AN ACT

relating to the curricula of certain institutions of higher education, including skills testing and developmental coursework.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 61, Education Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. TRANSFER OF CREDIT

Sec. 61.821. DEFINITIONS. In this subchapter:

(1) "Core curriculum" means the curriculum in liberal arts, humanities, and sciences and political, social, and cultural history that all undergraduate students of an institution of higher education are required to complete before receiving an academic undergraduate degree.

(2) "Field of study curriculum" means a set of courses that will satisfy the lower division requirements for a bachelor's degree in a specific academic area at a general academic teaching institution.

Sec. 61.822. CORE CURRICULUM. (a) The board, with the assistance of advisory committees composed of representatives of institutions of higher education, shall develop a
recommended core curriculum of at least 42 semester credit hours, including a statement of the
content, component areas, and objectives of the core curriculum. At least a majority of the
members of any advisory committee named under this section shall be faculty members of an
institution of higher education.

(b) Each institution of higher education shall adopt a core curriculum of no less than 42
semester credit hours, including specific courses comprising the curriculum. The core
curriculum shall be consistent with the common course-numbering system and with the
statement, recommendations, and rules issued by the board. An institution may have a core
curriculum of other than 42 semester credit hours only if approved by the board.

(c) If a student successfully completes the 42-hour core curriculum at an institution of higher
education, that block of courses may be transferred to any other institution of higher education
and must be substituted for the receiving institution's core curriculum. A student shall receive
academic credit for each of the courses transferred and may not be required to take additional
core curriculum courses at the receiving institution unless the board has approved a larger core
curriculum at the institution.

(d) A student who transfers from one institution of higher education to another without
completing the core curriculum of the sending institution shall receive academic credit from the
receiving institution for each of the courses that the student has successfully completed in the
core curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy further course requirements in the core curriculum of the receiving institution.

Sec. 61.823. FIELD OF STUDY CURRICULUM. (a) The board, with the assistance of advisory committees composed of representatives of institutions of higher education, shall develop field of study curricula. Each advisory committee shall be equitably composed of representatives of institutions of higher education. Each university system or institution of higher education which offers a degree program for which a field of study curriculum is proposed shall be offered participation on the advisory committee for that particular field of study. At least a majority of the members of any advisory committee named under this section shall be faculty members of an institution of higher education.

(b) If a student successfully completes a field of study curriculum developed by the board, that block of courses may be transferred to a general academic teaching institution and must be substituted for that institution's lower division requirements for the degree program for the field of study into which the student transfers, and the student shall receive full academic credit toward the degree program for the block of courses transferred.

(c) A student who transfers from one institution of higher education to another without completing the field of study curriculum of the sending institution shall receive academic credit
from the receiving institution for each of the courses that the student has successfully completed in the field of study curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy further course requirements in the field of study curriculum of the receiving institution.

Sec. 61.824. INSTITUTIONAL EVALUATIONS. Each institution shall review and evaluate the institution's core curriculum and applicable field of study curricula at intervals specified by the board and shall report the results of that review to the board.

Sec. 61.825. BOARD EVALUATIONS. The board shall develop criteria to evaluate the transfer practices of each institution of higher education and shall evaluate the transfer practices of each institution based on those criteria.

Sec. 61.826. DISPUTE RESOLUTION. (a) The board by rule shall adopt procedures to be followed by:

(1) institutions of higher education in resolving disputes concerning the transfer of lower division course credit; and

(2) the commissioner of higher education or the commissioner's designee in making a final determination concerning transfer of the course credit if the transfer is in dispute.

(b) Each institution of higher education shall publish in its course catalogs the procedures adopted by the board under Subsection (a).
(c) If an institution of higher education does not accept course credit earned by a student at another institution of higher education, that institution shall give written notice to the student and the other institution that the transfer of the course credit is denied. The two institutions and the student shall attempt to resolve the transfer of the course credit in accordance with board rules. If the transfer dispute is not resolved to the satisfaction of the student or the institution at which the credit was earned within 45 days after the date the student received written notice of the denial, the institution that denies the transfer of the course credit shall notify the commissioner of higher education of its denial and the reasons for the denial.

(d) The commissioner of higher education or the commissioner's designee shall make the final determination about a dispute concerning the transfer of course credit and give written notice of the determination to the involved student and institutions.

(e) The board shall collect data on the types of transfer disputes that are reported and the disposition of each case that is considered by the commissioner of higher education or the commissioner's designee.

Sec. 61.827. RULES. The board is authorized to adopt rules implementing the provisions of this subchapter.

Sec. 61.828. CONCURRENTLY ENROLLED STUDENTS. A student concurrently enrolled at more than one institution of higher education shall follow the core curriculum or the
field of study curriculum of the institution in which the student is classified as a degree-seeking student.

