for dual credit courses while in high school makes the student eligible for the exemption while in college; and
- (3) Extending the deadline for entering the program as a college student to age 25.

These provisions apply with tuition and fees charged for spring 2010.

*Code Reference:* Amends TEC 54.211  
*Effective Date:* May 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 45**

**OPTIONAL EXEMPTION FOR INTER-INSTITUTIONAL ACADEMIC PROGRAMS**

*Author:* Zaffirini

*Sponsor:* Hochberg

*Summary:* SB 45 defines an inter-institutional academic program as a program under which a student may, in accordance with a written agreement between an institution of higher education and one or more other public, private, or independent institutions of higher education (IHE), take courses at each institution that is a party to the agreement as necessary to fulfill the program’s degree or certificate requirements. The governing board of an IHE may exempt from the payment of tuition and required fees a student who is taking a course, including an interdisciplinary course, at the institution under an inter-institutional academic program agreement but who is primarily enrolled at another IHE that is party to the agreement and to which the student is paying tuition and fees.

*Code Reference:* Adds TEC 54.224  
*Effective Date:* May 20, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 93**

**TUITION AND FEE EXEMPTIONS FOR CERTAIN MILITARY PERSONNEL AND THEIR DEPENDENTS OR SPOUSE**

*Author:* Van de Putte

*Sponsor:* Castro

*Summary:* The existing Hazlewood Act allows qualified members of the Armed Forces to be exempt from paying tuition and mandatory fees, for up to 150 semester credit hours, while attending a Texas public institution of higher education. The statute also provides the exemption to the children of veterans who are killed, died, missing in action, or disabled due to service-connected injuries. The current statute limits eligibility to “citizens of Texas” veterans who entered the military in the state of Texas.

Beginning with fall 2009, SB 93 extends the exemption (for tuition, dues, fees, and other required charges) to veterans who entered the service in Texas, declared Texas as their home of record, or were residents at the time they entered the service. Eligibility is also expanded to:

- 1) A surviving spouse of a member of the Armed Forces who was killed in action, died in service, is missing in action, died as a result of service-connected injury or illness, or is totally disabled as a result of a service-related injury; or
- 2) A surviving spouse of a member of the Texas National Guard or Texas Air National Guard who was killed or became totally disabled since January 1, 1946, while on active duty in the service to the state or the United States.

To qualify, a spouse (or child) must be classified as a Texas resident at the time of registration in an eligible institution of higher education. Under the current law, an eligible child must have resided in the state for at least 12 months immediately preceding his or her registration.

SB 93 also allows eligible veterans to waive their rights to unused hours of Hazlewood exemption and assign these hours to a child. Child is defined as a stepchild, the biological or adopted child, or a person claimed as a dependent for federal tax purposes. To qualify, the child must be a Texas resident and 25 years or younger when beginning

to use the exemption, or given an extension due to a severe illness or other debilitating condition, and must make satisfactory academic progress toward a degree, certificate, or continuing education program. A required minimum course load is not allowed. Another child may use the exemption for unused credit hours. Procedures will be established for delegating hours to a child, re-assigning hours to a different child, and for determining a method of documentation to determine eligibility.

Individuals may use both federal (only benefits that pay for tuition and fees) and state education benefits at the same time, but only if the federal benefits do not exceed the value of the Hazlewood exemption. The legislation also removes language regarding extinguishment of a veteran's rights to federal benefits due defaulting on a federal loan.

The provisions in SB 93 shall be known as the "Hazlewood Legacy Act".

*Code Reference:* Amends TEC 54.203 (a), (b), (b-1), (d), (g), and (h), 54.203 (e) and (e-1);  
Adds TEC 54.203 (a-1), (a-2), (k), (l), and (m)  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* Yes  
*Lead CB Division:* Business and Support Services

## **SB 297**

### **TUITION WAIVERS AND EXEMPTIONS FOR MILITARY PERSONNEL AND THEIR DEPENDENTS**

*Author:* Van de Putte      *Sponsor:* Corte

*Summary:* Under current law, military personnel and their dependents must reside in Texas at least 12 months prior to enrollment in a public institution of higher education (IHE) before qualifying for a waiver provision that allows them to pay tuition and fees at the rates provided for Texas residents.

SB 297, Section 1, entitles qualified members of the military, their spouses, and children to pay in-state resident tuition and fee charges without regard to the length of time they have lived in the state, provided the individual signs a letter of intent with the IHE to establish a residence in the state and reside in Texas while the individual is enrolled.

The waiver applies to military service members and veterans who are eligible for federal benefits under the Post-9/11 Veterans Educational Assistance Act of 2008 or any other federal veterans' educational benefits, and includes spouses and dependent children and stepchildren who are 25 years old or younger. The age requirement may be extended due to a severe illness or other debilitating condition that prohibited the child from utilizing the waiver by age 25.

SB 297, Section 2, adds a new tuition exemption (fees not included) for a dependent child or stepchild of a member of the U.S. Armed Forces who is a Texas resident or is entitled to pay resident tuition, for any semester or term during which the service member is deployed on active duty in a combat zone outside of the United States. The Legislature is directed to appropriate sufficient funds to cover the costs of this exemption.

The new provisions apply beginning fall 2009.

*Code Reference:* Adds TEC 54.058 (k)-(l), 54.203 (b-2)  
*Effective Date:* June 19, 2009  
*Appropriation:* SB 1, IX-86, Section 17.85 appropriates a total of \$699,000 for 2010-2011

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* Yes  
*Lead CB Division:* Business and Support Services

**SB 847 EXEMPTIONS FOR CERTAIN COURSE FEES FOR MILITARY PERSONAL AND DEPENDANTS**

*Author:* Averitt *Sponsor:* Anderson

*Summary:* The Hazlewood Act allows qualified members of the U.S. Armed Forces and their child dependents to be exempt from the payment of tuition and mandatory fees, for up to 150 semester credit hours while attending a public institution of higher education in Texas. Current law allows the governing boards of junior college districts to establish fees for courses associated with high-cost programs (e.g. flight training), and to pass these charges to their Hazlewood students. Technical and state colleges are not included.

SB 847 authorizes public technical institutions and public state colleges, as well as public junior colleges, to establish fees and charge students for programs having "extraordinary" costs, beginning in fall 2009. The bill also changes the reference of a public college "district" to public junior college.

