



**TEXAS
HIGHER EDUCATION
COORDINATING BOARD**

**SUMMARY OF
HIGHER EDUCATION
LEGISLATION
79TH TEXAS LEGISLATURE
ALL SESSIONS**

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www.thecb.state.tx.us/about/SummaryofHigherEd.pdf*

TEXAS HIGHER EDUCATION COORDINATING BOARD

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MISSION

The Texas Higher Education Coordinating Board's mission is to work with the Legislature, Governor, governing boards, higher education institutions and other entities to provide the people of Texas the widest access to higher education of the highest quality in the most efficient manner.

PHILOSOPHY

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 are duplicated by other entities.

**SUMMARY OF
HIGHER EDUCATION LEGISLATION**

79TH TEXAS LEGISLATURE

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SUMMARY OF HIGHER EDUCATION LEGISLATION

79TH TEXAS LEGISLATURE

INTRODUCTION

When the 79th Texas Legislature convened in January 2005, many higher education issues had been thoroughly reviewed by standing and select committees during the preceding year. In particular, the Joint Interim Select Committee on Higher Education studied accountability, financial aid, cost of attendance, and funding. In addition, the Senate Education, House Higher Education, House Appropriations, and Senate Finance committees also held interim hearings on higher education issues. The work of these legislative committees – and of the institutions and the Coordinating Board in providing information to them – provided the basis for many of the bills passed during the regular session.

The Legislature was aware of the state's progress toward the goals of *Closing the Gaps by 2015*, and of the financial commitment needed to achieve those goals. In spite of limited state resources, the Legislature increased all funds appropriations to higher education 18.4 percent overall from \$15.2 billion for the 2004-05 biennium to \$18 billion dollars for the 2006-07 biennium. General Revenue appropriations increased \$832.7 million or 8.1 percent from \$10.24 billion in the 2004-05 biennium to \$11.07 billion in the 2006-07 biennium.

Legislators also recognized the state's changing demographics and the need to bring more students into higher education to meet participation and success goals. As a result, financial aid was emphasized, and the state's five main financial aid programs received \$172 million more in funding or a 35 percent increase for the biennium. The Legislature also authorized the Coordinating Board to use tuition set-asides from the Texas B-On-Time Student Loan program to issue bonds, which has the potential to increase the funds available for that program by another \$100 million. In addition to providing greater funding for financial aid, the Legislature revised financial aid administration and eligibility to make financial aid more accessible and to hold students more accountable for the aid received.

Other issues of interest addressed through legislation included time-to-degree, residency for purposes of paying in-state tuition, annexation by community college districts, and the issuance and use of fraudulent degrees. Even though legislators negotiated proposed changes to the state's top 10 percent law until the final minutes of the session, that law remained unchanged. Legislators also did not reach consensus on bills regarding tuition revenue bonds.

This report contains a synopsis of major legislation concerning higher education, as well as of changes to administrative laws affecting institutional and/or Coordinating Board operations, passed during the regular session of the 79th Texas Legislature. The legislation is organized by topic with cross-reference tables by bill number, bill author, and bill sponsor at the end of the report.

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**SUMMARY OF
HIGHER EDUCATION LEGISLATION
BY TOPIC**

79TH TEXAS LEGISLATURE

ACADEMIC AFFAIRS

- ▶ **HOUSE BILL 1173 (F. BROWN/OGDEN) – FRAUDULENT DEGREES.** This Act makes it illegal to use fraudulent or substandard degrees for gaining employment or promotion, holding oneself out to the public as an expert, gaining admission into an educational program, or gaining a governmental position with authority over others. It expands the options the state has in addressing the issuing or the use of fraudulent or substandard degrees by making violations a misdemeanor and subject to the Deceptive Trade Practices Act. Individuals harmed by the offering or use of fraudulent or substandard degrees may also take civil action to redress the harm. To protect the public, the Act directs the Coordinating Board to publish on the Internet lists of accredited institutions and lists of fraudulent or substandard institutions to protect the public.

This Act takes effect September 1, 2005.

- ▶ **HOUSE BILL 1215 (MORRISON/ARMBRISTER) – DEGREE PROGRAMS OFFERED AT THE UNIVERSITY OF HOUSTON-VICTORIA.** Changes the statutory language from “master’s” to “graduate,” thereby allowing more advanced degree programs at the institution. The University of Houston-Victoria currently offers junior, senior, and master’s-level programs.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 1588 (DRIVER/WILLIAMS) – ELIGIBILITY REQUIREMENTS FOR A CONSTABLE.** Amends requirements for a person serving as constable to have at least an associate’s degree conferred by an institution of higher education recognized by the Coordinating Board, as well as be a special investigator or an honorably retired peace officer or federal criminal investigator. Once a person is appointed or elected constable, the Act requires constables to complete at least 40 hours of peace officer administrator’s training, similar to that required of police chiefs, within 48 months of taking office.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 1630 (MCREYNOLDS/WEST) – EXCUSED ABSENCE FOR MILITARY PERSONNEL CALLED TO ACTIVE DUTY.** Allows students attending institutions of higher education who are called to military duty to have their absences excused from attending classes or engaging in other required activities, including examinations, when they are on active military service. It also authorizes the Coordinating Board to adopt rules regarding the procedures for excusing the absences.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **HOUSE BILL 1791 (NAISHTAT/BARRIENTOS) – HAZING STATUTES AT PRIVATE INSTITUTIONS OF HIGHER EDUCATION.** Expands the current regulations regarding hazing to private and independent colleges, universities, and other postsecondary institutions.

This Act takes effect on September 1, 2005.

- ▶ **HOUSE BILL 2333 (MORRISON/WEST) – CONTINUING EDUCATION FOR CERTAIN OFFICIALS AND PERSONNEL AT CAREER SCHOOLS OR COLLEGES.**

Background: Many states require the owners or administrators of private career schools and colleges to obtain continuing education credits approved by a regulatory oversight agency on such issues as the federal and state requirements for Title IV funding, attendance requirements, private career school jurisprudence, and ethics.

MAJOR PROVISIONS OF HB 2333 AS FINALLY PASSED:

- Requires certain career schools and college officials and personnel to meet minimum qualifications, training, and continuing education established by Texas Workforce Commission rule.
- This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 39 (ZAFFIRINI/GOOLSBY) – FORENSIC EVIDENCE TRAINING FOR CERTAIN MEDICAL OR NURSING DEGREE PROGRAMS.** Requires physicians and nurses who work in emergency room settings to complete at least two hours of continuing education in forensic evidence collection no later than September 1, 2008 or the second anniversary of the initial issuance of their professional license. The State Board of Medical Examiners and the State Board of Nurse Examiners, respectively, will enforce these requirements and will adopt rules to identify those licensees required to complete the instruction and the content of the instruction.

This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 111 (SHAPLEIGH / T. SMITH) – COLLEGE CREDIT FOR INTERNATIONAL BACCALAUREATE DEGREE.**

- **Computation of high school grade point average (GPA).** Enables the Texas Commissioner of Education to develop a standard method for computing high school GPAs. Should the Commissioner develop a standard method for computing GPAs, all school districts are required to use it. The new method for calculating GPAs will be used in determining automatic admission to college under the top 10 percent law.
- **Policies for IBD, AP, and CLEP Programs.** Requires each institution of higher education to adopt a policy for granting credit to entering freshmen who have successfully completed the International Baccalaureate Diploma (IBD) program, dual credit coursework, or achieved required scores on the Advanced Placement (AP) or College Level Exam Program (CLEP) examinations. Upon a student's request, the institution must notify applicants of the amount and type of credit granted upon admission under the policy. The bill requires each institution to grant at least 24 semester credit hours of credit to all entering freshmen with IBDs, unless the student has a score of 4 or lower on their IBD exam.

- **Coordinating Board and Texas Education Agency cooperation.** Requires the Coordinating Board and the TEA to jointly identify correlations between courses offered at each higher education institution and the courses and exams in the IBD, AP, and CLEP programs. This information must be made available to the public on the Coordinating Board's website.
- This Act takes effect September 1, 2005. Institutions must implement policies adopted under the Act by the 2006-2007 academic year.

ADMISSIONS

- ▶ **HOUSE BILL 133 (F. BROWN/OGDEN) – ACADEMIC COURSE CREDIT FOR MILITARY TRAINING.** Requires colleges and universities to consider certain military training for academic credit toward a degree. The student's military record must describe the substance of the military instruction. The training must satisfy the purpose of the college course and the official record must verify successful completion.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 1170 (MILLER/SHAPLEIGH) – COURSE CREDIT FOR MILITARY TRAINING AND READMISSION AFTER MILITARY SERVICE.**

Background: The Texas National Guard, Texas State Guard, and military reservists are routinely called to active duty to support contingency operations in combat zones. Currently, over 21,600 members of the Texas National Guard, Texas State Guard, and military reserves have been called to active duty, with over 5,200 members deployed to Iraq or Afghanistan. To fulfill their military commitment and service to the country, the service members have to withdraw from institutions of higher education.

MAJOR PROVISIONS OF HB 1170 AS FINALLY PASSED:

- **Course credit for military training.** Allows institutions of higher education to award course credit toward a degree for a student's completion of certain military training. In making this determination, institutions must receive an official military record that describes the substance of the training, verifies successful completion, and confirms that the course satisfies the purpose as described in the institution's course catalog.
- **Readmission following military training.** For students who withdraw from an institution of higher education to perform active military service, the Act requires readmission for any academic term within one year of release date from such service, without reapplication or charging a fee if the student is otherwise eligible to register for classes at the institution. Institutions are authorized to adopt rules requiring reasonable proof from a student of the Act and duration of the student's active military service.
- This Act takes effect immediately and makes application prospective to the next semester or other academic term.

- ▶ **SENATE BILL 502 (WEST/MORRISON) – TEXAS COMMON APPLICATION.**

Background: The Common Application Advisory Committee, appointed by the Coordinating Board, has successfully created and launched a common admissions application that is accepted by all public universities. Through this single form, a student may apply to up to six different universities, rather than complete unique applications for each institution. The form has significantly simplified the admission application process to public universities for Texas students, but most students who enter higher education during the next two decades are expected to begin their studies at community colleges. Currently, each of those institutions has its own unique form. SB 502 requires the Coordinating Board to collaborate with community college representatives to develop a common application form for junior college districts, public state colleges, and public technical colleges.

MAJOR PROVISIONS OF SB 502 AS FINALLY PASSED:

- **Electronic application.** The Act requires the creation of an electronic freshman application for all public institutions of higher education in Texas and calls for an optional common paper application for public state colleges, junior colleges, and technical colleges. General academic teaching institutions already have a common paper application.
- **Membership of Texas Common Application Advisory Committee.** The Act expands the membership of the Texas Common Application Advisory Committee of the Coordinating Board to include new members from public state colleges, junior college districts, and technical colleges. The Advisory Committee must consult with all public institutions of higher education when designing the common admission application and its accompanying rules.
- **Acceptance of common application.** The Act requires every public institution of higher education to accept the common application.
- This Act takes effect September 1, 2005. Revisions to the current Texas common application must be made by September 1, 2006 and should be available to applicants for the 2007-2008 academic year.

APPROPRIATIONS/FUNDING

► SENATE BILL 1 (OGDEN/PITTS) – GENERAL APPROPRIATIONS ACT.

Overview of Appropriations Act as related to the Coordinating Board and higher education (see pages 43 – 45 for overview as related to state employee and employee benefits).

The \$139.4 billion state budget approved for the 2005-2006 biennium by the 79th Texas Legislature marked a 10 percent increase in appropriations over the previous biennium. The largest portion of the budget – \$55 billion – will go to education. On an all funds basis, higher education spending is budgeted at \$18 billion, up from \$15.2 billion for the 2004-05 biennium.

As the budget relates to financial aid, over \$657 million will be available through the state's five main financial aid programs for all institutions of higher education, an increase of more than \$171 million, or 35 percent over the current biennium. TEXAS Grant funding increased 2.4 percent from \$324 million in FY2004-05 to \$331.7 million for the 2005-06 biennium, and the Coordinating Board was appropriated about \$20 million for the Texas B-On-Time (BOT) Loan Program, which represents the amount of tuition set-aside required of the institutions under tuition deregulation legislation. The Coordinating Board anticipates leveraging the tuition set-aside into \$100 million in bonds to fund this program. This will represent a significant increase in funding for BOT loans in the next biennium. The Legislature also added an additional \$71 million to the Tuition Equalization Grant Program (available to qualified students at private institutions), increasing from the current \$141 million to \$212 million (an increase of over 50 percent) for the 2006-07 biennium.

The Coordinating Board's budget (General Revenue and General Revenue-Dedicated Funds) increased from \$680.9 million to \$762.6 million, up \$81.7 million, or 12.0 percent from the 2004-05 expenditure levels. Student financial aid strategies accounted for most of the increase. The Coordinating Board's operating budget is \$10.17 million for the 2006-07 biennium.

Article III of the General Appropriations Act also contains 52 riders regarding a variety of issues. Only one – The Office of the Attorney General Loan Repayment Program Rider – was vetoed by the Governor. (Page III-52, 41). Following is a summary of some of the significant changes or additions to the Appropriations Act riders affecting higher education.

(The page number reference in parentheses at the end of each item refers to the page and rider number in the Appropriations Act).

