

BILL ANALYSIS

Senate Research Center

S.B. 1872
By: Truan
Education
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As Filed

DIGEST

Currently, the Minority Doctoral Incentive Program (program) has provided 16 doctoral candidates with conditional repayment loan guarantees since being implemented in September 1995. The 5th Circuit Court of Appeals' decision in *Hopwood v. Texas* and the guidelines subsequently issued by the attorney general appear to prohibit the Higher Education Coordinating Board from continuing to administer the program as it currently exists. There appears to be no way to remove the current requirement in the program that students be members of a minority group without eliminating the program's intent, which is to increase the number of minority faculty and administrators. This bill would revise the program to provide assistance in the repayment of loans for minority faculty and academic administrators, rather than to provide loans to minority students who pursue doctorates or pursue a master's degree and commit to pursue a doctorate.

PURPOSE

As proposed, S.B. 1872 revises the Minority Doctoral Incentive Program to provide assistance in the repayment of loans for minority faculty and academic administrators, rather than provide loans to minority students who pursue doctorates or pursue master's degree and commit to pursue a doctorate.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Higher Education Coordinating Board in SECTION 2 (Section 56.163(b), Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 56.162(a), Education Code, to require the Texas Higher Education Coordinating Board (board) to establish and administer the minority doctoral incentive program (program) to provide assistance in the repayment of loans for minority faculty and academic administrators to increase minority representation among the faculty and administration of institutions in academic disciplines in which there is significant underrepresentation. Deletes text requiring the board to establish and administer the program to provide loans to minority students who pursue doctorates or pursue master's degrees and commit to pursue a doctorate. Makes conforming changes.

SECTION 2. Amends Section 56.163, Education Code, to require a person, to be eligible to receive loan repayment assistance under this subchapter, among other conditions, to have completed at least one year of employment as a full-time faculty member or academic administrator at an institution. Provides that a faculty member should be teaching in an academic discipline in which minorities are significantly underrepresented. Deletes text requiring that the person, among other conditions, hold a doctoral degree to be sponsored by a faculty member of the program. Deletes Sections (a)(1) and (3). Requires the board to adopt criteria for the selection of recipients and eligibility requirements under Subsection (a)(4) of this section to ensure that a recipient whose degree was awarded by a Texas institution and who during the time of study was a Texas resident, as defined by board rule, is first given the opportunity to receive loan repayment assistance under this subchapter. Makes conforming changes.

SECTION 3. Amends Section 56.169, Chapter 56, Education Code, as follows:

Sec. 56.169. New heading: LOAN REPAYMENT. Provides that a full-time minority faculty administrator at an institution, rather than a loan recipient, is eligible for the repayment of loans for the person's doctoral studies, rather than for the suspension and forgiveness of the recipient's loan under certain conditions. Requires the board to determine the maximum amount of loan repayment assistance a person may receive, rather than suspend the accrual of interest and forgive the repayment of a loan made to an eligible recipient. Deletes Subsections (c) and (e). Requires the board to repay no more than, rather than forgive the repayment of, 20 percent of the unpaid principal balance and accrued interest of an eligible recipient's loan for each academic year of service by the recipient as a full-time faculty member or academic administrator at an institution. Requires the board to deliver any repayment made under this section in a lump sum payable to the lender and the recipient, in accordance with applicable law. Makes conforming changes.

SECTION 4. PLEDGES UNDER PRIOR LAW REMAIN IN EFFECT. Provides that the repeal or amendment of the law by this Act does not affect any pledge made by the board to a student for a loan or loan forgiveness made under the program.

SECTION 5. Repealers: Sections 56.164, 56.165, 56.166, 56.167, 56.168, and 56.170, Education Code (Tuition Charged Certain Nonresident Loan Recipients; Loan Disbursement; Terms of Loan; Mentors; Postdoctoral Fellowship; and Conditional Guaranty).

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.