*Code Reference:* Amends TEC 54.203(g)  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 939 TUITION AND FEE EXEMPTIONS FOR CHILDREN IN THE CONSERVATORSHIP OF THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES**

*Author:* Watson *Sponsor:* Hughes

*Summary:* Texas has a tuition and fee exemption program for students who were once in foster care under the conservatorship of the Department of Family and Protective Services (DFPS). To qualify, students must have been in foster care or other residential care under the conservatorship of DFPS on or after:

- (1) The day preceding the student's 18th birthday;
- (2) The day of the student's 14th birthday, if the student was also eligible for adoption on or after that day; or
- (3) The day the student graduated from high school or received the equivalent of a high school diploma.

In addition, the student has to enroll in an institution of higher education as an undergraduate no later than:

- (1) The third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school, or the date the student received the equivalent of a high school diploma (whichever is the earliest); or
- (2) The student's 21st birthday.

SB 939 Section 2 expands the program by:

- (1) Allowing students to establish eligibility by having been under the conservatorship of DFPS on the day preceding the date the student is adopted, if the date is on or after September 1, 2009;
  - (2) Allowing students to establish eligibility by having been under the conservatorship of the DFPS on the day preceding the date permanent managing conservatorship of the student is awarded to a person other than the student's parent, if the date is on or after September 1, 2009; and
  - (3) Extending the deadline for entering the program as a college student to age 25.
- These provisions apply beginning with tuition and fees imposed for the 2009 fall semester.

*Code Reference:* Amends TEC 54.211  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

(Summary only applies to Section 2, the provision impacting higher education.)

## **SB 1798**

### **STUDENT ELIGIBILITY FOR AN EDUCATIONAL AIDE EXEMPTION**

*Author:* Zaffirini                      *Sponsor:* Cohen

*Summary:* Current law requires that the application for the Educational Aide Exemption Program be completed in parts by the employee of a school district, the school district, and the financial aid office of the institution of higher education. Student eligibility is then determined by the Coordinating Board.

SB 1798 requires the institution to determine student eligibility, once it receives the information from the student and school district. The Board continues to have rulemaking authority and continues to disburse funds. The changes apply beginning with fall 2009.

*Code Reference:* Amends TEC 54.214  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

(Also see HB 2347, Section 2 in this section.)

**SB 2244**

**ECONOMIC DEVELOPMENT AND DIVERSIFICATION WAIVER PROGRAM**

*Author:* Zaffirini

*Sponsor:* Branch

*Summary:* Current law allows persons transferred to the state by a business relocating here as a part of the state's economic diversification plan, and adult members of their family, to enroll in an institution of higher education without having established resident status and pay the resident tuition rate. Typically, individuals must reside in Texas at least a year to qualify for in-state tuition.

SB 2244 clarifies that this waiver is to expire on the fifth anniversary of the date the business became established in the state. It also calls for the Board, working with the Texas Economic Development and Tourism Office, to establish procedures to determine whether a business or organization is eligible to participate in the program and the date it became established in the state as a part of the state economic development and diversification program. The provisions of the bill apply with tuition and fees paid for fall 2010.

*Code Reference:* Amends TEC 54.066.

*Effective Date:* January 1, 2010

*Appropriation:* N/A

*CB Rulemaking:* Yes

*CB Reporting Requirement:* No

*Lead CB Division:* Business and Support Services

## Vetoed

### **HB 103**

#### **HEALTH BENEFIT PLANS FOR STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION AND THE OPERATION OF CERTAIN HEALTH BENEFIT PLANS THROUGH STUDENT HEALTH CENTERS**

*Author:* Brown, Fred

*Sponsor:* Patrick, Dan

*Summary:* HB 103 would have amended the Education Code to require a general academic teaching institution with a student enrollment of more than 20,000 students in the preceding academic year to offer or sponsor, through the university system or directly through the institution, one or more student health benefit plans, including at least one high deductible health plan. Further, the institution or system would have had to collect information from each student who declined to accept the coverage offered through the institution, including specific factors in the student's decision. The student health center would have had to assist students in filing a claim to receive benefits under their benefit plan. Further, the institutions would have been directed to contract with a health benefit plan issuer that engages in the business of insurance in the health service region established by the Department of State Health Services (DSHS) in which the institution is located to provide a health benefit plan to students. The institution would also have been required to enter into contracts with at least three of the largest health benefit plan issuers that engage in the business of insurance in the health service regions established by the DSHS in which the institution is located. The institution's student health center would serve as a preferred provider under the preferred provider benefit plans operated by the issuers, or operate as a provider of in-network coverage under the health maintenance organizations operated by the issuers.

### **HB 518**

#### **LOAN REPAYMENT PROGRAMS FOR CERTAIN CORRECTIONAL OFFICERS, SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, AND MATH AND SCIENCE TEACHERS**

*Author:* Kolkhorst

*Sponsor:* Van de Putte

*Summary:* Section 1 would have created a loan repayment pilot program for Texas residents who were enrolled at Sam Houston State University while employed full-time as correctional officers during their junior and/or senior year(s). The Board would determine whether expansion of the program to include graduates of other institutions would enhance the effectiveness of the program. The bill required participants to provide two years of service as correctional officers at confinement facilities operated by the Texas Department of Criminal Justice, following graduation, to receive loan repayment assistance. The amount of each loan repayment would have been equal to the cost of 30 semester credit hours of junior- or senior-level course work.

Section 2 authorized a loan repayment program to recruit and retain speech-language pathologists and audiologists as employees of Texas public school districts and as faculty of communicative disorders programs at Texas institutions of higher education. Currently, public school districts must enter into costly private contracts to provide the legislatively mandated services to students who have communicative disorders. The bill required one year of service prior to each annual disbursement of loan repayment, for a period of up to five years, and a maximum aggregate of \$30,000 for master's degree holders and no more than \$45,000 for participants holding doctorates.

Section 3 created a new loan repayment assistance program for math and science teachers in Texas public schools having a shortage of math and/or science teachers.

Students enrolled in educator preparation programs as juniors would agree to teach math or science in public schools following graduation and certification in one of these subjects. One year of service would be required for up to four consecutive years before \$5,000 in loan repayment assistance would be disbursed.