Sec. 61.829. EFFECT ON OTHER POLICIES. This subchapter does not affect the authority of an institution of higher education to adopt its own admission standards in compliance with this title or its own grading policies.

SECTION 2. Section 51.306, Education Code, as amended by Chapters 76, 362, 747, 777, and 804, Acts of the 74th Legislature, 1995, is amended to read as follows:

Sec. 51.306. TEXAS ACADEMIC SKILLS PROGRAM [TESTING AND REMEDIAL COURSEWORK]. (a) In this section:

(1) "Board," "institution of higher education," [and] "private or independent institution of higher education," "general academic teaching institution," "public junior college," and "public technical institute" have the meanings assigned by Section 61.003 of this code.

(2) "Deaf student" means a student who is a deaf person as defined by Section 54.205(a) of this code.

(3) "Blind student" means a student who is a blind person as defined by Section 54.205(a) of this code.

(b) Each undergraduate student [All students in the following categories] who enters a [enter] public institution [institutions] of higher education must be tested for reading, writing, and
mathematics skills prior to enrolling in any coursework. The board shall prescribe circumstances under which a student who has not been tested may enroll in coursework. A student who is permitted to enroll without taking the test prescribed by the board must take the test under Subsection (c) not later than the end of the first semester of enrollment:

[(1) all full-time and part-time freshmen enrolled in a degree program;

[(2) any other student, prior to the accumulation of nine or more semester credit hours or the equivalent;

[(3) any transfer student with fewer than 60 semester credit hours or the equivalent who has not previously taken the tests].

(c) For purposes of Subsection (b), the institution shall use the Texas Academic Skills Program Test instrument prescribed by the board. However, the board may prescribe an alternative test instrument for an institution to use to test a student. Each alternative test instrument prescribed shall be correlated with the Texas Academic Skills Program Test. Each [The same instrument shall be used at all public institutions of higher education.]

[(e) The] test instrument adopted by the board must be of a diagnostic nature and be designed to provide a comparison of the skill level of the individual student with the skill level necessary for a student to perform effectively in an undergraduate degree program. In developing the
Texas Academic Skills Program Test [test], the board shall consider the recommendations of faculty from various institutions of higher education.

(d) An institution may not use performance on the test as a condition of admission into the institution.

(e) The board shall prescribe minimum performance standards for each [the] test instrument. A student whose performance is below the standard for tested skill must participate in a developmental [remediation] program. An institution may require higher performance standards.

(f) If the test results indicate that developmental [remedial] education is necessary in any area tested, the institution shall refer the student to developmental [remedial] courses or other developmental [remedial] programs made available by the institution. Each institution shall make available those courses and programs on the same campus at which the student would otherwise attend classes. The courses or programs may not be considered as credit toward completion of degree requirements. On completion of the developmental coursework or program, the student shall take that portion of the Texas Academic Skills Program Test for which developmental education was required.

(g) A student may not enroll in any upper division course completion of which would give the student 60 or more semester credit hours or the equivalent until the student's Texas Academic Skills Program Test [test] results meet or exceed the minimum standards in each skill area for
which developmental education was required or the student has earned a grade of "B" or better in a freshman-level credit course in the subject matter of the assessed deficit. For that purpose, the board shall establish a list of freshman-level credit courses for each skill area of the test instrument [all test scores]. The board shall establish other assessment procedures to be used by institutions [in exceptional cases] to allow a student to enroll in upper division courses in cases where student test results do not meet minimum standards.

(h) The state shall [continue to] fund approved nondegree credit developmental [remedial] courses; however, a general academic teaching institution may not receive funding for developmental coursework taken by a student in excess of 18 semester credit hours, and a public junior college or public technical institute may not receive funding for developmental coursework taken by a student in excess of 27 semester credit hours. Additionally, the board shall develop formulas to augment institutional funding of other developmental [remedial] academic programs and shall develop a performance funding formula by which institutions may receive additional funding for each student who successfully completes the developmental courses. The additional funding required under such formulas shall be met by state appropriation [for fiscal years 1990-1991 and thereafter].

(i) Each institution shall establish an advising program to advise students at every level of courses and degree options that are appropriate for the individual student.
(j) The unit costs of each test shall be borne by the student. Costs of administering the tests to students shown to be financially needy under criteria established by the board shall be borne by the state through appropriation to the board for that purpose or other sources of funds. Additionally, appropriation shall be made to the board to cover overall administrative costs of the testing program.

(k) Each institution shall report annually to the board, on or before a day set by rule of the board, concerning the results of the students being tested and the effectiveness of the institution's developmental [remedial] program and advising program. In addition, the board shall publish annually a summary of the report required by Section 51.403(c) identifying [The report shall identify] by name the high school from which each tested student graduated and a statement as to whether or not the student's performance was above or below the standard. The summary must include the number of students at each high school who took and passed the test while enrolled in high school. For the purposes of this report, students shall not be identified by name. The board shall publish annually a report summarizing by institution of higher education for each academic year the total number of students who:

(1) entered a developmental program;

(2) completed developmental courses;
(3) took the Texas Academic Skills Program Test after completing developmental courses;

(4) passed the Texas Academic Skills Program Test after completing developmental courses; and

(5) satisfied the requirement of Subsection (g) in each skill area by earning an acceptable grade in an approved course as permitted by that subsection.