- **Performance measure targets.** Designates key performance target levels for each item of the Coordinating Board's appropriation for the 2006-2007 biennium according to the goals and strategies of *Closing the Gaps by 2015*. (Page III-47, 1)
- **Performance reporting.** Instructs the Legislative Budget Board (LBB) and the Coordinating Board to work with all institutions of higher education to align performance measures with those included in the accountability system. The Coordinating Board must report recommendations to align the two sets of measures to the LBB by December 31, 2005. (Page III-253, 54)
- **General academic funding.** Outlines funding for general academic teaching institutions based on relative weights and values assigned by the recently updated Coordinating Board Cost Matrix. Updated In December 2004, the Cost Matrix is intended to present an objective analysis of universities' actual costs that comprise formula funding allocations. (Page III-245, Sec. 30)
- **Graduate medical education formula.** The Graduate Medical Education (GME) Formulas will provide funding on a per-medical-resident basis. Funding is based on a base value of \$4,806 per medical resident in an accredited program. Appropriations for Graduate Medical Education

for Fiscal Year 2006 are \$2,403 per resident and appropriations for Fiscal Year 2007 are \$2,403 per resident. (Page III-247, Sec. 31-4)

- **Health related institution graduate medical education.** The funds appropriated for graduate medical education (GME) in each of the health-related institutions bill pattern will be spent to increase the number of resident slots in Texas, as well as faculty costs relating to GME. Each health-related institution will work with the Coordinating Board to develop new performance measures relating to increasing the number of resident slots in Texas. (Page III-247, Sec. 31-5)
- **Graduate medical education.** Authorizes the Comptroller to adjust the amounts in the Graduate Medical Education strategies of Article III for the Health-Related Institutions for the 2006-07 biennium based on information provided by the Legislative Budget Board. (Page IX-78, Sec. 14.10)
- **Limitation on formula funding contact and semester credit hours.** Retains provision from last legislative session expressing the Legislature's intent to control costs and limit General Revenue formula appropriations by excluding contact hours or semester credit hours related to a course for which a student is generating formula funding for the third time from the hours reported by the Coordinating Board to the Legislative Budget Board for formula funding. (Page III-251, Sec. 49)
- **Financial aid program funding.** Consolidates financial aid provisions on TEXAS Grant, Texas B-On-Time, College Work-Study, and TEXAS Grant II (now called the Texas Education Opportunity Grant). (Page III-52, 37)
- **Fund transfers among financial aid programs.** Authorizes the Coordinating Board to allow each institution to transfer the lesser of 10 percent or \$10,000 between the Texas College Work-Study Program, TEXAS Grant Program, and the Tuition Equalization Grant Program. (Page III-53, 45)
- **Cancer registry.** Requires the Coordinating Board to collect from each health-related institution and each general academic teaching institution that conducts cancer-related research a total amount of \$1,875,000. The Coordinating Board will develop a methodology that assesses a proportional share of the cost for each institution and will enter into an interagency cooperation agreement with the Texas Department of State Health Services to transfer funds to the Department for improving the state cancer registry and for funding a position to monitor contract compliance and quality assurance of the cancer registry. (Page III-51, 36)
- **Consortium of Alzheimer's Disease Centers.** Appropriates \$2 million in Fiscal Year 2006 to the Coordinating Board to support the Consortium of Alzheimer's Disease Centers. The Coordinating Board will contract with the Texas Council on Alzheimer's Disease and Related Disorders to direct the Consortium. (Page III-54, 51)
- **Professional nursing shortage reduction program.** Designates the Coordinating Board as trustee of funds to achieve an increase in the number of professional nursing program graduates, an increase in the percentage of professional nursing programs students who graduate within a reasonable amount of time, and an increase in the number of master's and doctoral programs graduates that join the faculty of a professional nursing program. Funds can be used to create additional nurse faculty positions, provide temporary salary supplements for professional nursing faculty, and engage qualified preceptors to expand faculty capacity. Appropriated funds will be distributed in an equitable manner to institutions based on increases in numbers of nursing students graduating. (Page III-53, 47)

- **Metroplex pharmacy school study.** Requires the Coordinating Board to conduct a needs study for a new pharmacy school located in the Dallas/Fort Worth Metroplex area. The Board will report the results of the study no later than September 1, 2006. (Page III-52, 38)
- **New community college campuses.** Requires the Coordinating Board to set aside \$293,664 for a new college campus at Frank Phillips Community College and \$250,503 for a new college campus at Northeast Texas Community College. (Page III-52, 40)
- **Dramatic enrollment growth funding for two-year institutions.** Provides \$2,259,393 each year of the biennia for two-year institutions experiencing dramatic growth in contact hours. (Page III-47, 15)
- **New campus funding for Navarro College's District Campus Center in Midlothian.** Directs the Coordinating Board to set aside \$1.91 million in Fiscal Year 2006 and \$796,000 in Fiscal Year 2007 to fund contact hours generated from a new campus at Navarro College. (Page III-54, 48)
- **New campus funding for Blinn College's Sealy Campus.** Directs the Coordinating Board to set aside \$150,000 in Fiscal Year 2006 and \$150,000 in Fiscal Year 2007 to fund contact hours generated from a new campus at Blinn College. (Page III-54, 49)
- **Common application form at community colleges.** Authorizes the Coordinating Board to collect funds from participating public two-year and independent institutions (in addition to general academic institutions) to recover costs related to the electronic common application form. (Page III-48, 18)
- **Research programs funds reporting.** Requires the Coordinating Board to report an accounting of funds to the Governor and the Legislative Budget Board (LBB) by September 1 of each year on the Advanced Research Program (ARP) and the Advanced Technology Program (ATP). For the 2006-2007 biennium, ARP received \$8.4 million (down from \$9.4 in 2004-05) and ATP funding was eliminated (down from \$19.5 million in 2004-05). (Page III-47, 11)
- **Higher Education Assistance Program.** Requires Coordinating Board to provide information to prospective students from high schools with college-going rates in the lowest 10 percent of all public high schools. Students will receive information and assistance with the admissions and application process and financial aid information. Expands a previous pilot program. (Page III-49, 23 and in SB 1227 [Shapiro, Morrison])
- **Strategic plan for teacher certification.** Directs the P-16 Council to oversee the implementation of the strategic plan to increase the number of certified teachers in Texas. (Page III-50, 28)
- **State Military Assistance Program.** Provides that all unexpended balances of the State Military Tuition Assistance Program as of August 31, 2005, estimated to be \$100,000, be appropriated for the same purpose during the biennium beginning September 1, 2006. Any balances on hand at the end of Fiscal Year 2006 can be carried over to Fiscal Year 2007. (Page III-52, 39)
- **Reporting on student attendance near military facilities.** Directs the Coordinating Board to include in its Legislative Appropriations Request for the 2008-09 biennium, information regarding average student attendance over a five-year period for each Texas institution of higher education located in proximity to an active duty military facility. The report will also include institutions where average student attendance for any year during a five-year period deviates from the five-year average by more that 10 percentage points. (Page III-54, 52)

- **Texas A&M Galveston.** States the Legislature's intent for the Legislative Budget Board and the Coordinating Board to consult with Texas A&M Galveston and develop a funding allocation for Marine and Maritime instruction, Ship Operation and Maintenance, and Marine Terminal Operation in accordance with the Coordinating Board's 1994 study linking the programs to the general academic instructions formula rate. (Page III-253, Sec. 55)
- **Prairie View A&M – Office for Civil Rights (OCR) Priority Plan Reporting Requirements.** States that Prairie View A&M University will work with the Coordinating Board, the Governor, and the Legislative Budget Board (LBB) regarding any proposed changes to the detailed plan, the benchmarks, and performance measures adopted in accordance with the OCR Priority Plan. Prairie View A&M University will report its progress regarding the OCR Priority Plan benchmarks, performance measures, and expenditures for the above items, semi-annually by December 31 and June 30 to the institution's Board of Regents, the Texas Higher Education Coordinating Board, the Governor, and the LBB. (Page III-90, 3-4)
- **Texas Southern University - OCR Priority Plan Reporting Requirements.** States that Texas Southern University will work with the Coordinating Board, the Governor, and the Legislative Budget Board (LBB) regarding any proposed changes to the detailed plan, the benchmarks, and performance measures adopted in accordance with the OCR Priority Plan. Texas Southern University will report its progress regarding the OCR Priority Plan benchmarks, performance measures, and expenditures for the above items, semi-annually by December 31 and June 30 to the institution's Board of Regents, the Texas Higher Education Coordinating Board, the Governor, and the LBB. (Page III-130, Sec. 5-6)

► **HOUSE BILL 1901 (WAYNE SMITH/WILLIAMS) – STATE CEILING FOR PRIVATE ACTIVITY BONDS.**

Background: The Texas Bond Review Board administers the Texas Private Activity Bond Program, a federal program to assist in financing privately owned public-purpose projects.

MAJOR PROVISIONS OF HB 1901 AS FINALLY PASSED:

- To account for construction cost inflation since this program was initiated a decade ago, HB 1901 adjusts the state ceiling for any single project from \$25 million to \$50 million for issuers of bonds that require an allocation. The cap remains at \$75 million if the issuer is the Texas Higher Education Coordinating Board.
- This Act takes effect immediately (earliest effective date June 17, 2005).

► **HOUSE BILL 3001 (MORRISON/DUNCAN) – THE HIGHER EDUCATION ASSISTANCE FUND (HEF).**

Background: Amendments to the Texas Constitution in 1984 and 1993 allow the Legislature to provide appropriations to universities, health-related institutions, and Texas State Technical College institutions that do not share income from the Permanent University Fund (PUF). This appropriation, from the Higher Education Assistance Fund (HEF), can be used for many of the same purposes as the PUF, to include acquiring land; construction, repair, and rehabilitation of buildings; and purchase of capital equipment and library materials. From 1986 through 1995, the Legislature appropriated \$100 million in HEF funds each year. The annual appropriation increased to \$175 million each year beginning in 1996.

The Legislature is authorized to update the institutional formula elements and reallocate HEF distributions once every five years. In addition, every 10 years the Legislature is authorized to increase the HEF appropriation to ensure the fund's purchasing power is maintained.

MAJOR PROVISIONS OF HB 3001 AS FINALLY PASSED:

- Increases the constitutional appropriation to eligible institutions from \$175 million annually to \$262.5 million annually beginning with Fiscal Year 2008. The appropriation for fiscal years 2006 and 2007 will remain at \$175 million annually. HEF funds are allocated by an equitable formula consisting of the following elements: space deficit, facilities condition, and institutional complexity. There is a separate allocation for Texas State Technical College System.
- Specifies that the increase provided in the Act constitutes the increase in accordance with the Texas Constitution that the Legislature considers appropriate for the five-year period beginning September 1, 2005.
- This Act takes effect September 1, 2005.

COMMUNITY AND TECHNICAL COLLEGES

- ▶ **HOUSE BILL 381 (KOLKHORST/ARMBRISTER) – BLINN JUNIOR COLLEGE DISTRICT.** Designates Austin County, other than the territory within the Wallis-Orchard Independent School District, as part of the Blinn Junior College district service area.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 776 (HOWARD/JANEK) – WHARTON COUNTY JUNIOR COLLEGE DISTRICT.** Expands the service area of the Wharton County Junior College district to include the incorporated area and the extraterritorial jurisdiction of Sugar Land in Fort Bend County. It does not impose a tax. Residents of Sugar Land can use its services by paying out-of-district tuition.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 1274 (HARDCASTLE/ESTES) – RANGER JUNIOR COLLEGE DISTRICT.** Removes the Graham Independent School District in Young County from the Ranger Junior College District service area.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **HOUSE BILL 1331 (CHAVEZ/ZAFFIRINI) – COMMUNITY COLLEGES IN INTERAGENCY COOPERATION ACT.**

Background: Texas law does not consider a public junior college or community college an "agency." This has created confusion, for example, when a junior college or community college is working with an economic development board on a new business start-up project. In this situation, the college applies for the Skills Development Fund from the Texas Workforce Commission, but in order to administer the training project, the college currently needs to enter into an interagency agreement with the workforce development board. HB 1331 includes junior colleges and community colleges in the Interagency Cooperation Act.

MAJOR PROVISIONS OF HB 1331 AS FINALLY PASSED:

- HB 1331 clarifies the status of junior college districts for the purpose of interagency contracting. The definition of "agency" in the code currently includes a "college." The Act changes that definition to a "junior college district."
- This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **HOUSE BILL 1737 (FLORES/ZAFFIRINI) – ESTABLISHMENT OF A DUAL USAGE EDUCATIONAL COMPLEX.** Allows a junior college district, with the approval of the Coordinating Board, to enter into cooperative agreements with counties, municipalities, school districts, and other institutions of higher education for the establishment and operation of dual usage educational complexes, under terms stated in the agreement.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 2221 (LUNA/WEST) – COMMUNITY COLLEGE SERVICE AREAS AND TAXING DISTRICTS.**

Background: Under current law, the geographic area taxed by a junior college district is often much smaller than the area served by the college. Some colleges are experiencing a shortage of funds, as they educate many students from outside of their taxing district but within their service area. HB 2221 allows the governing board of a junior college, under certain circumstances, to annex nearby

areas into the taxing district, provided that another junior college is not already taxing the area in question. Junior college boards are also given an option to enter into agreements with other governmental entities and private employers.

MAJOR PROVISIONS OF HB 2221 AS FINALLY PASSED:

- **Methods for inclusion into or the establishment of a new college district.** The legislation provides two means by which a territory can either be included in an existing junior college district or establish a new junior college district. Registered voters can petition to be included in or establish a new junior college district. Junior college districts can also enter into agreements with an entity or community to provide services to that entity or community.
- **Tuition and fee rates.** Encourages a junior college district to charge persons who live in whole or parts of a political subdivision not located in a junior college district tuition and fees at a rate that approximates the costs of delivering higher education services according to a specific formula outlined in the statute. An entity or community under agreement with a junior college is required to provide services to cover the costs of each student from that territory that exceed the in-district tuition and fee rate and allow such students to pay in-district rates.
- **Methods for annexation.** To standardize provisions for annexation by contract or election, the Act specifies the circumstances under which annexation can occur.
 - Annexation by contract can include only contiguous territory that is in the service area of the annexing district and only by whole school districts, counties, or municipalities or some combination of those whole territories.
 - Annexation by election, which requires a petition with the description of the proposed annexing territory and must be signed by 5 percent of registered voters.
 - Prior to annexation, a junior college district must hold a public hearing. The junior college district is to publish a service plan with elements prescribed in the statute and by the Coordinating Board.
 - Election determining annexation can only be held in the territory proposed to be annexed.
 - If annexation occurs, the legislation outlines how governing board representation is expanded to include the new territory.
 - If annexation is not successful, the Act prohibits a subsequent election for at least one year.
- **County-line school districts.** The legislation changes current statute concerning the annexation of county-line school districts into county or joint-county junior college districts. Such annexation is to be accomplished by an election with a petition signed by a majority of the registered voters in the school district proposed to be annexed.
- **Extension of boundaries.** The Act provides for the extension of the boundaries of a junior college district through annexation of all of the college district's service area if:
 - more than 35 percent of the student population of that junior college district resides outside the district's taxing district but with the district's service area
 - more than 15 percent of the county's high school graduates for preceding five years are enrolled in the college district.
- This Act takes effect September 1, 2005.

- ▶ **HOUSE BILL 2806 (MORRISON/WEST) – REGULATION OF CAREER SCHOOLS AND COLLEGES.** Amends portions of the Education Code applicable to career schools and colleges. These changes will align terms and processes with national accreditation and federal regulation currently being used by the career schools and colleges in all parts of Texas. The Act also adds definitions of certain terms. Finally, the Act makes slight changes in the refund policy and the attendance policy and allows for students in a program that is closed by the Texas Workforce Commission to be placed in a similar program at another school or college, regardless of whether the school or college is a career school or college.

This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 114 (VAN DE PUTTE/MCCLENDON) – REMOVAL OF A JUNIOR COLLEGE DISTRICT TRUSTEE.** Provides that unexcused absences from more than half of the regularly scheduled board meetings of a junior college district board of trustees during a calendar year constitutes a ground for removal. Absences excused by a majority vote of the board are not counted. The Act ensures that a trustee will be provided due process by utilizing procedures for removing a county official as provided by current law.