**HB 3485**      **RELATING TO CERTAIN COUNTY, MUNICIPAL, DISTRICT, AND OTHER GOVERNMENTAL FUNCTIONS, PROCEDURES, POWERS, DUTIES, AND SERVICES, INCLUDING CERTAIN CRIMINAL PROCEDURES**

*Author:* Coleman                      *Sponsor:* West

*Summary:* HB 3485 would have amended the Chapter 61, Education Code, to specify that approval by the Coordinating Board would not be required for buildings or other facilities financed by a public improvement district under Chapter 372, Local Government Code. Other changes to the Code of Criminal Procedure, Election Code, Government Code, Health and Safety Code, Local Government Code, and Occupations Code relating to the administration of various county services and duties would have been amended. Services and duties such as changes to the use of video teleconferencing systems in certain criminal proceedings, and inquests of deaths of persons in law enforcement custody, or as a result of medical treatment or therapy would have been modified.

**SB 978**      **PERTAINING TO THE LEASE OF EDUCATIONAL FACILITIES BUILT WITH PUBLIC IMPROVEMENT DISTRICT FUNDS BY INSTITUTIONS OF HIGHER EDUCATION**

*Author:* West                              *Sponsor:* Elkins

*Summary:* SB 978 would have made significant changes to the Local Government Code (LGC) in regards to Public Improvement Districts (PID). Of interest to higher education, the LGC would have been amended to permit PIDs to be established to acquire, construct, maintain, or improve facilities commonly used for higher educational activities. These facilities would have been leased to the institution of higher education and guidance for this process as well as oversight for facilities development was clearly defined. The Coordinating Board would not have approval authority for these projects, and rules would not have required the Board to approve leases in which the institution of higher education does not own the facility and leases from the local government.

**SB 1343**      **FORMULA FUNDING FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION FOR CERTAIN CREDIT HOURS THAT DO NOT COUNT TOWARD A DEGREE**

*Author:* Hinojosa                      *Sponsor:* Gonzales

*Summary:* The bill would have exempted all semester credit hours earned (not attempted), including dual credit, by a student prior to receiving an Associate's degree from the existing limitation on funding excess undergraduate semester credit hours (30 hours over the core curriculum).

**SB 1760**      **ESTABLISHMENT OF THE TEXAS SAVE AND MATCH PROGRAM**

*Author:* Watson                              *Sponsor:* Branch

*Summary:* SB 1760 would have required the Prepaid Higher Education Tuition Board (PHETB) to develop and implement the Texas Save and Match Program under which the PHETB would:

- 1) Open a matching account for an eligible beneficiary;
- 2) On behalf of a beneficiary, match money paid by a purchaser under a prepaid tuition or higher education tuition program, the Texas Tomorrow Fund II, or contributed to a savings trust account under the Higher Education Savings Plan; and
- 3) Use contributions or a matching purchase of tuition units, appropriations, or any contributions from any other person for the match amount.

The legislation would have established various eligibility, participation, and funding requirements and conditions for beneficiaries.

SB 1760 would have prohibited money or tuition units in a beneficiary's matching account from being considered as available to the beneficiary, or otherwise included in the beneficiary's household income or financial resources, for purposes of determining the beneficiary's eligibility for a TEXAS Grant, or any other state-funded student financial assistance.

# Administration/Operations Legislation by Topic

## Contracts and Purchasing

### **HB 2521**      **PREFERENCE IN-STATE PURCHASING OF CERTAIN MEDIA-RELATED SERVICES OFFERED BY TEXAS BASED BUSINESSES**

*Author:* Pickett

*Sponsor:* West

*Summary:* HB 2521 requires the Comptroller of Public Accounts and each state agency conducting an advertising campaign that includes a commercial to give preference to a company located in Texas if the services meet state requirements regarding service and quality, and if the cost does not exceed the cost of similar services from outside the state.

The Music, Film, Television, and Multimedia Office within the Office of the Governor has exclusive rulemaking authority for purposes of determining advertising campaign requirements, establishing a bid process, and establishing criteria to determine whether a commercial production company or advertising agency is located in Texas.

*Code Reference:* Adds Government Code 2155.44(f)-(h)

*Effective Date:* September 1, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Business and Support Services

### **SB 745**      **REIMBURSEMENT OR PAYMENT OF TRAVEL EXPENSES**

*Author:* Duncan

*Sponsor:* Solomons

*Summary:* The bill revises procedures associated with processing a travel voucher for reimbursement by the comptroller. The bill replaces required submissions of "vouchers" and "receipts" with the "description, information, and documentation" of the proposed expense. The comptroller could require documentation relating to a travel expense be maintained in paper form or electronically. An employee's approval of a voucher would not be necessary if another person was required in law to provide the approval. The comptroller could determine which documentation was necessary to support a travel voucher. An advance written approval for expenses for international travel outside North America could be submitted electronically.

*Code Reference:* Amends Government Code 660.024(a); 660.027(b), (d)-(e); 660.028(b)-(d); 660.043 (b) and (d); and 660.147(b). Adds 660.028(e)

*Effective Date:* September 1, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Business and Support Services

## Employees and Employee Benefits

### **HB 605**      **MILEAGE REIMBURSEMENT FOR STATE EMPLOYEES**

*Author:* Farabee                      *Sponsor:* Estes

*Summary:* This bill adds the phrase "reasonably safe" to the current travel policy. Staff is now able to consider a route that provides the safest road conditions in addition to the shortest distance, or quickest drive time. Mileage may also be determined by either the employee's vehicle odometer or a "readily available electronic mapping service" like Yahoo, MapQuest, or Google Maps.

*Code Reference:*      Amends Government Code 660.043(a)- (c)

*Effective Date:*      September 1, 2009

*Appropriation:*      N/A

*CB Rulemaking:*                      No

*CB Reporting Requirement:*      No

*Lead CB Division:*                      Business and Support Services

### **HB 703**      **FALL PREVENTION AWARENESS**

*Author:* Rose                              *Sponsor:* Nelson

*Summary:* This bill declares "Fall Prevention Awareness Week" begins on the first Sunday of each year that falls after the date of the autumnal equinox to encourage public awareness about fall prevention, educate older adults and individuals who provide care to older adults, and encourage promotion of policies and programs in state and local governments and private sector.

