

BILL ANALYSIS

C.S.H.B. 2223
By: Giddings
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that developmental education programs offered by public institutions of higher education under the Texas Success Initiative are in need of improvement with regard to guiding students to postsecondary success without posing a financial burden on families. C.S.H.B. 2223 seeks to provide for this improvement by overhauling the developmental education programs and phasing in a corequisite model under which a student concurrently enrolls in a developmental education course and a freshman-level course in the same subject area for each subject area for which the student is referred to developmental coursework.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2223 amends the Education Code to specify that the requirement under the Texas Success Initiative for a public institution of higher education to assess each entering undergraduate student to determine the student's readiness for freshman-level coursework is for assessment using a diagnostic test designated by the Texas Higher Education Coordinating Board for that purpose and to specify that the test a student may retake at any time to determine readiness is such a designated test.

C.S.H.B. 2223 requires each institution of higher education to develop and implement for developmental coursework, other than adult basic education or basic academic skills education, developmental education using a corequisite model under which a student concurrently enrolls in a developmental education course and a freshman-level course in the same subject area for each subject area for which the student is referred to developmental coursework and to ensure the institution's developmental coursework complies with this requirement according to the following schedule:

- for the 2018-2019 academic year, at least 25 percent of the institution's students enrolled in developmental coursework other than adult basic education or basic academic skills education must be enrolled in coursework that complies;
- for the 2019-2020 academic year, at least 50 percent of such students must be enrolled in coursework that complies; and
- for the 2020-2021 academic year and each subsequent academic year, at least 75 percent

of such students must be enrolled in coursework that complies.

The bill requires the institution, if a student fails to satisfactorily complete a freshman-level course taken concurrently with a developmental course in the same subject area, to review the individualized plan developed for the student to assist the student with regard to readiness and, if necessary, to work with the student to revise the plan and to offer to the student a range of competency-based education programs to assist the student in becoming ready to perform freshman-level coursework in the applicable subject area.

C.S.H.B. 2223 clarifies that, with regard to the requirement that the coordinating board collect and analyze data regarding the effectiveness of college preparatory courses, those courses are in college preparatory mathematics and English language arts as developed and provided by each public school district in partnership with institutions of higher education. The bill clarifies that the measurement of effectiveness of such courses is the rate at which students receiving an exemption from the requirements of the Texas Success Initiative with respect to the content area of such a course successfully complete a college-level course in the exempted content area during the student's first year of enrollment at an institution of higher education occurring after the student qualifies for the exemption. The bill sets the time and frequency of the coordinating board's required reporting of its findings based on the analysis of that data at November of each even-numbered year.

C.S.H.B. 2223 lowers the caps on the number of semester credit hours of developmental coursework per student that may be funded by legislative appropriations, applicable beginning with the 2018-2019 academic year, from 18 to 9 for a general academic teaching institution, with the exception of developmental coursework in English for speakers of other languages, which remains 18 and from 27 to 18 for a public junior college, public technical institute, or public state college, with the exception of developmental coursework in English for speakers of other languages, which remains 27.

C.S.H.B. 2223 amends the Labor Code to make a conforming change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2223 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
ARTICLE 1. TEXAS SUCCESS INITIATIVE	Same as introduced version.
SECTION 1.01. Chapter 51, Education Code, is amended by adding Subchapter F-1, and a heading is added to that subchapter to read as follows: <u>SUBCHAPTER F-1. TEXAS SUCCESS INITIATIVE</u>	SECTION 1.01. Same as introduced version.
SECTION 1.02. Sections 51.3062(a) and (a-1), Education Code, are transferred to Subchapter F-1, Chapter 51, Education	SECTION 1.02. Same as introduced version.

Code, as added by this Act, redesignated as Section 51.331, Education Code, and amended.

SECTION 1.03. Section 51.3062(r), Education Code, is transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.332, Education Code, and amended.

SECTION 1.04. Section 51.3062(b), Education Code, is transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.333, Education Code, and amended.

SECTION 1.05. Sections 51.3062(c), (f), and (f-1), Education Code, are transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.334, Education Code, and amended.