This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 929 (ELLIS/TURNER) – HOUSTON COMMUNITY COLLEGE SYSTEM DISTRICT.** Adds the part of the Fort Bend Independent School District that is located in the municipality of Missouri City to the Houston Community College System district service area.

This Act takes effect immediately (earliest effective date May 27, 2005).

- ▶ **SENATE BILL 1193 (WENTWORTH/KUEMPEL) – ALAMO COMMUNITY COLLEGE DISTRICT AND THE AUSTIN COMMUNITY COLLEGE DISTRICT.**

Background: The service area for Austin Community College District includes all of Hays County, but a portion of two precincts of the San Marcos Consolidated Independent School District lie within Guadalupe County, a county that is wholly within the Alamo Community College District. In order for voters in those two precincts to participate in a San Marcos CISD election to the Austin Community College District, the precincts must be removed from the Alamo Community College District service area.

MAJOR PROVISIONS OF HB 1193 AS FINALLY PASSED:

- SB 1193 adds the part of San Marcos Consolidated Independent School District located in Guadalupe County to the Austin Community College District service area and excludes that same area from the Alamo Community College District service area.
- This Act takes effect immediately (earliest effective date June 17, 2005).

► **SENATE BILL 1809 (WENTWORTH/SEAMAN) – EVALUATION OF TECH-PREP CONSORTIA.**

Background: The Texas Tech-Prep Program was created in 1999 to allow high school students to begin a college technical major while still attending high school. Each of the 26 regional Tech-Prep consortia is governed by a governing board composed of private and public sector leaders. The state's Tech-Prep law provides for administration of the federally funded program through the statewide network of regional consortia.

MAJOR PROVISIONS OF SB 1809 AS FINALLY PASSED:

- **Existing Tech-Prep consortia.** Restricts the alteration of existing Tech Prep consortia and prevents establishment of additional consortia after January 1, 2005. However, if an existing consortium fails to meet standards established by the Texas Higher Education Coordinating Board, that consortium may be consolidated with another from the same region, reorganized into multiple consortia, or abolished and a new consortium established to serve that region.
- **Statewide evaluation system.** Requires the Coordinating Board, in coordination with Tech-Prep consortia, including the governing board of each Tech-Prep consortium, to develop and implement a statewide system of standards that consortia are expected to meet. The Coordinating Board will evaluate each Tech-Prep consortium biennially using the criteria developed and report to each consortium the results not later than October 1 of each even-numbered year. The report must discuss any failure to meet standards, recognize achievements, identify areas for improvement, and identify best practices. The initial report is due not later than October 1, 2006.
- This Act takes effect September 1, 2005.

FEES

- ▶ **HOUSE BILL 258 (PENA/HINOJOSA) – THE UNIVERSITY OF TEXAS-PAN AMERICAN (UTPA) SPORTS RECREATION AND WELLNESS FACILITY FEE.** Authorizes The University of Texas System Board of Regents to charge each student enrolled at UTPA a sports recreation and wellness facility fee in an amount not to exceed \$75 for each semester of the regular and summer terms. The fee may not be imposed nor increased unless it is approved by a majority vote of the students.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **HOUSE BILL 598 (BLAKE/STAPLES) – STEPHEN F. AUSTIN STATE UNIVERSITY (SFA) RECREATIONAL SPORTS FEE.** Authorizes the SFA Board of Regents to charge each student enrolled at SFA a recreational sports fee in an amount not to exceed \$120 per semester or summer session lasting longer than six weeks and \$60 per summer session lasting six weeks or less. The fee may not be increased by more than 10 percent per academic year unless it is approved by a majority vote of the students.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **HOUSE BILL 1063 (OLIVEIRA/LUCIO) – THE UNIVERSITY OF TEXAS AT BROWNSVILLE (UTB) WELLNESS, RECREATIONAL AND FITNESS FEE.** Authorizes The University of Texas System Board of Regents to charge each student enrolled at UTB a wellness, recreational, and fitness complex fee in an amount not to exceed \$79 per semester and \$39.50 per summer session. The fee charged must be the same amount as the wellness, recreational, and fitness complex fee charged for students attending Texas Southmost College. A student attending either or both institutions may be charged this fee by only one of the institutions. The fee may not be increased by more than 10 percent per academic year unless it is approved by a majority vote of the students and a majority of the members of the legislative body of the student government.

The revenue may be used by the partnership of UTB and Texas Southmost College.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 1102 (MILLER/FRASER) – THE TARLETON STATE UNIVERSITY (TASU) STUDENT CENTER COMPLEX FEE AND INTERCOLLEGIATE ATHLETICS FEES.** Excludes TASU from the Texas A&M University System provision whereby the student center complex and recreation sports fees may be increased by not more than 10 percent from one academic year to the next without holding an election. The Act authorizes the Texas A&M University System Board of Regents to impose an intercollegiate athletics fee not to exceed \$10 per semester credit hour. The fee may not be imposed until approved by a majority vote of the students nor may it be increased from one academic year to the next until approved by a majority vote of the legislative body of the student government. If the amount of increase exceeds 5 percent, the increase must also be approved by a majority vote of the students.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 2108 (BERMAN/ELTIFE) – THE UNIVERSITY OF TEXAS AT TYLER (UT-TYLER) STUDENT UNION FEE.** Authorizes The University of Texas System Board of Regents to charge each student enrolled at UT-Tyler a student union fee in an amount not to exceed \$100 for each semester or summer session lasting more than six weeks or \$50 per student for each summer session that is six weeks or less. The fee may not be imposed nor may it be increased by more than 10 percent from one academic year to the next unless it is approved by a majority vote of the students.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **HOUSE BILL 2272 (FARABEE/ESTES) – MIDWESTERN STATE UNIVERSITY (MSU) RECREATIONAL AND HEALTH FACILITIES FEE.** Authorizes the MSU Board of Regents to charge a recreational and health facilities fee not to exceed \$130 for a semester or summer session longer than six weeks or \$65 for summer sessions six weeks or less. This fee may not be increased more than 10 percent from one academic year to the next unless it has been approved by a majority vote of the students.

This Act takes effect immediately (earliest effective June 17, 2005).

- ▶ **HOUSE BILL 2441 (LEIBOWITZ/VAN DE PUTTE) – THE UNIVERSITY OF TEXAS AT SAN ANTONIO (UTSA) RECREATIONAL FACILITIES FEE.** Authorizes The University of Texas Board of Regents to increase the recreational facility fee from \$100 to \$150 for a semester or summer term lasting more than six weeks and adds a \$75 fee for a semester or summer term of six weeks or less.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **SENATE BILL 702 (DEUELL/FLYNN) – STUDENT CENTER COMPLEX FEES CHARGED AT INSTITUTIONS OF THE TEXAS A&M UNIVERSITY SYSTEM.** Provides that the student center complex fees authorized by Texas A&M University System Board of Regents may be used for acquiring, constructing, renovating, adding to, replacing, and financing one or more student center facilities for the institution.

This Act takes effect immediately (earliest effective date June 17, 2005).

FINANCIAL AID

► HOUSE BILL 1172 (FRED BROWN/ZAFFIRINI) – TUITION AND FINANCIAL AID.

NOTE: Provisions in this bill related to financial aid appear below. Provisions regarding tuition and timely graduation appear in the Tuition section of this report.

- **Texas College Work-Study Program.**
 - Changes the current employer matching fund requirements for the Texas College Work-Study Program (TCWS) to equal those of the federal work-study program. All employers participating in the TCWS Program are required to provide 100 percent of employee benefits to student employees.
 - A Work-Study Mentorship Program is created to allow general academic teaching institutions to use a portion of their TCWS funds to employ third-and fourth-year undergraduate students as mentors for undergraduate students who are on academic probation. The institutions have the authority to require students on academic probation to participate in such programs. Ninety percent of the earnings paid to students employed as mentors will be provided through the TCWS program. The institutions will provide 10 percent of the earnings and 100 percent of the students' benefits. Participating institutions will be required to provide to the Coordinating Board each November a progress report indicating the number of participants, the costs of the program, and the academic progress of participating students.

- **TEXAS Grant Program.** This Act makes several changes to the TEXAS Grant Program. The changes only affect students receiving initial awards during or after fall 2005. Grants to students receiving awards prior to the effective date of the Act (September 1, 2005) will be governed by regulations in effect at that time. For new recipients, the changes include:
 - eligibility for students enrolled in four-year degree programs ends on the 5th anniversary of the students' initial awards;
 - eligibility for students enrolled in longer-than-four-year degree programs ends on the 6th anniversary of the students' initial awards;
 - to continue receiving awards, students have to meet their institutions' academic progress requirements at the end of their first year in the program, and thereafter complete a minimum of 24 hours per year with an overall grade point average of 2.5 on a 4.0 scale to continue their eligibility;
 - the Coordinating Board will develop rules to enable students to maintain eligibility if they fail to meet a program requirement due to hardship or some other good cause.

- **Tuition Equalization Grant (TEG) Program.** Eligibility for Tuition Equalization Grants to new recipients was changed to:
 - require a full course load;
 - require completion of 24 semester credit hours (SCH) in years after initial award for undergraduate degrees or certificate programs;
 - require completion of 18 SCHs in years after initial award for graduate or professional degrees;
 - require maintaining a 2.5 GPA or equivalent;
 - end eligibility for students enrolled in a four-year degree program at the 5th anniversary of the students' initial award;
 - end eligibility for students enrolled in longer-than-four-year degree programs at the 6th anniversary of the students' initial award;

- require the Coordinating Board to develop rules to enable students to maintain eligibility if they fail to meet a program requirement due to hardship or some other cause.
- **Award Limitation for Recipients of both TEXAS Grant and TEG.** New limits on award amounts for students attending independent or private institutions of higher education were established.
 - These students are not eligible to receive both TEXAS Grant and TEG awards in the same term or semester, except for students awarded prior to September 1, 2005;
 - For a student awarded a TEXAS Grant after June 18, 2005, the TEXAS Grant amount for private or independent school students cannot exceed the maximum award amount for the TEG program.
- **Texas B-On-Time Loan Program.** Changes to this program:
 - Allow the Coordinating Board to use tuition set-asides to repay bonds issued by the Coordinating Board for the Texas B-On-Time loan program.
 - Allow loans received through the Texas B-On-Time Loan Program to be forgiven if the number of hours a student has completed when receiving a bachelor's degree does not exceed the requirements of his/her degree program by more than six hours, excluding hours earned through examination, dual enrollment while in high school, and developmental coursework required by the institution.
 - Allow the Coordinating Board to use money in the Texas B-On-Time loan account to pay costs associated with the operation of the program.
 - Allow the tuition set aside to be deposited either to the B-On-Time Loan program or to a sinking fund established by the Coordinating Board.
- This Act takes effect immediately (earliest effective date June 18, 2005).

► **HOUSE BILL 2109 (BERMAN/SHAPIRO) – EARLY HIGH SCHOOL GRADUATION SCHOLARSHIP PROGRAM.**

Background: Prior to 2003, the Early High School Graduation Scholarship Program provided financial aid to students who completed high school in not more than 36 consecutive months. But in 2003, Senate Bill 1366 (Bivins/Eissler) added a requirement that students complete the Recommended or Advanced High School Program. The Act took effect on September 1, 2003 and applies to a person who entered the ninth grade during or after the 2003-2004 school year. The 2003 legislation did not address the issue of students currently enrolled in the scholarship program; therefore many students did not receive the scholarship as promised.

HB 2109 re-establishes the eligibility for students admitted under the previous scholarship program and who lost eligibility when the Legislature changed the requirements.

MAJOR PROVISIONS OF HB 2109 AS FINALLY PASSED:

- **Rulemaking authority and definitions.** Rulemaking authority previously granted to the Coordinating Board is modified and "coordinating board" is defined.
- **Eligible Person.** The legislation modifies the list of requirements to be eligible for an award through the Early High School Graduation Scholarship program.

- Provides that certain individuals' eligibility for the program ends on the 6th anniversary of the date that the person first becomes eligible to participate in the program, unless the person is provided additional time to participate in the program under Coordinating Board rules.
- Requires the Coordinating Board to adopt rules to provide certain persons who are otherwise eligible to participate in the program additional time to use a state credit for tuition and mandatory fees under the program. Provides that for purposes of this subsection, hardship or other good cause includes a severe illness or other debilitating condition, responsibility for the care of a sick, injured, or needy person, or active duty or other service in the United States armed forces.
- Provides that a person who does not satisfy the curriculum requirements for the Recommended or Advanced High School Program as required to establish eligibility is considered to have satisfied those requirements if the high school from which the person graduated indicates on the person's transcript that the person was unable to complete the appropriate curriculum within the time prescribed by that subsection solely because of a reason beyond the person's control, such as lack of enrollment capacity or a shortage of qualified teachers.

- This Act takes effect immediately (earliest effective date June 18, 2005).

► **HOUSE BILL 2274 (COOK/CARONA) – SUNSET BILL FOR THE TEXAS GUARANTEED LOAN CORPORATION.** Continues the Texas Guaranteed Student Loan Corporation until September 1, 2017, and makes the recommended statutory modifications.

This Act takes effect September 1, 2005.

► **HOUSE BILL 2701 (CROWNOVER/JANEK) – HIGHER EDUCATION AUTHORITIES.** Reorganizes Chapter 53 of the Texas Education Code into three sections: 1) Higher Education Facility Authority for Public Schools; 2) Higher Education Facility Authority for Private Schools; and 3) Higher Education Loan Authority.

This Act takes effect September 1, 2005.

► **SENATE BILL 579 (VAN DE PUTTE/CORTE) – TEXAS B-ON-TIME LOAN ELIGIBILITY TO CHILDREN OF MILITARY PERSONNEL**

Background: Currently, the Texas B-On-Time loan program provides no-interest loans to certain students attending institutions of higher education in the state. This program excludes the children of Texas military personnel who are deployed overseas and attend high schools run by the Department of Defense (DOD). Since these students are not graduating from high schools physically located in Texas, they are not eligible for the loan program, even though one or more parent is officially a Texas resident.

MAJOR PROVISIONS OF SB 579 AS FINALLY PASSED:

- **B-On-Time Loan Program eligibility.** Adds language that explicitly allows a student who graduated from a DOD high school not earlier than the 2002-2003 school year and at the time of graduation from that school was a dependent child of a member of the armed forces of the United States to be eligible for the loan program. Requires the Coordinating Board to adopt rules for the changes to initial eligibility for B-On-Time loans as soon as practicable.

- **Fee.** A 3 percent loan origination fee can be charged to students receiving a Texas B-On-Time loan to pay for the administrative expenses of setting-up and servicing these loans.
- This Act takes effect immediately (earliest effective date June 17, 2005).