*Code Reference:*      Amends Human Resources Code, Chapter 161, subchapter F

*Effective Date:*      May 23, 2009

*Appropriation:*      N/A

*CB Rulemaking:*                      No

*CB Reporting Requirement:*      No

*Lead CB Division:*                      Human Resources

### **HB 874**      **ABOLITION OF THE TEXAS INCENTIVE AND PRODUCTIVITY COMMISSION AND THE STATE EMPLOYEE INCENTIVE PROGRAM.**

*Author:* Callegari                      *Sponsor:* Lucio II

*Summary:* HB 874 abolishes the Texas Incentive and Productivity Commission and the State Employee Incentive Program. The agency will no longer provide to board employees information and training on the benefits and methods of participation in the state employee incentive program.

*Code Reference:*      Repeals TEC 61.0281

*Effective Date:*      June 19, 2009

*Appropriation:*      N/A

*CB Rulemaking:*                      No

*CB Reporting Requirement:* No  
*Lead CB Division:* Human Resources

**HB 1043 EMPLOYEE PREFERENCE FOR FORMER FOSTER CHILDREN**

*Author:* Orr *Sponsor:* Nelson

*Summary:* This bill allows an individual who was in foster care the day preceding his/her 18th birthday to be given preference in employment with a state agency over other equally qualified applicants. This does not apply to the position of private secretary or deputy of an official or department or to an individual holding a strictly confidential relation to the employing officer. The individual is only entitled to the preference if he/she is 25 years of age or younger.

*Code Reference:* Amends Government Code, Chapter 672 and 2304.402(c)  
*Effective Date:* September 1, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Human Resources

**HB 1462 LEAVE FOR STATE EMPLOYEES VOLUNTEERING/PARTICIPATING IN TRAINING FOR COURT APPOINTED SPECIAL ADVOCATES (CASA)**

*Author:* Pickett *Sponsor:* Uresti

*Summary:* HB 1462 grants a state employee up to five hours of leave each month to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates (CASA), without a deduction of salary or other leave.

*Code Reference:* Amends Government Code, Chapter 661  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Human Resources

**HB 2559 POWERS AND DUTIES AND BENEFITS AVAILABLE UNDER THE EMPLOYEE RETIREMENT SYSTEM**

*Author:* Truitt *Sponsor:* Duncan

*Summary:* HB 2559 makes several changes to the insurance and retirement programs administered by the Employees Retirement System (ERS), including a provision related to eligibility for retiree group health insurance for Optional Retirement Program (ORP) participants. The statutory language was brought into conformance with recent case law by now requiring an ORP participant who enrolls in retiree group health insurance as a disability retiree to actually receive periodic distributions from his/her ORP account rather than just being eligible to receive distributions (i.e., having ORP funds on account).

*Code Reference:* Amends Insurance Code 1551.102(d)  
*Effective Date:* September 1, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Business and Support Services

**SB 78**

**PROMOTING AWARENESS AND EDUCATION ABOUT THE PURCHASE AND AVAILABILITY OF HEALTH COVERAGE**

*Author:* Nelson                      *Sponsor:* Smithee

*Summary:* SB 78 expanded the Texas Department of Insurance's responsibility to promote health coverage through the agency's division that administers the TexLink to Health Coverage Program. The bill describes the means and target audiences for the promotional efforts. The bill states that the division may consult with the Texas Education Agency to develop educational materials and a curriculum to be used in high schools to educate students on health coverage. In addition, the division may cooperate with a public or private college or university to promote enrollment in health coverage programs sponsored by or through the institution. The division may also prepare a Federal tax "tool kit" for businesses to use in order to receive favorable treatment under Federal tax law and provide assistance on health care options for small businesses. Further, the bill establishes the Healthy Texas Program which provides access to quality health plans to small employers at an affordable price.

*Code Reference:* Amends Insurance Code, Chapters 524 and 1508  
*Effective Date:* September 1, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* N/A

**SB 833**

**ACCRUAL OF VACATION AND SICK LEAVE FOR CERTAIN STATE EMPLOYEES DURING A MILITARY LEAVE OF ABSENCE**

*Author:* Carona                      *Sponsor:* Turner, Chris

*Summary:* SB 833 allows an employee on unpaid leave of absence during military duty to continue to accrue state service credit for the purpose of longevity pay, vacation leave, and sick leave. The employee will retain any accrued vacation or sick leave and is entitled to be credited with those balances on return. Leave earned while the employee is on military duty will be credited when he/she returns to active state employment.

In addition, this bill would allow an officer or enlisted member of the state military forces to hold other civil offices. This section of the bill will take effect on January 1, 2010, only if the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, authorizing an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices, is approved by the voters.

*Code Reference:* Amends Government Code 661.904(b)-(c); Adds 431.0055  
*Effective Date:* Section 1 takes effect June 19, 2009  
Section 2 takes effect after voter approval of proposition seven on January 1, 2011.

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Human Resources

**SB 1068**

**REDACTING CERTAIN PERSONAL INFORMATION WITHOUT AN ATTORNEY GENERAL OPINION**

*Author:* Wentworth                      *Sponsor:* Gallego

*Summary:* The bill allows a governmental body to redact certain personal information under the public information law without requesting a decision from the Attorney General (AG). The amended sections of the bill also would require governmental bodies that withhold or redact information without an AG opinion to provide certain information to the requestor about the withholding or redacting of the information. The requestor would have the right to request a review and opinion from the AG before being required to sue for a writ of mandamus or seek a declaratory judgment. The AG would be required to develop informational handouts and instruction forms, and to promptly render (not later than 45 business days of a request) and deliver a written decision requested under the amended sections. The requestor or the governmental body may appeal the decision of the AG under these amended sections to a Travis County district court.

The bill allows a governmental body to exemption information about an employee or officer of the governmental body to be excepted from the requirements of Section 552.021, Availability of Public Information, if, under the specific circumstances pertaining to the employee or officer, the disclosure of the information would subject the employee or officer to a substantial threat to physical harm.

*Code Reference:* Amends Government Code 552.024(c). Adds 552.024(c-1)-(c-2); 552.1175(f)-(h); Section 552.138(c)-(e); and 552.151  
*Effective Date:* June 4, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* General Counsel

**SB 1629**

**EXEMPTION OF PREPAYMENT FOR LARGE INFORMATION REQUESTS**

*Author:* Wentworth                      *Sponsor:* Rose

*Summary:* Adds newspapers of general circulation that are published on the Internet and magazines that are either published at least once a week or are on the Internet to the list of entities that may not be charged for personnel costs related to public information requests that require large amounts of employee or personnel time. Requestors of the information would have to be individuals for whom a substantial portion of their livelihood or financial gain comes from gathering news or information and who seeks the information for a radio or television station, newspaper, magazine, or other accepted form of information dispensation.