SECTION 1.06. Sections 51.3062(g) and (h), Education Code, are transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.335, Education Code, and reordered and amended.

SECTION 1.07. Sections 51.3062(i), (i-2), and (t), Education Code, are transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.336, Education Code, and amended to read as follows:

Sec. 51.336. DEVELOPMENTAL EDUCATION. (a) An ~~[(t) The]~~ institution of higher education may refer a student to developmental coursework, including basic academic skills education, as considered necessary by the institution to address a student's deficiencies in the student's readiness to perform freshman-level academic coursework, except that the institution may not require enrollment in developmental coursework with respect to a student previously determined under Section 51.338(d) ~~[Subsection (q-1)]~~ or ~~[determined]~~ by any institution of higher education to have met college-readiness standards.

(b) An institution of higher education that requires a student to enroll in developmental coursework must offer a range of

SECTION 1.03. Same as introduced version.

SECTION 1.04. Same as introduced version.

SECTION 1.05. Same as introduced version.

SECTION 1.06. Same as introduced version.

SECTION 1.07. Sections 51.3062(i), (i-2), and (t), Education Code, are transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.336, Education Code, and amended to read as follows:

Sec. 51.336. DEVELOPMENTAL EDUCATION. (a) An ~~[(t) The]~~ institution of higher education may refer a student to developmental coursework, including basic academic skills education, as considered necessary by the institution to address a student's deficiencies in the student's readiness to perform freshman-level academic coursework, except that the institution may not require enrollment in developmental coursework with respect to a student previously determined under Section 51.338(d) ~~[Subsection (q-1)]~~ or ~~[determined]~~ by any institution of higher education to have met college-readiness standards.

(b) An institution of higher education that requires a student to enroll in developmental coursework must offer a range of

developmental coursework, including online coursework, or instructional support that includes the integration of technology to efficiently address the particular developmental needs of the student.

(c) Each institution of higher education shall develop and implement for all developmental coursework, other than adult basic education or basic academic skills education, developmental education using a corequisite model under which a student concurrently enrolls in a developmental education course and a freshman-level course in the same subject area for each subject area for which the student is referred to developmental coursework.

(d) If a student fails to satisfactorily complete a freshman-level course described by Subsection (c), the institution of higher education shall:

(1) review the plan developed for the student under Section 51.335(a) and, if necessary, work with the student to revise the plan; and

(2) offer to the student a range of competency-based education programs to assist the student in becoming ready to perform freshman-level academic coursework in the applicable subject area.

(e) [(4-2)] An institution of higher education must base developmental coursework on research-based best practices that include the following components:

- (1) assessment;
- (2) differentiated placement and instruction;
- (3) faculty development;
- (4) support services;
- (5) program evaluation;
- (6) integration of technology with an emphasis on instructional support programs;
- (7) non-course-based developmental education interventions; and
- (8) subject to the requirements of Subsection (c), course pairing of developmental education courses with credit-bearing courses.

(f) [(4)] To allow a student to complete any necessary developmental coursework in the most efficient and cost-effective manner, the

developmental coursework, including online coursework, or instructional support that includes the integration of technology to efficiently address the particular developmental needs of the student.

(c) Each institution of higher education shall develop and implement for developmental coursework, other than adult basic education or basic academic skills education, developmental education using a corequisite model under which a student concurrently enrolls in a developmental education course and a freshman-level course in the same subject area for each subject area for which the student is referred to developmental coursework. Each institution shall ensure that at least 75 percent of the institution's students enrolled in developmental coursework other than adult basic education or basic academic skills education are enrolled in developmental coursework described by this subsection.

(d) If a student fails to satisfactorily complete a freshman-level course described by Subsection (c), the institution of higher education shall:

(1) review the plan developed for the student under Section 51.335(a) and, if necessary, work with the student to revise the plan; and

(2) offer to the student a range of competency-based education programs to assist the student in becoming ready to perform freshman-level academic coursework in the applicable subject area.