► **SENATE BILL 1227 (SHAPIRO/MORRISON) – FINANCIAL AID OMNIBUS BILL.**

Background: With the deregulation of designated tuition during the 78th Texas Legislature in 2003, legislators became highly interested in the availability of financial aid, its ease of administration, and its effectiveness in helping students. SB 1652, 78th Texas Legislature, established a joint interim legislative committee to study the organization, operations, and funding of higher education. One of the central issues for study was financial aid. Also, SB 286, 78th Texas Legislature, instructed the Coordinating Board to study and produce a report on financial aid administration for the next legislative session. The Board appointed a committee made up of financial aid experts from across the state. The committee's report was issued in August 2004 and was entitled *Preparing for the Emerging Texas*.

SB 1227, 79th Texas Legislature, as filed was the product of recommendations from the report of the joint interim committee and from *Preparing for the Emerging Texas*. As the bill moved through the legislative process, it was amended many times, but its core purpose – helping the state, institutions, and students make better use of financial aid opportunities – remained the same.

MAJOR PROVISIONS OF SB 1227 AS FINALLY PASSED:

- **Participating institution definition.** Extends the definition of “participating institution” for the Hinson-Hazlewood College Student Loan Program to include regional service centers or other entities that offer alternative education certification programs.
- **Exemption.** Exempts students enrolled in alternative education certification programs from the Hinson-Hazlewood Loan Program requirement of providing evidence that he or she is unable to obtain a guaranteed loan from a commercial vendor.
- **Installment plan.** Adjusts the tuition and fee installment plan currently authorized under statute to allow institutions to apply a student's financial aid toward the total amount of tuition and fees currently due and release the balance to the student.
- **Lender's special allowance funds use.** Allows the Coordinating Board to use amounts paid to the Board by the federal Lender's Special Allowance program to award TEXAS Grants.
- **Term of loans.** Eliminates 10-year term on Hinson-Hazlewood loans and allows the Coordinating Board to set a longer term that is “consistent with general practice by issuers of student loans.”
- **Tuition set-aside for Texas B-On-Time bonds.** Authorizes the Coordinating Board to use tuition set-asides to repay bonds issued by the Coordinating Board for the Texas B-On-Time student loan program. This provision will greatly expand the funding available for B-On-Time loans.
- **Payment options for students with delayed financial aid.** Authorizes institutions to postpone the due date of unpaid tuition and fees if a student's financial aid is not available at the due date. Institutions are authorized to provide a 30-day repayment option if financial aid is canceled or reduced.

- **Summer tuition at Texas A&M University pilot program.** Establishes a pilot program for Texas A&M University to charge three-fourths of regular tuition for summer semesters. This provision goes into effect only if the Legislature appropriates funds to cover the lost tuition revenue (which it did not for the 2006-2007 biennium).
- **Tuition assistance for members of state military forces.** Transfers administration of the Tuition Assistance Program for State Military Forces from the Coordinating Board to the Adjutant General of the Texas National Guard. (Previously, the Texas National Guard selected recipients and the Coordinating Board provided funds).
- **Use of license plate funds for grants.** Authorizes institutions to use funds received from the sale of collegiate license plates for Texas Public Educational Grants (TPEG).
- **Emergency loan program.** Allows institutions to select emergency loan program recipients based on financial need (instead of by order of receipts as required in current law). Also allows institutions to offer emergency loans to pay for books. These loans previously were limited to tuition and fees.
- **Work-study program.** Aligns state college work-study program with those of the federal work-study program.
- **Early High School Graduation Scholarship program.** (These provisions can also be found in HB 2109 by Leo Berman which is summarized on page 21 of this document.)
 - Makes scholarships available to persons who were not grandfathered when the law was changed last session to require the Recommended High School Program (RHSP). Students who graduate in three years from high school but did not complete the RHSP prior to September 1, 2005, may receive a scholarship.
 - Requires the Texas Education Agency to prepare a publication regarding the availability of the Early High School Graduation program and to post it on its website in a form that allows high schools to reproduce it. Further requires each high school to provide information on the program to each freshman high school student when the student enrolls.
- **TEXAS Grants phased out at private institutions.** Establishes that new TEXAS Grants will no longer be available to students at private institutions after the fall 2005 semester. However, the eligibility of all students currently receiving TEXAS Grant awards will continue under provisions in effect prior to the session, except that students at private institutions who continue to receive TEXAS Grant will receive awards that are limited in value by the maximum for Texas Equalization Grant (TEG) awards. (These provisions can also be found in HB 1172 by Fred Brown which is summarized on page 20 of this document.)
- **Calculation of award.** Requires the Coordinating Board to base the calculation for the TEXAS Grant award amount on the average statewide tuition and fee amounts for a semester or term of the next academic year.
- **Reduced awards.** Authorizes institutions to award a reduced TEXAS Grant to any student if funds are limited and if tuition and fees are covered by other gift aid. The Coordinating Board must provide information regarding the Texas B-On-Time loan program to each eligible student who receives less than the full amount of a TEXAS Grant.

- **Grant sponsorships.** Authorizes the Coordinating Board to develop and implement a process for naming and sponsoring TEXAS Grants by other entities that donate funds for that purpose (i.e., TEXAS Grant by Coca-Cola).
- **Texas Education Opportunity Grant (formerly TEXAS Grant II).** Changes the name of TEXAS Grant II to the Texas Education Opportunity Grant to eliminate confusion with the TEXAS Grant program. Also changes the academic progress requirements of the program to equal those originally set for the TEXAS Grant program, and adds provisions for continuing eligibility under hardship circumstances.
- **Study of cost of attendance.** Requires the Coordinating Board to conduct a biennial study of the total cost of attending each institution of higher education and resources available to students, including grants, loans, scholarships, and work-study programs.
- **Financial aid training program.** Requires the Coordinating Board to develop a comprehensive financial aid training program for public school counselors, employees of student financial aid offices, members of community-based organizations, and others.
- **Higher education enrollment assistance.** Requires the Coordinating Board to administer the Higher Education Enrollment Assistance Program, first targeting students in three areas of the state identified by the Coordinating Board as having low college-going rates. Additional areas of the state may be included if funds are available.
- **Coordinating Board license plates.** Requires the Texas Department of Transportation (TxDOT) to issue a specialty license plate for the Coordinating Board. After administrative costs to TxDOT, funds collected from sale of the plates are available to the Coordinating Board for the *College for Texans* Campaign.
- **Nonvoting student regent.** Requires gubernatorial appointment of a nonvoting student regent to the governing board of each general academic teaching institution, medical unit, and each dental unit in all university systems. The Act outlines the process by which systems must solicit applications and make recommendations to the Governor through the system chancellor. The Governor is not required to appoint an applicant recommended by a system chancellor.
- This Act takes effect September 1, 2005.

► **SENATE BILL 1844 (HARRIS/MORRISON) – FIFTH YEAR OF ACCOUNTING PROGRAM SCHOLARSHIPS.**

Background: The 72nd Legislature in 1991 provided for the establishment of a scholarship fund, funded by a \$10 per annum fee paid by licensed Certified Public Accountants for qualified fifth-year accounting students. The current maximum scholarship amount of \$3,000 is insufficient to provide the level of assistance envisioned when the program was created.

MAJOR PROVISIONS OF SB 1844 AS FINALLY PASSED:

- SB 1844 eliminates the scholarship limit and requires the Coordinating Board, along with an advisory committee, to determine the maximum scholarship amount given to a student.
- This Act takes effect immediately (earliest effective date June 18, 2005).

HEALTH-RELATED INSTITUTIONS

- ▶ **HOUSE BILL 2420 (CHAVEZ/LUCIO) –GRADUATE MEDICAL EDUCATION (GME).** Requires the Health and Human Services Commission, in determining the needs of the state for graduate medical education, to give primary emphasis to graduate medical education primary care specialties and to also recognize the growth in residency training slots since 1997 in the Lower Rio Grande Valley and other health care shortage areas of this state. The Act authorizes delay of implementation until any federal waivers or authorizations are obtained.

This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 132 (NELSON/MORRISON) – STRATEGIES CONCERNING THE NUMBER OF GRADUATES FROM PROFESSIONAL NURSING EDUCATION PROGRAMS.**

Background: Texas has a nursing shortage that will worsen unless steps are taken to address the problem. The median age of nurses in Texas is 46, and Texas' nursing schools are not graduating enough students to fill demand. Only 65 percent of enrolled nursing students graduate, and there are not enough qualified nursing instructors to sufficiently increase enrollment. The average entering class size of registered nurse (RN) programs increased 108 percent from 1999 to 2003 while the number of faculty for these programs increased by only 13 percent.

MAJOR PROVISIONS OF SB 132 AS FINALLY PASSED:

- **Strategies to address the nursing shortage.** Sets statewide goals for increasing the number of initial RN graduates, developing strategies for increasing graduation rates from nursing programs, and promoting innovation in nursing education through the regionalization of common administrative and instructional functions, interdisciplinary instruction, pooled or shared faculty, and new clinical instruction models to maximize use of existing resources and faculty.
- **Targets.** For each academic year, the Texas Department of State Health Services (DSHS) in consultation with the Coordinating Board will determine a target number of graduates from Texas' professional nursing programs, goals for increasing the number of nursing graduates from those programs, and levels of public and private funding for achieving the target numbers and goals. The analysis will include assessments and projections concerning the number of RNs working in Texas, the number of RNs needed, and the number of RN program graduates needed to address any deficit. DSHS will submit a report concerning the results of the analysis to the Legislature on or before June 1, 2007.
- **Enhancement grants funding.** Enables the Coordinating Board to award nursing faculty enhancement grants for the education, recruitment, and retention of faculty within professional nursing programs. Grants can be used for salary supplements and enhancements and to reduce the number of hours a faculty member must teach. The Board can require programs to provide matching funds or give preference in awarding enhancement grants to programs that provide matching funds. The Board can appoint an advisory board to help the Board determine successful strategies to educate, recruit, and retain qualified nursing program faculty members.
- **RN Graduation rates.** The Coordinating Board is directed to identify, develop, and study strategies for increasing graduation rates from RN programs and to determine which strategies are likely to be effective. No later than January 1, 2007, the Coordinating Board must report to the Legislature on the results of the study. The report must include recommendations for implementing effective strategies to increase graduation rates from RN programs.

- **Tuition exemption for children of professional nursing program faculty or staff.** Exempts children of certain professional nursing program faculty and staff from the payment of tuition at the institution at which the parent is employed.
- **Tuition exemption for preceptors for professional nursing programs.** Exempts students from \$500 of resident tuition if the student is a registered nurse and is serving as a clinical preceptor. Certain children of professional nursing program faculty and staff are also eligible for the exemption. Potential recipients must apply for the exemption.
- This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **SENATE BILL 276 (STAPLES/BERMAN) – COURSE IN ALLIED HEALTH AND RELATED FIELDS AVAILABLE AT THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT TYLER.** Authorizes UTHSCT to offer courses and degree programs in allied health and related health sciences fields, subject to approval by the Coordinating Board.

This Act takes effect immediately (earliest effective date June 1, 2005).

- ▶ **SENATE BILL 419 (NELSON/SOLOMONS) – SUNSET ACT FOR THE TEXAS STATE BOARD OF MEDICAL EXAMINERS, THE TEXAS STATE BOARD OF PHYSICIAN ASSISTANT EXAMINERS, AND THE TEXAS STATE BOARD OF ACUPUNCTURE.**

Background: Texas began regulating physicians in 1837, and created the current Texas State Board of Medical Examiners in 1907 to ensure that only qualified physicians practice medicine and provide health care to Texans. In 1993, the State of Texas established both the Texas State Board of Physician Assistant Examiners and the Texas State Board of Acupuncture Examiners as advisory boards to the Medical Board to assist in regulating physician assistants who provide medical services under the supervision of licensed physicians and acupuncturists.

RELEVANT PROVISIONS OF SB 419 AS FINALLY PASSED:

- Continues all three boards until September 2, 2017.
- Changes the name of the Texas State Board of Medical Examiners to the Texas Medical Board.
- Clarifies that the Coordinating Board has the authority to approve degree programs for acupuncture schools in Texas, and requires the Coordinating Board to seek input from the Acupuncture Examiners Board regarding standards used to assess a school or degree program.
- This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 423 (CARONA/DELISI) – ISSUANCE OF LIMITED LICENSE TO PRACTICE MEDICINE.**

Background: Currently, a physician who is a foreign medical school graduate and who completes the Accreditation Council for Graduate Medical Education fellowship is unable to obtain a Texas medical license.

MAJOR PROVISIONS OF SB 423 AS FINALLY PASSED:

- **Issuance of limited license.** The Act revises the Texas Medical Practice Act to allow qualified physicians to obtain a temporary or limited medical license to take positions with medical and graduate medical education programs.

- **Eligibility requirements.** The license is limited in scope to the applicant’s “conceded eminence and authority,” which is to be defined by the State Board of Medical Examiners, and will allow practice of a medical specialty for which the holder has trained and qualified. The license requires satisfactory documentary proof of the applicant’s qualifications, and subjects the recipient to a possible six-month probationary period. The applicant must not fail a required licensing exam that would prevent receipt of an unrestricted Texas medical license. In addition, an applicant must be recommended by the dean, president, or chief academic officer of a Texas school of medicine, UT Health Center at Tyler, UT M.D. Anderson Cancer Center, or an accredited program of graduate medical education, and can expect appointment to a position at the recommending institution or program upon receipt of the license.
- **Rules.** The Texas State Board of Medical Examiners (the Texas Medical Board) shall adopt rules and prescribe fees required by this Act.
- This Act takes effect September 1, 2005.

► **SENATE BILL 1247 (WEST/F. BROWN) – ADMISSION TO THE JOINT ADMISSION MEDICAL PROGRAM (JAMP).**

Background: JAMP was created by the 77th Legislature in 2001 to provide services to support and encourage highly qualified, economically disadvantaged students pursuing medical education; award undergraduate and medical school scholarships; and provide for the admission of those students who satisfy both academic and non-academic requirements to at least one participating medical school.

MAJOR PROVISIONS OF SB 1247 AS FINALLY PASSED

- SB 1247 changes the year students are selected into JAMP from the students' freshman year to the sophomore year. It changes the allocation of certain remaining program openings and requires the Joint Admission Medical Program Council to allocate the openings to the general academic teaching institutions. It also updates pre-admission mentoring and assistance requirements for potential JAMP applicants.
- This Act takes effect immediately (earliest effective date June 17, 2005).