*Code Reference:* Amends Government Code 552.275(j)  
*Effective Date:* September 1, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Human Resources

**SB 2298**      **COMPENSATION FOR CERTAIN STATE EMPLOYEES**

*Author:* Watson                      *Sponsor:* Farabee

*Summary:* The bill authorizes state agencies to pay state employees who are exempt from earning overtime for compensatory time accrued by the employee during a declared disaster or emergency, or if the employee is employed by a state mental health or mental retardation facility and the agency determines that taking regular time off would be disruptive to normal business. The number of hours of compensatory time earned by employees during an emergency would vary based on the emergency.

The bill removes the six-month waiting period required between one-time merit payments for state and higher education employees who are paid a one-time merit for performance during a disaster.

In addition, the bill allows employees to earn compensatory time from the employee's residence if the employee has received advance approval from the administrative head of the agency or his/her designee.

*Code Reference:* Amends TEC, Section 51.962 and Government Code, Section 659.015 (g), (i) and (j), and 659.018  
*Effective Date:* June 19, 2009  
*Appropriation:* SB1, Art. IX-93, Sec. 17.120 appropriates \$17,710 in 2010 and \$428,131 in 2011 (Funding lapse, no mention of the legislative loan repayment program in the bill)

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Human Resources

## Information Technology

### **HB 1705**      **CHANGES TO THE DEPARTMENT OF INFORMATION RESOURCES**

*Author:* Geren

*Sponsor:* Ellis

*Summary:* HB 1705 eliminates references to the Department of Information Resources (DIR) interfacing with the Telecommunications Planning and Oversight Council (TPOC), an advisory group that has existed for more than five years under the Government Code, Section 2054. The TPOC, the Electronic Commerce Network, and the Electronic Procurement Marketplace and Standards for certain school district software are abolished. Rulemaking authority previously granted to the TPOC is transferred to the DIR and authority previously granted to the Texas Facilities Commission for the solicitation of bids through the electronic commerce network is transferred to the Comptroller.

*Code Reference:*      Amends Government Code Chapter 2054, and TEC 39.205.  
Repeals Government Code, Sections 2054.201-2054.202,  
2054.2025, 2170.060, 2054.051(d), 2054.0551, 2054.123,  
2171.0521, and Chapter 2177.

*Effective Date:*      September 1, 2009

*Appropriation:*      N/A

*CB Rulemaking:*      No

*CB Reporting Requirement:*      No

*Lead CB Division:*      Information Technology Services

## Open Meetings/Open Records

### HB 2004

#### **BREACHES OF COMPUTER SECURITY INVOLVING SENSITIVE INFORMATION AND PROTECTION OF SUCH INFORMATION**

*Author:* McCall

*Sponsor:* Ellis

*Summary:* HB 2004 requires state and local agencies to notify an individual when a security breach of sensitive personal information occurs. A breach is defined as use or disclosure of information in an unauthorized manner and sensitive personal information is defined as a name in combination with the social security number, driver's license or other government issued ID number, or account, credit or debit card number in combination with any security code, access code or password that would permit access to an individual's financial account.

The bill requires disclosure of a breach to the individual as quickly as possible with the exception that notification may be delayed at the request of a law enforcement agency to complete a criminal or homeland security investigation. Notice may be sent by mail, telephone, electronic notice or, if the cost exceeds \$50,000 or the number affected exceeds 100,000, or the local government does not have sufficient contact information, the notice may be given by email, conspicuous posting on the Internet website of the agency or local government, or notice published in or broadcast on major national media.

*Code Reference:* Amends Business and Commerce Code, 521.002(a)(2), 521.052(d), and 521.053(a), Health and Safety Code 181.006, and Local Government Code 205.010.  
Adds Government Code 2054.1125.

*Effective Date:* September 1, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Information Technology Services

## Reports and Studies

### **HB 2425**      **ENGINEERING RECRUITMENT PROGRAMS AT PUBLIC OR PRIVATE INSTITUTIONS OF HIGHER EDUCATION; STUDY OF CERTAIN DEGREE PROGRAMS AT COMMUNITY COLLEGES**

*Author:* Morrison

*Sponsor:* Averitt

*Summary:* HB 2425 requires the Coordinating Board to conduct a study relating to the success of community college baccalaureate degree programs and the feasibility of expanding such programs. The study must include the economic viability of expanding the programs, workforce needs served by the programs for various areas of the state, current and potential university offerings, and other methods for making baccalaureate degree programs available. The study shall be reported to each standing committee of the Legislature with primary jurisdiction over higher education no later than November 15, 2010.

This bill amends the Engineering Recruitment Program to include private and independent institutions. As originally established by HB 2978, 80th Texas Legislature and codified in the Education Code 61.791, the program included only public general academic teaching institutions.

*Code Reference:* Amends TEC 61.791, 61.792, and 130.0012

*Effective Date:* June 19, 2009

*Appropriation:* SB 1, IX-81, Sec. 17.57 appropriates \$125,000 in each year of the 2010-2011 biennium.

*CB Rulemaking:* Yes

*CB Reporting Requirement:* Yes

*Lead CB Division:* Academic Affairs and Research

### **HB 3961**      **REGULATION OF NURSING**

*Author:* McReynolds

*Sponsor:* Nelson

*Summary:* Existing statute requires the Texas Higher Education Coordinating Board (THECB) and the Statewide Health Coordinating Council to establish the Health Professions Resource Center for the collection and analysis of educational and employment trends for health professions in the state. Within the center, the nursing resource section is housed, which focuses specifically on the collection and analysis of employment and educational trends for nurses. The Statewide Health Coordinating Council is under the Texas Department of State Health Services (DSHS) umbrella. HB 3961 amends Chapter 105 of the Health and Safety Code by adding Section 105.008 which requires, the nursing resource section to design and conduct a study on alternate ways of assuring clinical competency of graduates from professional nursing pre-licensure programs (nursing programs). The study must identify expected student outcomes of clinical judgment and behaviors, clinical exit evaluation tools, and correlations between the success rate of graduates of these nursing programs on standardized exit evaluation tools and their educational background. The study must also determine whether or not graduates of a clinical competency assessment program(s) are substantially equivalent to graduates from nursing programs with supervised clinical learning experiences programs. The study must be completed no later than June 30, 2014.