(e) [(4-2)] An institution of higher education must base developmental coursework on research-based best practices that include the following components:

- (1) assessment;
- (2) differentiated placement and instruction;
- (3) faculty development;
- (4) support services;
- (5) program evaluation;
- (6) integration of technology with an emphasis on instructional support programs;
- (7) non-course-based developmental education interventions; and
- (8) subject to the requirements of Subsection (c), course pairing of developmental education courses with credit-bearing courses.

(f) [(4)] To allow a student to complete any necessary developmental coursework in the most efficient and cost-effective manner, the

board shall encourage institutions of higher education to offer various types of developmental coursework that address various levels of deficiency in readiness to perform college coursework for which course credit may be earned, as determined on the basis of assessments as described by Section 51.334 [~~Subsection (f)~~]. The types of developmental coursework may include:

- (1) course-based programs;
- (2) non-course-based programs, such as advising programs;
- (3) module format programs;
- (4) competency-based education programs;
- (5) basic academic skills education, if applicable to the student; and
- (6) subject to the requirements of Subsection (c), programs under which the student is pairing or taking concurrently a developmental education course and another course in the same subject area for which course credit may be earned.

SECTION 1.08. Sections 51.3062(j) and (k), Education Code, are transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.337, Education Code, and amended.

SECTION 1.09. Sections 51.3062(p), (q), (q-1), (q-2), and (s), Education Code, are transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.338, Education Code, and reordered and amended.

SECTION 1.10. Section 51.3062(i-4), Education Code, is transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.339, Education Code, and amended.

SECTION 1.11. Sections 51.3062(l) and (m), Education Code, are transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.340, Education Code, and amended to read as follows:

Sec. 51.340. FUNDING. (a) [~~(f)~~] The legislature shall appropriate money for approved non-degree-credit developmental courses, including basic academic skills education, except that legislative appropriations may not be used for

board shall encourage institutions of higher education to offer various types of developmental coursework that address various levels of deficiency in readiness to perform college coursework for which course credit may be earned, as determined on the basis of assessments as described by Section 51.334 [~~Subsection (f)~~]. The types of developmental coursework may include:

- (1) course-based programs;
- (2) non-course-based programs, such as advising programs;
- (3) module format programs;
- (4) competency-based education programs;
- (5) basic academic skills education, if applicable to the student; and
- (6) subject to the requirements of Subsection (c), programs under which the student is pairing or taking concurrently a developmental education course and another course in the same subject area for which course credit may be earned.

SECTION 1.08. Same as introduced version.

SECTION 1.09. Same as introduced version.

SECTION 1.10. Same as introduced version.

SECTION 1.11. Sections 51.3062(l) and (m), Education Code, are transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.340, Education Code, and amended to read as follows:

Sec. 51.340. FUNDING. (a) [~~(f)~~] The legislature shall appropriate money for approved non-degree-credit developmental courses, including basic academic skills education, except that legislative appropriations may not be used for

developmental coursework taken by a student in excess of:

(1) for a general academic teaching institution:

(A) 9 semester credit hours; or

(B) 18 semester credit hours, if the developmental coursework is English for speakers of other languages [for a general academic teaching institution]; and

(2) 18 [27] semester credit hours, for a public junior college, public technical institute, or public state college.

(b) ~~(m)~~ The board may develop formulas to supplement the funding of developmental academic programs by institutions of higher education, including formulas for supplementing the funding of non-course-based programs. The board may develop a performance funding formula by which institutions of higher education may receive additional funding for each student who completes the success initiative [~~Success Initiative~~] established under this subchapter [~~section~~] and then successfully completes college coursework. The legislature may appropriate the money required to provide the additional funding under those formulas.

SECTION 1.12. Section 51.3062(n), Education Code, is transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.341, Education Code, and amended.

SECTION 1.13. Section 51.3062(u), Education Code, is transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.342, Education Code, and amended.

SECTION 1.14. Section 51.3062(o), Education Code, is transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as Section 51.343, Education Code, and amended.