INSTITUTIONAL CHANGES

- ▶ **HOUSE BILL 495 (MILLER/FRASER) – TEXAS A&M UNIVERSITY-CENTRAL TEXAS CAMPUS.** Reduces the enrollment required for the Tarleton State University System Center-Central Texas to attain status as a stand-alone general academic institution from 2,500 to 1,000 full-time student equivalent enrollment for one semester.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 868 (RITTER/WILLIAMS) – CENTER FOR EXCELLENCE IN DEAF EDUCATION AND COMMUNICATION DISORDERS.** Authorizes the Texas State University System Board of Regents to establish the Center for Excellence in Deaf Studies and Deaf Education at Lamar University in Beaumont to improve deaf education programs in Texas. In collaboration with the Department of Assistive and Rehabilitative Services and the Texas School for the Deaf, the center will assess deaf education needs; assess strategies to address those needs; and study bilingual education programs for the deaf, improved teacher training, and the incorporation of technology into deaf education. The center also will develop a strategic plan to guide and evaluate the center's progress toward advancing deaf education programs in Texas. Subject to the availability of funds, the Board of Regents will establish the center not later than January 1, 2007.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 1409 (COLEMAN/ELLIS) – THE AUTHORITY TO CHANGE THE NAME OF COMPONENT INSTITUTIONS OF THE TEXAS A&M UNIVERSITY SYSTEM.** Prevents changes to the name of Prairie View A&M University. Currently, the Texas A&M University System Board of Regents is allowed to change the name of the system or any component institutions, agencies, or services.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **SENATE BILL 254 (SHAPIRO/HILL) – RESTRICTIONS IMPOSED ON THE PROGRAMS, ENROLLMENT AND ADMISSION POLICIES AT THE UNIVERSITY OF TEXAS AT DALLAS.** Repeals various outdated limitations, restrictions, and mandates placed on UT Dallas when it was first allowed to enroll lower-division students four decades ago.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **SENATE BILL 296 (MADLA/CORTE) – TEXAS A&M UNIVERSITY KINGSVILLE-SYSTEM CENTER-SAN ANTONIO.** Reduces the number of full-time student equivalents from 2,500 to 1,000 for one semester needed to transform the System Center into Texas A&M University-San Antonio. Reducing the enrollment threshold to 1,000 full-time equivalent students is contingent upon the Legislature authorizing and issuing revenue bonds to finance institutional facilities. If the Legislature does not issue revenue bonds to finance these facilities, the System Center must reach previously designated 2,500 full-time student enrollment threshold for one semester to become a stand-alone institution. Also, newly designated as Texas A&M University-San Antonio, the campus is not eligible to receive small institution supplemental funding beginning September 1, 2005. (This subsection expires September 1, 2007).

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **SENATE BILL 1452 (LUCIO/OLIVIERA) – TEXAS ACADEMY OF MATH AND SCIENCE AT THE UNIVERSITY OF TEXAS AT BROWNSVILLE (UTB).** Establishes the Texas Academy of Math and Sciences (TAMS) at UTB. The academy offers a combined high school and college-level curriculum to academically qualified high school juniors and seniors. UT-Brownsville will oversee TAMS. The academy is

exempt from Texas Education Agency regulations governing high schools, except that it will be eligible for funding from the Foundation School Fund as if it were a school district.

This Act takes effect immediately (earliest effective date June 17, 2005).

► **SENATE BILL 1883 (OGDEN/F. BROWN) – LANDS MANAGED BY THE TEXAS A&M UNIVERSITY SYSTEM BOARD OF REGENTS.**

Background: The Texas A&M University System does not currently have authority to enter into an agreement to lease land or facilities for construction on the university's main campus in College Station, and as a result cannot accept a donation for the construction of an academic facility. The University of Texas at Austin has this authority and has entered into similar agreements in the past.

MAJOR PROVISIONS OF SB 1883 AS FINALLY PASSED

- SB 1883 authorizes the Board of Regents of The Texas A&M University System to enter into an agreement, including a ground lease, for construction of an office, laboratory, and classroom building to be funded by a donor, on a site not to exceed five acres on the original main campus. The agreement must provide that title to the building shall be transferred to the board upon completion.
- This Act takes effect immediately (earliest effective date June 17, 2005).

P-16 INITIATIVES

▶ **HOUSE BILL 2808 (MORRISON/WEST) – P-16 COUNCIL.** Eliminates conflicting and outdated sections of the Education Code that relate to the P-16 Council by collapsing three existing sections of the code into one. The Act also designates the Commissioner of Education and the Commissioner of Higher Education as co-chairs of the Council, adds a member from the Department of Rehabilitative Services to the Council, and allows the co-chairs to appoint up to three additional members. The Council is required to review and report to the Governor, the Lieutenant Governor, the Speaker of the House, and the chairs of the education committees of the Legislature on the following by January 1, 2007:

- Existing advanced academic programs that provide high school students with dual and concurrent enrollment credit;
- The curriculum required for the Recommended High School Program; and
- The feasibility of a revised curriculum with at least 12 hours of advanced academic courses offered through dual credit and concurrent enrollment programs.

The Act also requires the Legislative Budget Board to study the resource needs of high-quality early childhood programs, including Head Start, Early Head Start, pre-kindergarten, after-school programs, and licensed child-care programs and report its findings to the P-16 Council, the Governor, the Lieutenant Governor, the Speaker of the House, and the 79th Legislature.

This Act takes effect September 1, 2005.

▶ **SENATE BILL 1146 (SHAPIRO/MORRISON) – EARLY COLLEGE EDUCATION PROGRAM.** Establishes the Early College Education program under the administration of Texas Education Agency. The program is to 1) provide students at risk of dropping out of school or those who wish to accelerate completion of high school to complete the high school curriculum and up to two years of college credit within four or five years; 2) require articulation agreements with institutions of higher education to address curriculum design, instructional elements, calendar, courses, financial aid eligibility, enrollment and attendance, grading policies, and TAKS assessment; 3) grant conflict resolution authority concerning the articulation agreements to the P-16 Council; and 4) give the Texas Education Agency the rulemaking authority concerning the program and gives the Coordinating Board rulemaking authority "as necessary to exercise its powers and duties under this section."

This Act takes effect immediately (earliest effective date June 17, 2005).

RESEARCH

▶ **HOUSE BILL 1697 (MCCALL/WEST) – TECHNOLOGY WORKFORCE DEVELOPMENT GRANT PROGRAM.**

Background: In 2001, the Legislature created a partnership between private companies and institutions of higher education authorizing the state to match industry dollars awarding grants for technology workforce development.

MAJOR PROVISIONS OF HB 1697 AS FINALLY PASSED:

- Permits the state to match qualifying grants awarded by the Coordinating Board to eligible institutions and adds the amount or value of gifts, grants, or donations to the matching appropriation provided by the state.
- Changes the Coordinating Board appointed "advisory committee" to an evaluation committee that will evaluate the effectiveness of the grant program.
- This Act takes effect September 1, 2005.

▶ **HOUSE BILL 1765 (MORRISON/SHAPIRO) – EMERGING TECHNOLOGY.** Establishes the Texas Emerging Technology Fund administered by the Governor's office for research and development activities involving emerging technology industries. The fund will expedite innovation and commercialization; help attract, create, or expand private sector entities that will drive a substantial increase in high-quality jobs; and increase higher education applied technology research capabilities. Emerging technology fields are designated in the legislation.

- The fund is intended to:
 - Provide incentives to create Regional Centers of Innovation and Commercialization in Bexar, Dallas/Tarrant, and El Paso counties; the Lower Rio Grande Valley; and other suitable locations.
 - Provide research matching grants.
 - Attract leading researchers from outside the state to Texas. Eligible projects will be vetted by the Emerging Technology Committee and through a strict peer review process. The projects will be submitted for unanimous approval by the Speaker of the House, Lieutenant Governor, and Governor.
 - The Governor will appoint a 17-member Texas Emerging Technology Committee.
- This Act takes effect immediately (earliest effective date June 14, 2005).

RESIDENCY

► SENATE BILL 1528 (ZAFFIRINI/MORRISON) – RESIDENCY FOR TUITION PURPOSES.

Background: Changes made during numerous legislative sessions to statutes concerning residency, tuition, fees, and waivers, have made it increasingly complicated to determine student residency classification and eligibility. SB 1528 greatly reduces these complications by providing a new means of determining residency for tuition purposes at public institutions of higher education. Because the legislation is “skeletal,” the Coordinating Board is able to respond to changing needs through its new rulemaking authority authorized by the Act.

SB 1528 is based on recommendations made by the Coordinating Board’s Residency Committee and several years of research and analysis by Coordinating Board staff.

MAJOR PROVISIONS OF SB 1528 AS FINALLY PASSED:

- **Rulemaking authority and definitions.** The Coordinating Board is granted rulemaking authority with regard to residency. The Board, in consultation with representatives of institutions of higher education, is charged with adopting definitions for terms related to residency including “tuition,” “fee exemptions,” and “waivers.” The Act defines terms including “census date,” “dependent,” “domicile,” nonresident tuition,” “parent,” “residence,” and “resident tuition.”
- **Determining residency.** The Act eliminates the ambiguity that existed in former statutes with respect to a person’s domicile and a person’s temporary place of residence. All institutions will base their original residency decisions on the same data, producing more consistent residency decisions. If a student’s residency is not easily determined by when and where he attended high school, then domicile, a universally recognized and accepted legal concept, becomes the driving factor for determining residency.
- **Provisions for most Texas high school graduates.** If a student resided in Texas in the three years preceding high school graduation or receipt of a General Educational Development (GED) Certificate, the student is classified as a Texas resident. Students qualifying under this provision must have lived in Texas the year proceeding the universal census date. If the student is not a citizen or permanent resident of the United States, the student must sign an affidavit declaring intent to apply for permanent residence in the United States as soon as the student is eligible to do so.
- **Domicile.** If a student’s residency cannot be determined by when and where he or she attended high school, domicile is used as a driving factor for determining residency. If a dependent student’s parent or an independent student lived in Texas no less than 12 consecutive months prior to the universal census date of the academic term in which the student intends to enroll and exhibited an intent to establish a domicile, the student is considered a Texas resident for tuition purposes.
- **Maintaining residency.** The Act indicates that a student’s classification as a resident will apply to all subsequent semesters at the same or another public institution without the need for the student to provide additional documentation unless (1) the student enrolls after being out of higher education for two or more regular semesters, (2) information relevant to the residency classification was changed, or (3) it is discovered that the institution misclassified a student. The residency of transfer students will be based on the residency classification at the prior institution attended unless the student has been out of college for more than one year. On-going transfer students will not have to be re-classified each time they enroll at a different institution.

- **Errors in classification.** The Act indicates that if an institution discovers it erroneously classified a student as a resident, the institution may immediately request that the person repay the difference between resident and nonresident tuition for all relevant terms and may impose sanctions as outlined in the Act if repayment is not made.

If an institution discovers it erroneously classified a student as a nonresident, the institution must reimburse the student for the excess tuition charges. A student erroneously classified as a resident but otherwise eligible for a waiver of nonresident tuition is not required to reimburse the state for the nonresident tuition the student otherwise would have paid. The Act clarifies that re-classifications may not occur in a given semester after that term's census date.

- **Data collection.** The Act requires the Coordinating Board to determine the information to be collected from students or parents to determine residency. Institutions may not collect data or information regarding residency unless otherwise designated by the Coordinating Board. In the past, some students were asked to answer nine-page questionnaires on residency while other students filled out a one-page form. Students in very complex family situations will no longer have to comb through pages of complicated documents to demonstrate residency. These students will answer a few basic, yet thorough, questions to demonstrate domicile.
- **Payment plan terms and conditions.** The Act requires students entering into tuition and fee installment payment plans under the Texas Education Code (TEC) Section 54.007 to enter into a written agreement with the institution that outlines terms and conditions for payment.
- **Repealed language.** The Act repeals TEC Section 54.057 that currently enables persons who had only applied with the Immigration and Naturalization Service (now the Bureau of Citizenship and Immigration Services or BCIS) to domicile in Texas and have the same rights and privileges as permanent residents in establishing residency. An immigrant who has been determined by BCIS as eligible for permanent residency may now be eligible for resident tuition if he or she establishes a domicile in Texas.

The Act repeals Section 54.052 (g) which allows children of individuals temporarily assigned to work outside the state to pay the resident rate. However, the concept of "domicile" as laid out in Coordinating Board rules will address those instances whereby a temporary absence does not result in the loss of domicile.

- **Waiver for Employees of The University of Texas at Austin Center for Technology Development and Transfer (TEC 65.45):** Establishes a tuition waiver for the spouse or children of an individual employed by the Center for Technology Development and Transfer.
- **Hazlewood Exemption Fee:** Enables junior colleges to charge veterans using the Hazlewood exemption a fee if a student uses the exemption to enroll in an expensive program. Repeals statutory provisions allowing Hazlewood students to use the exemption for flight training courses.
- **Non-Discrimination Clause:** Prohibits institutions from using a student's eligibility for an exemption under Section 9 (the Hazlewood Exemption) of the Act as a factor for admission.
- **Tuition and Fee Survey:** The Coordinating Board is required to perform a tuition and fee survey and report results to the 80th Legislature.

- This Act takes effect September 1, 2005. Changes made by the Act apply beginning with tuition and fee charges for the 2006 fall semester. The Coordinating Board is to adopt rules required by this Act not later than January 1, 2006.

TUITION

▶ **HOUSE BILL 993 (GONZALEZ/HINOJOSA) – INSTALLMENT PAYMENT OF TUITION AND FEES BY A COMMUNITY COLLEGE, TECHNICAL COLLEGE, OR STATE COLLEGE FOR A SUMMER TERM.**

Background: Currently, most institutions of higher education offer students the option to pay tuition and fees by installments. However, students at community colleges, technical colleges, or state colleges are not allowed to pay tuition by an installment plan for summer school sessions of less than 12 weeks.

MAJOR PROVISIONS OF HB 993 AS FINALLY PASSED

- The Act allows installment payments of tuition and fees for a summer term at community, technical, and state colleges. It allows one-half payment due in advance at the beginning of the term with the remaining amount due in one or two later payments. The percentage and date of each payment is determined by the institution's governing board. The final payment must be made before the last week of the term.
- This Act takes effect immediately (earliest effective date June 18, 2005).

▶ **HOUSE BILL 994 (GONZALEZ/WEST) – TUITION CHARGED FOR COURSES REPEATED AT A PUBLIC JUNIOR COLLEGE OR TECHNICAL COLLEGE.** Allows community colleges and technical colleges to charge a student a higher rate of tuition for a course if the student has previously enrolled in the same course or a course of substantially similar content and level two times or more, beginning with the 2005-2006 academic year. This Act does not apply to a non-degree-credit developmental course. In addition, the total amount of tuition charged to the student for the repeated course may not exceed the full cost of instruction for the course with respect to the student.

This Act takes effect immediately (earliest effective date June 18, 2005).

▶ **HOUSE BILL 1172 (FRED BROWN/ZAFFIRINI) – TUITION AND FINANCIAL AID.**

NOTE: Provisions in this bill related to tuition and timely graduation appear below. Provisions regarding financial aid appear in the Financial Aid section of this report.