For the study described above, the legislation requires the nursing resource section to contract with an independent researcher to develop the research design and conduct the research. The independent researcher must be selected by a seven-member advisory committee composed of one representative from the nursing resource center's nursing advisory committee, one representative from the Texas Health Care Policy Council, the presiding officer of the Texas Board of Nursing (TBON), one representative of the THECB designated by the governor, one representative designated by Texas Hospital Association, one representative designated by the Texas Association of Business, and one representative designated by a clinical competency assessment program.

Additionally, the bill allows the nursing resource section to cooperate with the TBON and THECB in conducting the study. Data identifying specific individuals or health care facilities would be confidential unless unique identifiers are removed. The study could be supported by state appropriations, gifts, donations, and grants. The nursing research section shall apply for any grant funds available through the National Council of State Boards of Nursing.

HB 3961 amends the Occupations Code, Section 301.155(c) to increase the TBON's licensure surcharge for registered nurses from \$3 to "at least \$3 and not more than \$5" and the surcharge for vocational nurses from \$2 to "at least \$2 and not more than \$3." The surcharge would cover administrative costs by the TBON and the DSHS Nursing Resource Center.

The bill adds a new section to the Occupations Code, Section 301.157, to allow the TBON to recognize and accept as approved, a school of nursing operated in another state and approved by the Board of Nursing or other regulatory body of that state. The TBON would be required to develop policies to ensure that the other state's standards are substantially equivalent to the board's standards. The bill states the criteria for which a nursing program would be considered to meet standards substantially equivalent to the board's standards.

The bill also adds a new section to the Education Code, 63.202, to allow the grant funding from the THECB be awarded to the DSHS nursing resource section to fund the study required in this bill to evaluate the competencies of clinical judgment and behaviors that professional nursing students should possess at the time of graduation. The Sunset Commission is given the authority to evaluate whether certain sections of the Health and Safety Code should be extended and recommend changes relating to the eligibility for a license of graduates of a clinical competency assessment program operated in another state.

<i>Code Reference:</i>	Amends Occupations Code various sections in Chapter 30; Adds 301.206-301.207; Repeals 301.202(b). Amends TEC 63.202(f). Adds Health and Safety Code 105.008.
<i>Effective Date:</i>	June 19, 2009
<i>Appropriation:</i>	N/A
<i>CB Rulemaking:</i>	No
<i>CB Reporting Requirement:</i>	No
<i>Lead CB Division:</i>	Academic Affairs and Research

**HB 4149**

**COST-SAVING MEASURES AT INSTITUTIONS OF HIGHER EDUCATION AND THE USE AND AVAILABILITY OF ELECTRONIC TEXTBOOKS**

*Author:* Rose

*Sponsor:* Zaffirini

*Summary:* HB 4149 directs the Coordinating Board to conduct two studies:

- 1) A study to identify cost-savings measures in the management and operation of institutions of higher education. The report must include recommendations of cost-saving measures that are achievable and an estimate of money saved over a five-year period for each recommendation. The report is due January 31, 2011.
- 2) A study and recommendation of policies on the use and availability of electronic textbooks in Texas and other states. Specific focus must be directed towards the results of a pilot program at The University of Texas at Austin on electronic textbooks and must address methods for encouraging use at public and private institutions of higher education. Procedures must be established to involve the student regent in assisting with compliance of this study. Gifts and grants may be solicited to conduct the study and develop policy recommendations. The initial report and recommendations are due December 1, 2010.

Results of the studies shall be reported to the governor, lieutenant governor, speaker, and presiding officer of each legislative standing committee with primary jurisdiction over higher education.

*Code Reference:* Adds TEC 61.0664 and 61.0665

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* Yes

*Lead CB Division:* Planning and Accountability

## Miscellaneous

### **HB 1918**      **CHANGING THE NAME OF THE OFFICE OF RURAL COMMUNITY AFFAIRS**

*Author:* Darby

*Sponsor:* Estes

*Summary:* This bill renames the Office of Rural and Community Affairs to the Texas Department of Rural Affairs. Additional technical changes are made, reflecting the name change of the former Department of Health to the Department of State Health Services. The term "office" would change to "department" to reflect the name change.

*Code Reference:* Amends various sections Agriculture Code, Government Code, and TEC

*Effective Date:* September 1, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* N/A

### **HB 3756**      **TEXAS STATE LIBRARY AND ARCHIVES**

*Author:* Howard, Donna

*Sponsor:* Ellis

*Summary:* HB 3756 amends sections of the Government Code and Local Government Code relating to programs and laws under the administration of the Texas State Library and Archives Commission. Amendments to the Government Code address library systems, grants to library systems, the composition of governing boards and various other advisory boards for libraries and library systems, state records, and the TexShare Consortium, its membership and grants available to Consortium members. Specifically, changes to the Government Code allow grant money be allocated to all Consortium members, instead of only to institutions of higher education.

Amendments to the Local Government Code address county libraries and the qualifications of county librarians.

*Code Reference:* Amends, repeals, and adds various parts of the Government Code, Chapter 441. Amends Local Government Code 323.005(b), (d), and 323.011(b). Government Code 441.180 and 441.192 apply retroactively.

*Effective Date:* September 1, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* N/A

**HB 4189**

**COMPLIANCE PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION AND VACCINATION OF STUDENTS AGAINST BACTERIAL MENINGITIS**

*Author:* Rose

*Sponsor:* Watson

*Summary:* HB 4189 adds Education Code, Section 51.971, which allows an institution of higher education that maintains a compliance program to establish procedures, such as a telephone hotline, to permit private access to the compliance program office and to preserve the confidentiality of communications and the anonymity of a person making a compliance report or participating in a compliance investigation.

The protections of the bill do not apply to information related to an individual who consents to disclosure of the information. Information made confidential or excepted from public disclosure by this bill may be made available to a law enforcement agency or prosecutor for official purposes of the agency or prosecutor upon proper request made in compliance with applicable law and procedure.