SECTION 1.15. Sections 51.3062(i-1), (i-3), and (t-1), Education Code, are transferred to Subchapter F-1, Chapter 51, Education Code, as added by this Act, redesignated as

developmental coursework taken by a student in excess of:

(1) for a general academic teaching institution:

(A) 9 semester credit hours; or

(B) 18 semester credit hours, if the developmental coursework is English for speakers of other languages [for a general academic teaching institution]; and

(2) for a public junior college, public technical institute, or public state college:

(A) 18 semester credit hours; or

(B) 27 semester credit hours, if the developmental coursework is English for speakers of other languages [~~for a public junior college, public technical institute, or public state college~~].

(b) ~~(m)~~ The board may develop formulas to supplement the funding of developmental academic programs by institutions of higher education, including formulas for supplementing the funding of non-course-based programs. The board may develop a performance funding formula by which institutions of higher education may receive additional funding for each student who completes the success initiative [~~Success Initiative~~] established under this subchapter [~~section~~] and then successfully completes college coursework. The legislature may appropriate the money required to provide the additional funding under those formulas.

SECTION 1.12. Same as introduced version.

SECTION 1.13. Same as introduced version.

SECTION 1.14. Same as introduced version.

SECTION 1.15. Same as introduced version.

Section 51.344, Education Code, and reordered and amended.

SECTION 1.16. The heading to Section 51.3062, Education Code, is repealed.

SECTION 1.17. Each public institution of higher education shall ensure that the institution's developmental coursework complies with the requirements of Section 51.336(c), Education Code, as added by this Act, according to the following schedule:

(1) for the 2018-2019 academic year, at least 35 percent of the institution's developmental coursework must comply;

(2) for the 2019-2020 academic year, at least 65 percent of the institution's developmental coursework must comply; and

(3) for the 2020-2021 academic year and each subsequent academic year, 100 percent of the institution's academic coursework must comply.

SECTION 1.18. Section 51.340(a), Education Code, as transferred, redesignated, and amended from Section 51.3062(1), Education Code, by this Act, applies beginning with the 2018-2019 academic year.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Section 28.014(a), Education Code, is amended.

SECTION 2.02. Section 29.904(d), Education Code, is amended.

SECTION 2.03. Section 39.0233(a), Education Code, is amended.

SECTION 2.04. Section 39.025(a-1),

SECTION 1.16. Same as introduced version.

SECTION 1.17. Each public institution of higher education shall ensure that the institution's developmental coursework complies with the requirements of Section 51.336(c), Education Code, as added by this Act, according to the following schedule:

(1) for the 2018-2019 academic year, at least 25 percent of the institution's students enrolled in developmental coursework other than adult basic education or basic academic skills education must be enrolled in developmental coursework that complies with those requirements;

(2) for the 2019-2020 academic year, at least 50 percent of the institution's students enrolled in developmental coursework other than adult basic education or basic academic skills education must be enrolled in developmental coursework that complies with those requirements; and

(3) for the 2020-2021 academic year and each subsequent academic year, at least 75 percent of the institution's students enrolled in developmental coursework other than adult basic education or basic academic skills education must be enrolled in developmental coursework that complies with those requirements.

SECTION 1.18. Same as introduced version.

Same as introduced version.

SECTION 2.01. Same as introduced version.

SECTION 2.02. Same as introduced version.

SECTION 2.03. Same as introduced version.

SECTION 2.04. Same as introduced

Education Code, is amended.

SECTION 2.05. Sections 39.053(c) and (c-2), Education Code, are amended.

SECTION 2.06. Section 51.406(c), Education Code, is amended.

SECTION 2.07. Section 54.2001(b), Education Code, is amended.

SECTION 2.08. Section 56.3041(a), Education Code, is amended.

SECTION 2.09. Section 61.07611(a), Education Code, is amended.

SECTION 2.10. Section 315.004, Labor Code, is amended.

ARTICLE 3. EFFECTIVE DATE

SECTION 3.01. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

version.

SECTION 2.05. Same as introduced version.

SECTION 2.06. Same as introduced version.

SECTION 2.07. Same as introduced version.

SECTION 2.08. Same as introduced version.

SECTION 2.09. Same as introduced version.

SECTION 2.10. Same as introduced version.

Same as introduced version.

SECTION 3.01. Same as introduced version.