- **Tuition for Repeated or Excessive Undergraduate Hours.** Authorizes institutions to charge a resident undergraduate student a higher rate tuition for semester credit hours (SCH) taken in excess of 30 SCH required for a degree program (a change from 45 SCH), including hours for minors, double majors, and study-abroad programs. Institutions may exempt a student from the higher rate for hardship reasons. This section only applies to students who enroll for the first time in fall 2006 or thereafter.
- **Semester Credit Hours Required for Baccalaureate Degree.** Starting with the fall 2008 entering class, institutions can only require the minimum number of semester credit hours as required by the Southern Association of Colleges and Schools (SACS), unless the institution determines that there is a compelling academic reason for requiring more hours.
- **Report by Institutions on timely graduation.** Requires the general academic institutions to provide to the governing board of the institution by November 1 each year a report that examines efforts concerning timely graduation for undergraduate students. The report must include the SCH attempted and completed by students earning degrees.

- **On-line progress report for students.** General academic institutions are also required to develop an online student degree progress report which compares the courses taken and credit received to the courses required for a degree.
- This Act takes effect immediately (earliest effective date June 18, 2005).

▶ **HOUSE BILL 1829 (WONG/AVERITT) – PAYMENT OF TUITION AND FEES BY CREDIT CARD AT PRIVATE OR INDEPENDENT INSTITUTIONS.**

Background: The 78th Legislature, Regular Session, 2003, authorized public institutions of higher education to charge convenience fees to students paying tuition and fees via credit card or electronic funds transfer, but did not authorize the same permissions for independent institutions.

MAJOR PROVISIONS OF HB 1829 AS FINALLY PASSED:

- HB 1829 authorizes private and independent institutions of higher education to charge a fee or service charge for payment of tuition and fees via credit card or electronic service.
- This Act takes effect immediately (earliest effective date June 18, 2005).

▶ **SENATE BILL 532 (SHAPIRO/MORRISON) – TUITION AND FEES FOR STUDENTS IN A PUBLIC JUNIOR COLLEGE.** Allows the governing board of a public junior college to collect fees and to set a different tuition rate for each program, course, or course level as appropriate to reflect course costs and promote efficiency, beginning with charges for the fall 2005 semester. Currently, the governing board of a community college district sets the college's tuition and fee structure, but does not have the authority to set different tuition rates for programs and courses.

This Act takes effect immediately (earliest effective date June 17, 2005).

▶ **SENATE BILL 1037 (LUCIO/OLIVEIRA) – TUITION RATES FOR OLYMPIC ATHLETES.** Allows a student training as an Olympic athlete to be eligible for in-state tuition and fees at The University of Texas at Brownsville and Texas Southmost College. The student will be charged in-state tuition as long as the student is training for Olympic competition in Texas or participating in a community Olympic development program approved by the governing body for the athlete's Olympic sport. However, an out-of-state athlete training in Texas will not be considered a resident for purposes of financial aid program provided by the state.

This Act takes effect immediately (earliest effective date June 17, 2005).

WAIVERS

- ▶ **HOUSE BILL 503 (GUILLEN/FRASER) – TUITION AND FEE EXEMPTIONS FOR MILITARY PERSONNEL AND THEIR CHILDREN.** Allows military personnel who serve at least 180 days of active duty during the national emergency by reason of certain terrorist attacks that began on September 11, 2001, to qualify for the tuition and fee exemption known as the Hazlewood Act.

This Act takes effect immediately (earliest effective date May 20, 2005).

- ▶ **SENATE BILL 6 (NELSON/HUPP) – PROTECTIVE SERVICES.**

SECTIONS OF THIS BILL THAT ARE RELEVANT TO THE COORDINATING BOARD INCLUDE:

- **Outreach.** Requires the Texas Higher Education Coordinating Board, working with the Texas Education Agency, to develop outreach programs to advise students in grades 9-12 of the state's tuition and fee exemption program for students from foster or other residential care.
- **Repayment Pilot Program.** Allows certain Department of Family and Protective Services (DFPS) social workers employed in designated counties to receive educational loan repayment assistance. Eligible workers must have graduated from an accredited public/private institution of higher education with a baccalaureate or graduate degree in social work, be employed in a designated county as an entry-level investigator for the DFPS for at least one year, and may not have received any funds from the DFPS.
- **Repayment assistance.** Repayment assistance may be granted for up to five years, in an amount not to exceed the lesser of \$3,300 or 20 percent of the total amount of the individual's outstanding education loans. Defaulted education loans are not eligible for repayment.
- **Rules.** The Coordinating Board must adopt rules necessary for the administration of this program. The Board may accept and solicit gifts, grants, and donations and may appoint an advisory committee to assist in performing the duties of this subchapter.
- **Reports.** The Coordinating Board must submit a legislative report no later than December 1, 2008. The report must include the number of program recipients; an evaluation of the program's effectiveness in retaining social workers within DFPS; and recommendations regarding eliminating, continuation, or expansion of the pilot program.
- This Act takes effect September 1, 2005 and expires September 1, 2009.

- ▶ **SENATE BILL 30 (ZAFFIRINI/F. BROWN) – CONTRACT FOR TIMELY GRADUATION.**

MAJOR PROVISIONS OF SB 30 AS FINALLY PASSED:

- **Pilot Program.** The Act creates a pilot program encouraging public institutions to allow students to enter into contracts with the institutions whereby the student agrees to graduate in a timely manner in exchange for incentives offered by the institution. The Coordinating Board is responsible for establishing the pilot program, selecting the institutions to participate in the pilot, and for developing rules to govern the handling of students who, because of hardship, are unable to fulfill the contract. The institutions can apply to participate on behalf of a specific degree program, department, college, or school.

- **Terms of contract.** An institution must notify each entering undergraduate student about the program prior to the sixth week of the student's first semester or term. If a student wants to take advantage of the program, the student must enter into a contract before the end of his or her first academic year. Each contract requires a student to 1) earn at least 30 required or elective credit hours each academic year; 2) maintain good academic standing as prescribed in the contract; 3) in consultation with the student's academic advisor, declare a major not later than the end of the student's first academic year at the institution; and 4) earn additional credit hours during one or more regular semesters or summer sessions if the student's degree program requires more than 120 credit hours for a bachelor's degree or more than 60 credit hours for an associate degree. In addition, the contract may require a student entering into the contract to enroll in specific courses or types of courses at the times required by the contract. The institution of higher education offering a contract or the Coordinating Board may add additional requirements. The student who enters into and fulfills a contract will be eligible to receive an incentive from the institution.

- **Provisions regarding specific courses.** If the contract requires the student to enroll in specific courses or types of courses at specific times and a course required by his or her degree plan is unavailable to the student at the appropriate time (as specified by the contract), the institution must 1) permanently waive the student's enrollment in that class; 2) allow the student to take another course that the school selects as being an appropriate substitute or to take an independent study assignment; or 3) provide for the payment of tuition and required fees for the missed course at the time the student is first able to enroll in it. Options 1 and 2 are only available if the selection will not negatively affect the student's degree program or result in the institution's noncompliance with applicable accreditation standards. To receive these exemptions, a student must apply for the incentive and submit satisfactory evidence that he or she is eligible for the exemption.

- **Transfer student eligibility.** Transfer students and students seeking certificates at a community college are not eligible to receive exemptions.

- **Reporting requirements.** Not later than December 31, 2007, and no later than December 31 of each year thereafter, the Coordinating Board must report to the Legislature the level of participation in and effectiveness of the pilot program in encouraging timely graduation.

- **Contract Terms.** Students may not enter into a contract under this section after the end of the 2009-2010 academic year. This Act sunsets on August 13, 2014.

- This Act takes effect immediately (earliest effective date May 20, 2005).

- ▶ **SENATE BILL 34 (ZAFFIRINI/MORRISON) – TUITION REBATE PROGRAM.** Adds a requirement that a student graduate on time, as defined by the B-On-Time loan forgiveness provisions, to receive a tuition rebate. Therefore, a student would have to both graduate within four years for a four-year degree, within five years for a five-year degree (i.e. engineering or architecture), and within three hours of the number of hours required for the degree to qualify for a rebate. The Act would allow students who cannot meet the program year requirements due to hardship to be eligible to receive a rebate. The hardship provisions do not apply to students who fail to complete their degrees within three hours of their programs' requirements.

This Act takes effect immediately (earliest effective June 17, 2005).

► **SENATE BILL 101 (VAN DE PUTTE/McCLENDON) – DATABASE FOR HAZLEWOOD RECIPIENTS.**

Background: The Hazlewood Act entitles eligible veterans and the children of service members who die during or directly due to their service in the armed forces to free tuition and free or reduced fees for up to 150 college credit hours at publicly supported institutions of higher education (IHEs). Currently, IHEs independently manage the Hazlewood tuition exemptions. Legislators were concerned that with the lack of a centralized database, there is no way for the IHEs to track veterans' eligibility and use of benefits or to ensure against fraudulent "double-dipping" into the allowed benefits. Additionally, it has been difficult to determine the true cost of the Hazlewood Act to the state because of conflicting statistics stemming from the reporting requirements.

MAJOR PROVISIONS OF SB 101 AS FINALLY PASSED:

- SB 101 requires IHEs to electronically report to the Texas Higher Education Coordinating Board information relating to individuals receiving Hazlewood tuition exemptions. The Act also requires the Coordinating Board to develop a system to electronically monitor the use of the Hazlewood Act.
- This Act takes effect immediately (earliest effective date May 3, 2005).

► **SENATE BILL 151 (ZAFFIRINI/ MORRISON) – DUAL CREDIT.** Establishes a pilot project to encourage at-risk students to participate in dual-credit programs. The pilot project will be implemented at five public community colleges, to be selected by the Coordinating Board, and will waive tuition and mandatory fees for dual credit students who are economically disadvantaged and require State Board of Education funding for textbooks for those economically-disadvantaged dual credit students. The pilot program will not be implemented unless sufficient funding is appropriated to reimburse pilot colleges for tuition and fee exemptions required in the Act.

This Act takes effect immediately (earliest effective date June 18, 2005).

**SUMMARY OF
ADMINISTRATION / OPERATIONS LEGISLATION
BY TOPIC**

CONTRACTS AND PURCHASING

- ▶ **HOUSE BILL 22 (F. BROWN/SHAPIRO) – DISPOSITION OF STATE AGENCY SURPLUS OR SALVAGE PROPERTY.** Allows the donation of property to nonprofit organizations as an alternative to destruction in instances where the Texas Building and Procurement Commission or a state agency cannot otherwise sell or dispose of the property, or has determined that the property does not have a resale value. A university system or an institution of higher education is allowed to donate any surplus or salvage property to an assistance organization (which includes nonprofit organizations that provide affordable housing).

This Act takes effect immediately (earliest effective date May 24, 2005).

- ▶ **HOUSE BILL 26 (DELISI/ZAFFIRINI) – ELECTRONIC DATABASE OF MAJOR STATE CONTRACTS.** Establishes a policy of making state contract documents generally available in an online format on a key word searchable website. The Texas Building and Procurement Commission is required to establish or modify the electronic system for procuring goods and services consisting of the electronic procurement marketplace and the electronic commerce network. The Department of Information Resources will manage the system and make information posted accessible to governmental entities and the public.

Each state agency, including the Coordinating Board, is required to provide the Commission with copies of each major contract (\$5 million or more), invitations to bid, and comparable solicitations by June 1, 2006. University systems or institutions of higher education are not included under the definition of state agency in this Act.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **HOUSE BILL 905 (DELISI/WILLIAMS) – POWERS AND DUTIES OF THE STATE AUDITOR WITH STATE CONTRACTS.** Requires state agencies, institutions of higher education, and certain third-party vendors contracted by an agency or institution of higher education to provide the State Auditor access to any information requested during the course of an audit or investigation. The legislation also clarifies that certain not-for-profit corporations or state agencies can only contract with a private auditor if authority is delegated to the corporation or agency by the State Auditor.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **HOUSE BILL 2932 (DELISI/ZAFFIRINI) – DISCLOSURE OF CERTAIN FAMILY RELATIONSHIPS BY PURCHASING PERSONNEL.** Requires that before an agency may award a state contract, each of the agency's purchasing personnel working on the contract must disclose in writing to the administrative head of the agency any relationship the employee has with an employee, partner, stockholder, or other owner of the business entity.

This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 1569 (WILLIAMS/T. SMITH) – RECOVERY OF OVERPAYMENTS AND LOST DISCOUNTS.**
Requires the Comptroller to enter into contracts with private consultants to conduct recovery audits designed to detect and return overpayments to vendors. The Act requires recovery audits of agencies with expenditures in excess of \$100 million during a biennium, but allows the Comptroller to exempt agencies with a low proportion of expenditures made to vendors. State agencies must pay the consultants from the amounts recovered and are required to provide the Legislature, State Auditor's Office, Legislative Budget Board, and Governor with copies of the report. This Act also requires the Comptroller of Public Accounts to provide a report summarizing the audit reports to the legislature. (This provision also appears in SB 1863 summarized below.)

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **SENATE BILL 1863 (OGDEN/PITTS) – CERTAIN FISCAL MATTERS AFFECTING GOVERNMENTAL ENTITIES.**

- **Recovery of certain payments to vendors.** Requires the Comptroller to enter into contracts with private consultants to conduct recovery audits designed to detect and return overpayments to vendors. The Act requires recovery audits of agencies with expenditures in excess of \$100 million during a biennium, but allows the Comptroller to exempt agencies with a low proportion of expenditures made to vendors. Payment to consultants is to be made from the amounts recovered. Copies of these reports must go to the Legislature, State Auditor's Office, Legislative Budget Board, and Governor. This Act also requires the Comptroller to provide a report summarizing the audit reports to the legislature no later than January 1 of each biennium. (These provisions also were passed in SB 1569 summarized above.)
- This Act takes effect September 1, 2005

EMPLOYEES AND EMPLOYEE BENEFITS

- ▶ **HOUSE BILL 912 (ISETT/ELLIS) – AWARDS PRESENTED TO STATE AGENCY EMPLOYEES.** Increases the \$50 cap on award expenditures to \$100 per individual employee.

This Act takes effect immediately (earliest effective date May 30, 2005).

- ▶ **HOUSE BILL 3113 (CORTE/SELIGER) – PERFORMANCE INCENTIVE AWARDS FOR CERTAIN EMPLOYEES OF STATE AGENCIES WHO PROVIDE SERVICES TO VETERANS.**

Background: The Federal Jobs for Veterans Act of 2002 created financial and non-financial performance incentive awards for quality services provided to veterans to improve employment, training, and placement services for them. The cash awards are funded entirely by federal funds. Because of Texas law, state employees are only allowed to receive awards of up to \$50, while employees that do not work for the state may receive larger awards.