This bill also adds Section 51.9192, Education Code, which requires first-time students attending a private or public institution of higher education who reside in or have been approved to reside in an on-campus student housing facility to have received the bacterial meningitis vaccination. A student must provide a certificate signed by a health practitioner showing that the student has been vaccinated against bacterial meningitis. A student may opt out of the vaccination by submitting an affidavit or a certificate signed by a physician that is registered and licensed to practice medicine in the U.S. stating that the vaccination required would be injurious to the health and well-being of the student, or by submitting a signed affidavit declining the vaccination for reasons of conscience. The Texas Higher Education Coordinating Board is to adopt rules to prescribe the time and manner for which a student must comply with these provisions.

*Code Reference:* Adds TEC 51.9192 and 51.971  
*Effective Date:* June 19, 2009  
*Appropriation:* N/A

*CB Rulemaking:* Yes  
*CB Reporting Requirement:* No  
*Lead CB Division:* Academic Affairs and Research

**SB 470**

**TRAINING AND CONTINUING EDUCATION FOR LICENSED ELECTRICAL APPRENTICES**

*Author:* Carona

*Sponsor:* Hamilton

*Summary:* SB 470 adds an apprenticeship training program for electrical apprentices. The program must combine technical classroom instruction and structured on-the-job training. The program would have to be recognized by the Texas Workforce Commission or the Texas Higher Education Coordinating Board. In order to renew an electrical apprentice license, a license holder not enrolled in the training program must complete four hours of continuing education annually in courses that address safety and satisfy the requirements of the National Electrical Code and state laws and rules.

*Code Reference:* Adds Occupational Code 1305.022(1-b), 1305.102(d), and 1305.168(b-1). Amends 1305.168(b).  
*Effective Date:* September 1, 2009  
*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Academic Affairs and Research

**SB 1354**      **LICENSING AND REGULATION OF PLUMBERS**

*Author:* Jackson                      *Sponsor:* Hamilton

*Summary:* This bill modifies sections of the Texas Occupations Code 1301, relating to licensing and regulation of plumbers. In particular, Section 1301.354 of the Occupations Code is modified to credit an applicant for hours of work experience required to take an examination if the applicant has received an Associate of Applied Science degree from a plumbing technology program that includes a combination of classroom and on-the-job training and is approved by the Texas Higher Education Coordinating Board.

*Code Reference:* Amends Occupations Code 1301.002, 1304.052 1304.053(a), 1301.203(a), 1301.552, and 130.553. Adds Section 1301.354(b-1), 1301.405(a)-(c), and 1301.551(e)-(h).

*Effective Date:* September 1, 2009

*Appropriation:* SB 1 IX-82, Sec. 17.67, Appropriates \$40,320 in FY 2010 and \$55,278 in FY 2011 contingent on revenues generated by the Board of Plumbing Examiners

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Academic Affairs and Research

**SB 1729**      **TERMS FOR STUDENT MEMBERS OF THE TEXAS HIGHER EDUCATION COORDINATING BOARD ADVISORY COMMITTEES**

*Author:* West                              *Sponsor:* Alonzo

*Summary:* SB 1729 changes the term of service for student members of the Coordinating Board advisory committees from one year to two years, applicable only to those members whose terms of service begin after the effective start date of this bill. It would also change references to dates in the nomination process, so that the nomination process would occur every other year during the odd-numbered years.

*Code Reference:* Adds TEC 61.071(b-1).  
Amends TEC 61.071(b)-(d).

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No  
*CB Reporting Requirement:* No  
*Lead CB Division:* Commissioner's Office

**SB 1735**

**PROVIDING POLICE AND SECURITY SERVICES FOR CERTAIN POST-SECONDARY EDUCATIONAL INSTITUTIONS**

*Author:* West

*Sponsor:* Branch

*Summary:* Baylor University Medical Center/Baylor Health Care System Department of Public Safety (Baylor DPS) was approved to operate as a campus police agency by the Texas Commission on Law Enforcement Officer Standards and Education in 1988. The Legislature later amended the related statute in order to better describe the jurisdiction of Baylor DPS in 2003. Over time, the enabling statute has become contradictory to other sections of the code and this bill simply clarifies language to more explicitly define their authority. The changes do not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

*Code Reference:* Amends TEC 51.2125(a) and (c) and 52.214(a), (c)-(d), and (f)-(g).

*Effective Date:* June 19, 2009

*Appropriation:* N/A

*CB Rulemaking:* No

*CB Reporting Requirement:* No

*Lead CB Division:* Academic Affairs and Research

# Cross-Reference Table

## Legislation by Bill Number

	<u>Page</u>		<u>Page</u>
<b>HOUSE BILLS</b>			
House Bill 3 .....	21	House Bills 3646 .....	55
House Bill 51 .....	59	House Bill 3756 .....	99
House Bill 58 .....	65	House Bill 3951 .....	41
House Bill 101 .....	28	House Bill 3961 .....	45, 96
House Bill 103.....	85	House Bill 4149 .....	98
House Bill 269.....	68	House Bill 4189 .....	100
House Bill 518 .....	85	House Bill 4244 .....	78
House Bill 602 .....	50	House Bill 4328 .....	33
House Bill 605 .....	89	House Bill 4471 .....	46
House Bill 703 .....	89	House Bill 4476 .....	42
House Bill 746 .....	29	House Bill 4501 .....	70
House Bill 874 .....	89	House Joint Resolution 14 .....	66
House Bill 962 .....	35	House Concurrent Resolution 288 .....	70
House Bill 1043 .....	90		
House Bill 1056 .....	50	<b>SENATE BILLS</b>	
House Bill 1096 .....	18	Senate Bill 43 .....	79
House Bill 1325 .....	18, 35	Senate Bill 44 .....	67
House Bill 1358 .....	65	Senate Bill 45 .....	80
House Bill 1423 .....	35	Senate Bill 78 .....	91
House Bill 1462 .....	90	Senate Bill 90 .....	57
House Bill 1568 .....	76	Senate Bill 93 .....	80
House Bill 1705 .....	94	Senate Bill 98.....	50
House Bill 1736 .....	76	Senate Bill 174 .....	22
House Bill 1758 .....	19	Senate Bill 175 .....	24
House Bill 1918 .....	99	Senate Bill 194 .....	42
House Bill 1935 .....	12, 38, 54	Senate Bill 256 .....	71
House Bill 2004 .....	95	Senate Bill 291 .....	47
House Bill 2013 .....	76	Senate Bill 297 .....	13, 81
House Bill 2154 .....	13, 39	Senate Bill 305 .....	43
House Bill 2347 .....	77	Senate Bill 470 .....	100
House Bill 2424 .....	24, 36	Senate Bill 473 .....	71
House Bill 2425 .....	13, 19, 96	Senate Bill 482 .....	34
House Bill 2440 .....	9, 40	Senate Bill 504 .....	30
House Bill 2480 .....	37	Senate Bill 596 .....	51
House Bill 2504 .....	20	Senate Bill 629 .....	51, 75
House Bill 2521 .....	88	Senate Bill 745 .....	88
House Bill 2559 .....	90	Senate Bill 811 .....	30
House Bill 2805 .....	29	Senate Bill 833 .....	91
House Bill 2954 .....	68	Senate Bill 847 .....	82
House Bill 2961 .....	69	Senate Bill 939 .....	82
House Bill 3340 .....	29	Senate Bill 956 .....	52
House Bill 3353 .....	69	Senate Bill 978 .....	86
House Bill 3452 .....	13, 41	Senate Bill 1068 .....	92
House Bill 3456 .....	45	Senate Bill 1225.....	48
House Bill 3485 .....	86	Senate Bill 1304.....	43
House Bill 3519 .....	13, 41	Senate Bill 1326.....	48