MAJOR PROVISIONS OF HB 3113 AS FINALLY PASSED:

- HB 3113 authorizes a state agency to make a performance incentive award to a classified employee for providing services to veterans as provided by the Jobs for Veterans Act if the employee meets certain requirements.
- This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 1 (OGDEN/PITTS) – GENERAL APPROPRIATIONS ACT.**

Overview of Appropriations Act as related to state employee and employee benefits (see pages 9 – 12 for overview as related to the Coordinating Board and higher education).

PROVISIONS RELEVANT TO EMPLOYEES AND EMPLOYEE BENEFITS:

- **State employee pay raise.** All non-higher education state employees (including legislative employees) will receive a pay raise under provisions in SB 1. Most employees will receive an initial 4 percent increase, with a \$100 a month minimum increase, on September 1, 2005, and a subsequent 3 percent increase, with a \$50 a month minimum increase, beginning on September 1, 2006.
- **Increase in longevity and hazardous duty pay.** This increase includes higher education employees. Effective September 1, 2005 Longevity Pay will increase to \$20 a month for every 2 years of state service (from \$20 a month for every 3 years of service), and Hazardous Duty Pay will increase to \$10 a month for every year of state service (from \$7 a month). While SB 1863 changed state law to increase longevity and hazardous duty pay, agencies were not appropriated additional funds in SB 1 for this purpose, which may create financial difficulties for them.
- **Retiree issues.** State retiree health benefits have been maintained for the 2006-07 biennium. In addition, to help improve the status of the ERS retirement fund, SB 1 increases the state retirement contribution for ERS to 6.45 percent from the 6 percent minimum level that the Texas Constitution requires. It also makes a number of statutory changes that will further improve the actuarial status of the ERS retirement fund. Under current law, no increase in retirement benefits can be approved until the retirement fund has an unfunded liability of less than 31 years. The combination of an increased contribution rate and the statutory changes in SB 1176 will improve ERS' actuarial status and should accelerate benefit increases for retirees.

- **State employee and retiree health insurance.** Premium contribution levels will stay the same, with the state contributing the full premium amount for the individual employee and retiree, and half the premium for dependent coverage. For the plan year beginning this September, no increased co-pays or deductibles are anticipated. Another change to state employee health coverage was included in SB 1863, allowing employees and retirees who can demonstrate that they have comparable coverage to waive ERS health insurance and receive credit to purchase up to \$60 a month in optional health coverage, including supplemental “wrap around” coverage for TRICARE military health coverage. It is not yet clear when ERS will implement this program.
- **Legislative study.** The Legislature passed HB 2772, a part of which will require the Employees Retirement System of Texas (ERS) to study Health Savings Accounts (HSAs) and High Deductible Health Plans (HDHPs) to determine if either is effective for controlling health care costs.
- **Return-to-Work Retiree issues.** In its Performance Review report to the Legislature, the Legislative Budget Board (LBB) made a series of recommendations to eliminate longevity pay and benefit replacement pay (BRP) for return-to-work (RTW) retirees, and change accrual for annual leave as if RTW employees are new employees. These provisions were contained in six different pieces of legislation. HB 3540 was initially the vehicle for these changes, but this legislation did not pass. The RTW issues were inserted into SB 1863, which “grandfathered” RTW employees who retired prior to June 1, 2005 and returned to service by September 1, 2005. Longevity pay will be frozen at the amount a RTW employee receives August 2005 and qualifying RTW employees will maintain BRP and current-law annual leave accrual. Employees who retire after June 1, 2005 or who have not returned to service by September 1 will be ineligible for longevity and BRP, and will accrue annual leave as new employees.
- This Act takes effect September 1, 2005

► **SENATE BILL 1863 (OGDEN/PITTS) – CERTAIN FISCAL MATTERS AFFECTING GOVERNMENTAL ENTITIES.**

PROVISIONS RELEVANT TO EMPLOYEES AND EMPLOYEE BENEFITS:

- **Health care coverage.** Addresses the manner in which full-time employees and annuitants may specifically waive participation in their basic health benefit coverage plans or coverage provided to annuitants. Full-time employees and annuitants may waive any coverage provided they can properly demonstrate in writing substantially equivalent coverage under a different health benefit plan or that they are eligible for primary care coverage or a group benefits program under the TRICARE Military Health System. Incentive payments may be allowed to an employee or annuitant who elects to waive basic coverage during open-enrollment periods to pay for other group coverage plans.
- **Retired state employees that return to state employment.**
 - A state employee who retires before June 1, 2005 and returns to work (RTW) before September 1, 2005 (not on or after this date) is entitled to receive longevity pay established at \$20 for every two years of service.
 - An eligible state employee who leaves state employment for at least 30 consecutive days and later returns to state employment is not eligible for benefit replacement pay (BRP).
 - An employee who retired on or after June 1, 2005 and is receiving an annuity from a public retirement system is ineligible to receive BRP. In addition, credit for years of employment service includes only employment after the date of retirement.

- RTW employees who retired prior to June 1, 2005 and returned to service by September 1, 2005 are “grandfathered.” Employees who retire after June 1, 2005 or who have not returned to service by September 1 will be ineligible for longevity and BRP, and will accrue annual leave as if they were new employees.
- This Act takes effect September 1, 2005.

INTERAGENCY WORK GROUPS

▶ **HOUSE BILL 916 (WOOLLEY/NELSON) – GOVERNOR’S HEALTH CARE COORDINATING COUNCIL.**

- **Governor's Health Care Coordinating Council.** The Council is comprised of at least eight state agencies, including the Coordinating Board, health care related licensing agencies named by the Governor, and "any other state agency identified by the Governor that purchases health care services." The Council is required to identify gaps, flaws, inefficiencies, or problems in the health care system that create systematic or substantial negative impacts on the participants in the health care system, study those problems, and identify possible solutions for the state or other participants in the system.
- **Meetings, staffing, and reports.** The Council will meet at least once a year. Council members will be reimbursed for travel expenses but no other compensation. The Act outlines the responsibilities and administrative configuration of the council. Among them, the council will: employ a director (subject to the Governor's approval) and staff; comply with equal opportunity requirements, the open meetings law, and standards of conduct for state officers and employees; research problems of the health care system and other health care issues identified by the legislative leadership and referred by the Governor; and report findings and solutions on that research to the Governor and legislative leadership by December 31 of each even-numbered year. The Council will promote the use of technology in the health care system, and establish a clearinghouse that will help communities assess the needs of local health care systems.

This Act takes effect immediately (earliest effect date June 18, 2005).

- ### ▶ **HOUSE BILL 925 (CHAVEZ/LUCIO) – INTERAGENCY WORK GROUP ON BORDER ISSUES.** Establishes an interagency work group on border issues. The group will meet annually in Austin to develop and update a process to collaborate on issues related to border communities. The work group will discuss and coordinate programs and services, and develop regulatory and legislative recommendations to eliminate duplication. The work group will be composed of the following state agency heads or their designees: Office of Rural and Community Affairs, Texas Department of Housing and Community Affairs, Texas Water Development Board, Texas Commission on Environmental Quality, Texas Workforce Commission, Department of State Health Services, Health and Human Services Commission, General Land Office, Texas Education Agency, Texas Economic Development and Tourism Office, Texas Office of State-Federal Relations, Texas Higher Education Coordinating Board, Attorney General’s Office, and Secretary of State’s Office.

This Act takes effect September 1, 2005.

INFORMATION TECHNOLOGY (IT) AND INTERNET APPLICATIONS

- ▶ **HOUSE BILL 423 (DELISI/ELTIFE) – ONLINE STATE PUBLICATIONS.** Requires state agencies that distribute free publications to make those publications accessible on the agency's website. It also requires agencies to include, with mailed publications, a notification that a publication is available online and to inform the subscriber that they may access the publication via the agency's website, if preferred. An agency is then required, if a subscriber chooses to access a publication on the Internet, rather than receive a hard copy in the mail, to remove the subscriber from the agency's mailing list and notify the subscriber via e-mail when an issue becomes available online.

This Act takes effect September 1, 2005.

- ▶ **HOUSE BILL 1516 (ISETT/DUNCAN) – DEPARTMENT OF INFORMATION RESOURCES' (DIR) MANAGEMENT OF STATE ELECTRONIC AND TELECOMMUNICATIONS SERVICES.**

Background: The Department of Information Resources (DIR) oversees cooperative contracts through which governmental entities purchase information technology services and supplies and manages the state data centers in San Angelo and Austin. This bill produces some significant changes in how state government manages and procures information technology (IT) with a major change of the role of DIR.

MAJOR PROVISION OF HB 1516 AS FINALLY PASSED:

HB 1516 impacts state's management of IT in three areas: consolidation of state agency data centers, procurement of commodity hardware, and management and oversight of major IT projects.

- **Statewide Technology Centers (STC).** DIR may operate STCs to provide agencies with information resources, information resources technology, and deployment and development of statewide applications.
 - DIR is prohibited from expanding a statewide technology center that includes participation by an institution of higher education unless agreed upon by the Information Technology Council for Higher Education.
 - DIR is required to adopt rules and guidelines to implement the consolidation and set fees sufficient to cover costs of services to an agency.
 - An agency must have approval of the DIR director to acquire data center services and maintenance.
 - Each agency selected for participation in an STC shall notify the DIR of its requirements, operational costs, and service levels to allow the DIR to perform a required cost and requirements analysis of the agency for migration to the STC.
 - An agency must have 30-day prior approval of the Legislative Budget Board (LBB) before spending appropriated funds for services. To receive prior approval, the agency must show LBB that consolidation will fail to achieve meaningful cost savings or result in an unacceptable loss of effectiveness or operational efficiency. Unless the LBB grants approval for the agency to spend money otherwise, the agency shall contract with DIR to obtain the identified services and must get DIR approval to spend for the selected service.
 - DIR, with Governor's approval, may require an agency entering into a contract with DIR to transfer ownership, custody, or control of resources and full-time-equivalent positions to DIR. DIR and the agency are required to work to reconcile any federal funding issues due to consolidation, and if any federal funding issues cannot be resolved, DIR must exclude resources from that transfer. Surplus and salvage property laws do not apply to transfers of IT resources from agencies to STCs.
 - DIR is required to prioritize consolidation by size, giving highest ranking to the 25 largest state data centers. At least three data centers are to be migrated each fiscal year.

- **Commodity purchases.**
 - DIR shall make good faith efforts to provide contracting opportunities for and to increase contract awards to historically underutilized businesses and persons with disabilities' products and services.
 - DIR is authorized to adopt rules requiring agencies to buy commodity IT items through DIR unless the agency receives an exemption or the LBB agrees to other provisions.
 - Each agency is required to submit a quarterly procurement schedule for commodity item purchases before obtaining Biennial Operating Plan approval. DIR will use the procurement schedules as input to future commodity hardware acquisitions.
 - Each agency is required to notify DIR, State Auditor's Office (SAO), and LBB of any significant changes to their procurement schedule.

- **Texas Project Delivery Framework.** This provision implements a state project delivery framework for management of major IT projects.
 - For each proposed major IT project, each agency must submit the following to DIR, SAO, and LBB at the same time as the legislative appropriations request: a documented business case, Return-On-Investment (ROI) study, and a statewide impact analysis on the state's IT infrastructure and reuse possibilities.
 - Each agency must develop, for each project, project plans that include anticipated service levels and performance standards and a method to monitor changes to the scope of each contract. The plan must be filed before the agency spends more than 10 percent of project funds or first issues a vendor solicitation.
 - Post-implementation reviews are required and will be sent to DIR, the agency executive director, and the SAO. The agency Executive Director, Information Resources Manager, project manager, and IT security manager must sign each document required by this Act, and the Executive Director must sign significant contract changes (monetary value change of more than 10 percent or significant change to completion date).

- **Reports.** By December 31, 2005, the DIR must report the results of two assessments to the Governor, Lieutenant Governor, Speaker of the House, and SAO. One report will include a statewide assessment of agency IT security resources and practices, performed in coordination with LBB, Texas Building and Procurement Commission, and the Comptroller. The other report is an analysis of current agency systems to determine how to combine them to better plan, budget, and report on IT.

- This Act takes effect September 1, 2005. By March 31, 2006, each agency shall have contracted with DIR for STC services to establish a transfer timeline.

- ▶ **HOUSE BILL 2048 (URESTI/ELLIS) – USE OF TEXASONLINE PROJECT.** Abolishes the TexasOnline Authority and transfers all functions and activities to the Department of Information Resources and clarifies agency procedures for contracting with a third party for Internet application developments that duplicate a TexasOnline function.
 - State agencies choosing not to use TexasOnline for financial transactions, applications, registrations, and other applications that require security must provide documentation to the Department of Information Resources to verify services and security required.
 - Specifies that a state agency that uses the TexasOnline project may charge a fee to recover actual costs incurred for use of electronic payment methods or interfacing with other systems.

- Requires state agencies, before contracting with a third party for certain Internet application development that duplicates a TexasOnline function, to notify the Department of Information Resources of its intent to bid for such services. Each state agency must advertise the options for completing transactions with that agency online.
- This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **HOUSE BILL 2593 (BAXTER/JANEK) – TEXASONLINE (TOL) AUTHORITY POWERS AND FEES.** Allows state agencies and local government to charge fees, with TexasOnline Authority approval, for use of the TOL portal. In addition to any other statutory fees, it authorizes the TexasOnline Authority to set fees to be charged by agencies and designates that these fees must be used to support TOL. The Act also authorizes TOL to determine whether fees will be collected by an agency or by the outsourced vendor. If TOL is outsourced, any fees collected by an agency must be sent to the vendor, who then must forward the state's share of fees to the state. If TOL is not outsourced, an agency must send the state's share of the fees to the state. Annually, the outsourced vendor must pay to have an audit performed by an independent CPA selected by the state.

This Act takes effect immediately (earliest effective date June 18, 2005).

- ▶ **SENATE BILL 213 (SHAPLEIGH/MARTINEZ FISCHER) – ONLINE SPANISH CONTENT.** Requires each state agency to make a reasonable effort to develop and implement a system that ensures that Spanish-speaking persons of limited English proficiency can meaningfully access state agency information online.

This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 255 (CARONA/URESTI) – REMOVAL OF DATA FROM COMPUTER EQUIPMENT DISPOSED OF OR TRANSFERRED.** Requires state agencies to permanently remove data from any type of computing equipment before it is disposed of or transferred to a non-state entity. It also requires the Department of Information Resources (DIR) to adopt rules by March 1, 2006, to implement the procedures state agencies will use to purge data and how to document it. Agencies are not required to comply until DIR adopts rules.

This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 1002 (MADLA/DELISI) – TEXASONLINE.** Directs the Department of Information Resources to establish an electronic government project through TexasOnline that provides a single Internet website for posting and searching electronic summaries of state grant opportunities. The Act seeks to improve the effectiveness and performance of state grant assistance programs. The Act directs the Department of Information Resources to coordinate the establishment of a common application and reporting system. The Act prohibits a state agency from expending appropriated funds to implement or design a new electronic grants system without obtaining prior approval from the executive director of DIR.

This Act takes effect September 1, 2005.

OPEN MEETINGS / OPEN RECORDS

- ▶ **SENATE BILL 286 (WENTWORTH/BAXTER) – TRAINING REQUIREMENTS OF THE OPEN MEETINGS AND PUBLIC INFORMATION LAWS.** Adds an educational requirement to the existing Open Meetings Act and Public Information Act for elected and appointed officials in Texas. It requires officials to take a course within a certain period after taking the oath or assuming official duties, and requires a course to be taken every two years. This Act requires the Attorney General to make at least one training course available on videotape or a comparable medium at no cost, and clarifies that an official who is a member of more than one governmental body satisfies the education requirement by taking one course of training. SB 286 provides that completion of the course is admissible as evidence, but does not constitute *prima facie* evidence of a knowing violation of the law.

This Act takes effect January 1, 2006.

- ▶ **SENATE BILL 511 (DEUELL/ROSE) – PUBLIC TESTIMONY AT MEETINGS OF THE GOVERNING BOARD OF GENERAL ACADEMIC TEACHING INSTITUTIONS.** Requires the governing board of each general academic teaching institution or of a university system to adopt a policy that allows the public to present both written and oral testimony for a reasonable amount of time at a regular meeting of the board. Governing boards must adopt this policy by October 1, 2005.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **SENATE BILL 690 (ZAFFIRINI/SWINFORD) – OPEN MEETING POSTING REQUIREMENTS.** Adds a new section to the Open Meetings Act to permit a governmental body to reconvene a recessed meeting on the following regular business day without posting notice of the continued meeting. This continuation of a posted meeting must be done in good faith and must not be done to circumvent the purposes of the Open Meetings Act. If the meeting is continued on to the following day as provided by the Act, and it becomes necessary to meet an additional day, notice must be given as required by law. The bill further provides that, if the meeting cannot be convened on the next day because of a catastrophe, the meeting may be convened without reposting on the next regular business day. Catastrophe is defined.

This Act takes effect immediately (earliest effective date June 17, 2005).

- ▶ **SENATE BILL 1133 (HINOJOSA/GONZALES) – POSTING NOTICE ONLINE OF MEETINGS OF CERTAIN GOVERNMENTAL BODIES.** Broadens the requirements of the Open Meetings Act by requiring certain local governmental bodies (including community college districts) and economic development corporations that maintain an Internet website to post notice of meetings on their websites. Community college districts that contain all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more also must post their entire agenda packet.

This Act takes effect January 1, 2006.

- ▶ **SENATE BILL 1485 (WILLIAMS/WONG) – SOCIAL SECURITY NUMBER DISCLOSURE EXEMPTION.**

Background: At present, there are portions of the Texas Government Code that conflict regarding the disclosure of Social Security numbers and the requirements of the Texas Public Information Act. A Texas Attorney General's opinion and the federal Social Security Act state that Social Security numbers are confidential and do not need to be disclosed under the Texas Public Information Act. However, portions of the Texas Government Code state that a officer or employee of a governmental body commits an offense if the individual fails or refuses to provide access or copies of requested information without obtaining a court-ordered Attorney General's decision corroborating the refusal.

MAJOR PROVISIONS OF SB 1485 AS FINALLY PASSED:

- SB 1485 exempts Social Security numbers of living persons from the Texas Public Information Act without requiring an Attorney General's opinion to do so.
- This Act takes effect immediately (earliest effective June 17, 2005).

REPORTS AND STUDIES

▶ **HOUSE BILL 2716 (SWINFORD/ELTIFE) – EQUAL EMPLOYMENT OPPORTUNITY REPORTS.**

Background: At present, enabling legislation for 65 agencies requires those agencies to file equal employment opportunity reports and personnel policy statements with the Governor's Office. The Governor's Office then must file a report with the Legislature based on the information provided by the agencies. The agency reports are filed annually and the Governor's report is filed biennially. The enabling legislation for 43 additional agencies requires them to file equal employment opportunity reports with the Governor's Office annually, but does not require the Governor's Office to file a subsequent report with the Legislature. The agency reporting requirement is vague and the wording varies from one agency's enabling legislation to another. The Governor's reporting requirement duplicates functions of the Texas Workforce Commission Civil Rights Division, formerly the Texas Commission on Human Rights, resulting in an ineffective use of state resources.

MAJOR PROVISIONS OF HB 2176 AS FINALLY PASSED:

- HB 2716 directs that all equal employment opportunity reports and personnel policy statements be filed with the Texas Workforce Commission Civil Rights Division, and eliminates duplicate reports.
- This Act takes effect immediately (earliest effective date June 18, 2005). State agencies are required to report equal employment opportunity information for the preceding fiscal year to the Workforce Commission annually by November 1.

▶ **SENATE BILL 302 (ELLIS/COLEMAN) – REPORTING REQUIREMENTS FOR INCREASING MINORITY PARTICIPATION IN HIGHER EDUCATION.** Requires higher education institutions to report on minority participation. Prior to reporting, the Coordinating Board is responsible for designing the format of the report. The report must include: (1) the number of students from each racial or ethnic group who apply to, are admitted or denied admission to, and enroll in the institution as undergraduate and graduate students; and (2) the specific outreach programs, admissions policies, and types of financial assistance used by the institution to increase enrollment of students from any of those racial and ethnic groups that are underrepresented in either student body. The report must include graduate, medical, and dental students if applicable. The Coordinating Board, in consultation with the institutions, shall specify the racial and ethnic groups that must be included in the report. The first report would be due by July 1, 2006.

This Act takes effect immediately (earliest effective date June 17, 2005).

▶ **SENATE BILL 1226 (SHAPIRO/MORRISON) – STUDY ON REPORTING REQUIREMENTS.** Requires the Coordinating Board and the Legislative Budget Board (LBB) to jointly review and evaluate reporting requirements of higher education institutions to include reports sent to all state agencies (there are presently over 400 reporting requirements for institutions of higher education). The Coordinating Board and the LBB will produce a report with recommendations for legislation or administrative action to simplify reports, eliminate unnecessary reporting requirements, or make other changes to promote efficiency or reduce administrative burdens.

The report must include the basis for any recommendation. It is designed as a one-time report due to the Legislature and the Governor no later than December 1, 2006.

This Act takes effect immediately (earliest effective date June 17, 2005).

MISCELLANEOUS

- ▶ **HOUSE BILL 762 (NIXON/ELLIS) – SOLICITATIONS TO CHARITABLE ORGANIZATIONS.** Permits state officers and employees to solicit contributions and recommend contributions to charitable organizations, unless prohibited by the Code of Judicial Conduct. The organization must be tax-exempt and contributions must be paid directly to the organization or be paid by check, money order, or similar instrument, and delivered directly to the organization.

This Act takes effect September 1, 2005.

- ▶ **HOUSE BILL 2379 (SWINFORD/ELLIS) – ALLOCATION OF CERTAIN STATE OFFICE SPACE.** Directs the Texas Building and Procurement Commission to adopt rules consistent with private sector standards and industry best practices to govern the allocation of space to replace the current allocation ratio of not more than an average of 135 square feet per agency employee.

This Act takes effect September 1, 2005.

- ▶ **SENATE BILL 982 (VAN DE PUTTE/PUENTE) – PRACTICES TO CONSERVE ENERGY IN STATE BUILDINGS.** Amends the requirements which must be met before a state agency or an institution of higher education may begin construction of a new state building or a major renovation project. Before the design architect or engineer can certify the project, specific construction and renovations standards must be met, including energy-efficiency evaluation and design alternatives, and a copy of the certification must be provided to the State Energy Conservation Office.

This Act takes effect immediately (earliest effective date June 17, 2005).

SUMMARY OF HIGHER EDUCATION LEGISLATION

79TH TEXAS LEGISLATURE 3RD CALLED SESSION

► **HOUSE BILL 1 (CHISUM/SHAPIRO) – PUBLIC SCHOOL FINANCE.**

Background: HB 1 is a major piece of legislation designed primarily to address public school finance, property tax relief, public school accountability, and related matters. A number of initiatives regarding high school success and college-readiness are in the legislation as well as a provision for education research centers which could be located at institutions of higher education, the Texas Education Agency, or the Coordinating Board. Sections of the bill directly related to higher education are summarized below.

MAJOR PROVISIONS OF HB 1 AS FINALLY PASSED:

- **Sec. 2.01. Education Research Centers.** Authorizes the creation of up to three Education Research Centers to conduct research for the benefit of education in the state such as research on the impact of state and federal education programs, the performance of educator preparation programs, and best practices of school districts in classroom instruction, bilingual education, special language programs, and business practices. A center may be established as part of the Texas Education Agency, the Texas Higher Education Coordinating Board, or a public college or university. If the center is at a public college or university it may be operated under a memorandum of understanding between the Commissioner of Education, the Coordinating Board, and the institution.
- **Sec. 3.01. Electronic Student Records.** Requires the establishment of an electronic student record system approved by both the Commissioner of Education and the Commissioner of Higher Education who may also solicit funds to maintain the system. The system must permit authorized state or district officials and representatives of higher education to transfer information to and from an educational institution in which a student is enrolled. Student transcripts, course or grade completions, assessment instrument results, personal graduation plans and other information will be available for access and retrieval. Private institutions of higher education also may participate in the system but will be required to pay for the service. The system must be implemented no later than the 2007-2008 school year.
- **Sec. 3.10. Performance Indicator.** Adds a section to the TEA School District indicator system on the measure of student progress toward preparation for postsecondary success.
- **Article 5.** This article of the bill is entitled “High School Success and College Readiness” and contains sections 5.01-5.08 described below.
- **Sec. 5.01. Vertical Teams.** Requires that the Commissioner of Education and the Commissioner of Higher Education establish vertical teams of faculty from public education and higher education. The teams will:
 - Recommend standards and expectations of college readiness for approval by the Coordinating Board and for inclusion by the State Board of Education (SBOE) in the high school curriculum;

- Evaluate current high school curriculum requirements to determine whether or not they adequately prepare students to meet college-readiness standards;
 - Develop instructional strategies for teaching the curriculum so that students are prepared to successfully perform college-level work;
 - Develop standards for curricula and educational materials in English, mathematics, science, and social studies for students who need additional assistance in preparing to successfully perform college-level course work.
- **Sec. 5.01. College Credit Program.** Requires each school district to implement a program by which a student may earn the equivalent of at least 12 semester credit hours of college credit in high school. Requires institutions of higher education to assist school districts in developing and implementing the program upon request.
 - **Sec. 5.02. Recommended High School Program (RHSP).** Requires the SBOE to require by rule that curriculum requirements for the Recommended and Advanced high school programs include four courses in each subject of the foundation curriculum (English language arts, mathematics, science, and social studies).
 - **Sec. 5.03. Flexible School Day for Early College High School Attendees.** Provides for a school district to apply to the Commissioner of Education to provide a flexible school day program for students who attend a campus that is implementing an innovative redesign of the campus or an early college high school.
 - **Sec. 5.04. Texas Governor’s Schools.** Establishes a summer residential program for high-achieving students called Texas Governor’s Schools. A Texas Governor’s School may be administered by a public college or university upon application to and approval by the Commissioner of Education. Preference will be given to those that apply in cooperation with a nonprofit association. The commissioner may make a grant not to exceed \$750,000 to an institutions whose application is approved.
 - **Sec. 5.05. End of Course Assessment as Placement Instrument.** To the extent practicable, TEA is to ensure that any high school end-of-course assessment instrument is developed in such a way that it may also be used to determine the appropriate placement of a student in a course of the same subject at an institution of higher education.
 - **Sec. 5.06. High School Allotment Use.** The bill provides that authorized uses of the funds generated from the high school allotment include:
 - College-readiness programs that provide academic support to prepare underachieving students for higher education;
 - Programs that encourage students to pursue advanced academic opportunities including early college high school and dual credit programs, advanced placement, and international baccalaureate courses;
 - Programs that provide opportunities for students to take academically rigorous course work including four years of math and four years of science;
 - Programs that align curriculum for grades six through 12 with postsecondary curriculum and expectations.
 - **Sec. 5.08. P-16 College Readiness and Success Strategic Action Plan.** Requires the P-16 Council to recommend to the Commissioner of Education and the Coordinating Board for a adoption a college-readiness and success strategic plan designed to decrease the number of students enrolling in developmental coursework in college. A progress report must be submitted to the relevant executive and legislative offices not later than December 1 of each even-numbered years.

- **Sec. 5.08. Programs to Enhance Student Success.** The Coordinating Board by rule must develop:
 - Summer higher education bridge programs in math, science, and English;
 - Incentive programs for institutions of higher education that implement research-based, innovative developmental education initiatives;
 - Financial assistance programs for educationally disadvantaged students who take college entrance and college-readiness assessment instruments;
 - Professional development programs for faculty of institutions of higher education on college-readiness standards;
 - Other programs that support the participation and success goals in Closing the Gaps.

- **Sec. 5.08 Course Redesign Project.** Requires the Coordinating Board to implement a project under which institutions of higher education selected by the Board will review and revise entry-level lower-division academic courses. The project is to be initiated by September 1, 2006 and each participating institutions of higher education must begin offering courses that have been redesigned through the project by September 1, 2007. Each institution will report results to the Board by September 1, 2009, and the Board will issue a summary report by January 1, 2011 to the appropriate legislative committees.

- This Act takes effect immediately beginning with the 2006-2007 school year.

► **HOUSE BILL 153 (MORRISON/ZAFFIRINI) – TUITION REVENUE BONDS.** This bill authorizes the issuance of \$1.8 billion in tuition revenue bonds for institution of higher education to finance construction and improvement of infrastructure and related facilities and would be payable from pledged revenue plus tuition. Tuition revenue bonds were authorized for the following systems and institutions:

– Texas A&M University System	\$465 million
– Texas State University System	\$ 97 million
– Texas Tech University System	\$ 90 million
– University of Houston System	\$131 million
– University of North Texas System	\$117 million
– The University of Texas System	\$846 million

An additional \$5.3 million was appropriated to The University of Texas System to reimburse debt service paid on long-term obligations related to the construction of a natural science and engineering research building at The University of Texas at Dallas.

– Midwestern State University	\$ 10 million
– Stephen F. Austin State University	\$ 30 million
– Texas Southern University	\$ 47 million
– Texas Woman's University	\$ 22 million
– Texas State Technical College System	\$ 3 million

This Act takes effect immediately.

- ▶ **HOUSE BILL 154 (LUNA/LUCIO) – IRMA RANGEL SCHOOL OF PHARMACY.** Transfers administration of the Irma Rangel School of Pharmacy to the Texas A&M University System Health Science Center and requires that the primary building in which the school is operated include "Irma Rangel" in its official name.

This Act takes effect immediately.

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