Senate Bill 1334.....	72	Senate Bill 1798.....	83
Senate Bill 1343 .....	86	Senate Bill 1941.....	73
Senate Bill 1354 .....	101	Senate Bill 1952.....	31
Senate Bill 1526 .....	48	Senate Bill 2182.....	74
Senate Bill 1629.....	92	Senate Bill 2240.....	31
Senate Bill 1728.....	49	Senate Bill 2244.....	84
Senate Bill 1729 .....	101	Senate Bill 2258.....	57
Senate Bill 1735 .....	102	Senate Bill 2262.....	58
Senate Bill 1760.....	84	Senate Bill 2298.....	13, 93
Senate Bill 1764 .....	44, 72	Senate Bill 2465.....	20
Senate Bill 1796.....	31		

## Legislation by Author

	<u>Page</u>		<u>Page</u>
<b>HOUSE BILLS</b>		<b>SENATE BILLS</b>	
Anchia .....	76	Averitt .....	82
Branch .....	41, 45, 59, 65, 70	Carona .....	91, 100
Brown, Fred .....	28, 29, 85	Duncan .....	30, 88
Callegari.....	89	Ellis .....	34
Cohen .....	42	Estes .....	71
Coleman .....	68, 69, 70, 86	Hegar .....	72
Corte .....	66	Hinojosa .....	86
Darby.....	99	Huffman .....	48
Edwards.....	39	Jackson.....	31, 101
Eissler .....	21	Lucio II.....	50
Farabee .....	50, 89	Nelson .....	47, 48, 91
Gattis.....	41	Nichols.....	50
Geren .....	94	Ogden .....	30
Gonzales .....	76	Patrick, Dan .....	43
Guillen .....	35	Seliger .....	20
Hochberg .....	37, 55, 78	Shapiro .....	22, 24, 73
Hopson .....	29	Shapleigh .....	42, 43, 48, 74
Howard, Donna .....	99	Van de Putte .....	57, 80, 81
Keffer .....	65, 76	Watson.....	44, 72, 82, 86, 93
Kolkhorst .....	20, 46, 85	Wentworth .....	92
Lucio III.....	68	West .....	49, 51, 52, 75, 86, 101, 102
Maldonado .....	29	Zaffirini .....	31, 57, 58, 67, 79, 80, 83, 84
McCall .....	40, 95		
McReynolds .....	45, 96		
Morrison .....	19, 24, 36, 50, 96		
Naishtat .....	69		
Orr .....	90		
Pickett .....	88, 90		
Rios Ybarra.....	18, 35		
Rose .....	89, 98, 100		
Strama.....	33		
Thibaut .....	77		
Thompson.....	19		
Truitt .....	90		
Turner, Chris .....	42		
Villarreal.....	38, 54		
Vo .....	18		

## Legislation by Sponsor

	<u>Page</u>		<u>Page</u>
<b>HOUSE BILLS</b>		<b>SENATE BILLS</b>	
Averitt .....	19, 65, 96	Alonzo .....	101
Carona .....	19	Anderson .....	82
Davis, Wendy .....	42	Aycock.....	51, 75
Duncan .....	38, 54, 66, 76, 90	Branch...22, 24, 43, 49, 52, 58, 67, 84, 86, 102	
Ellis .....	68, 69, 70, 94, 95, 99	Brown, Fred .....	30
Estes .....	49, 89, 99	Castro.....	31, 43, 80
Hegar .....	50, 76	Chavez .....	49
Hinojosa .....	39, 41	Chisum .....	34
Huffman.....	24, 36	Christian .....	51
Lucio II .....	18, 35, 89	Cohen.....	44, 72, 83
Nelson .....	46, 45, 65, 89, 90, 96	Corte .....	81
Nichols.....	29	Crownover .....	31, 71
Ogden .....	29, 41	Darby .....	30
Patrick, Dan.....	29, 85	Eissler.....	48
Seliger .....	37	Elkins.....	86
Shapiro .....	20, 21, 35, 55	Farabee .....	71, 93
Shapleigh .....	69	Gallego .....	92
Uresti.....	29, 34, 90	Geren .....	57
Van de Putte .....	18, 68, 85	Gonzales.....	86
Watson .....	100	Gonzalez Toureilles .....	79
West .....	86, 88	Hamilton .....	100, 101
Whitmire .....	77	Hochberg .....	57, 80
Williams .....	40	Howard, Donna .....	42
Zaffirini .....	35, 42, 45, 59, 76, 78, 98	Hughes.....	82
		King, Susan.....	48
		Lewis.....	20
		Lucio III.....	50
		McReynolds.....	47
		Morrison .....	73
		Naishtat .....	74
		Pickett .....	48
		Rose.....	92
		Smithee .....	91
		Solomons .....	88
		Turner, Chris .....	91
		Weber .....	31
		Zerwas .....	72

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