(1) [(m)(1)] A high school student who performs at or above a level set by the board on the exit-level assessment required under Section 39.023 [on the Texas Assessment of Academic Skills test to be set by the board] is exempt from this section. The level set by the board may not exceed a level that is equivalent to a 95 percent probability of passing the Texas Academic Skills Program Test. This exemption will be in effect for three years from the date a student takes the assessment and achieves [the Texas Assessment of Academic Skills test is taken and] the set score level [is achieved]. A student [Students] enrolling for the first time in an institution of higher education [Texas public colleges and universities] after the three-year period has elapsed must conform to all provisions of this section.

(m) An entering [(2)] entering or transferring student [students] who has [have] achieved a score to be set by the board on the Scholastic Assessment Test or the American College Test is [are] exempt from the requirements of this section. The score set by the board may not exceed a
score that is equivalent to a 95 percent probability of passing the Texas Academic Skills Program Test. This exemption is effective for five years from the date the Scholastic Assessment Test or the American College Test is taken and the set standard is achieved. A student enrolling for the first time in an institution of higher education after the five-year period has elapsed must conform to all provisions of this section.

(n) This section applies to a blind student only if the test is administered to that student in large print or Braille or is administered by audio cassette or by a reader, as appropriate to that student.

(o) A student at an institution of higher education is exempt from the requirements of this section if the student enrolls on a temporary basis at the institution of higher education and:

1. is also enrolled at an accredited private or independent institution of higher education or an accredited out-of-state institution of higher education; or

2. has graduated from an institution of higher education, an accredited private or independent institution of higher education, or an accredited out-of-state institution of higher education.
(p) To receive an exemption under Subsection (o), a student must present to the institution of higher education at which the student seeks the exemption as evidence of enrollment in another institution:

(1) a transcript, grade report, or paid fee receipt from the preceding semester; or
(2) any other evidence acceptable to the institution of higher education as proof of enrollment in the other institution.

(q) An exemption under Subsection (o) terminates if the student:

(1) enrolls on a permanent basis in an institution of higher education; or
(2) enrolls in a certificate or degree program at an institution of higher education.

(r) This section does not apply to:

(1) a student who accumulated three or more college-level semester credit hours prior to the 1989 fall semester;
(2) a student located outside this state who enrolls in a course offered outside this state by an institution of higher education;
(3) a deaf student;
(4) a student who has graduated with a baccalaureate degree from an institution of higher education, an accredited private or independent institution of higher education, or an accredited out-of-state institution of higher education;
(5) a student enrolled in a certificate program at a community or technical college of one year or less; or

(6) a student who is a citizen of a country other than the United States and is not seeking a degree.

(s) [(p)] An institution of higher education shall provide to each student [under Subsection (b) of this section] who is accepted by the institution for admission and to whom this section applies information in the institution's catalog relating to the testing and developmental [remedial] requirements of this section and of the rules adopted by the Texas Higher Education Coordinating Board.

(t) [(q)] This section does not apply to a deaf student.

[(q)] An institution may exempt a non-degree-seeking or non-certificate-seeking student who will be 55 years of age or older on the first class day of a term or semester from the testing requirements imposed by this section as a condition for enrollment during that term or semester in a course.

(u) [(q)] This section does not apply to a student at an institution of higher education who:

[(1) enrolls on a temporary basis in the institution of higher education; and

[(2) is also enrolled in a private or independent institution of higher education or an out-of-state institution of higher education or has graduated from an institution of higher
education, a private or independent institution of higher education, or an out of state institution of higher education.

[(q)] A student who has been diagnosed as having dyslexia or a related disorder, as those terms are defined by Section 38.003 [21.924(a)], or a specific learning disability in mathematics by a qualified professional whose license or credentials are appropriate to diagnose the disorder or disability as determined by the board and who completes the developmental [remedial] program prescribed by the institution may be required to retake the test once but may not be referred to an additional developmental [remedial] course or other developmental [remedial] program or precluded from enrolling in an upper division course because of the student's performance on the test.

(v) A student who has passed the exit-level assessment required under Section 39.023 shall be encouraged to take the test required by this section while enrolled in high school unless the student's scores on the exit-level assessment required under Section 39.023, on the Scholastic Assessment Test, or on the American College Test exempt the student from the test requirement as provided by this section. The Texas Education Agency shall work with the board to encourage eligible students to take the test; however, taking the test shall be voluntary.

(w)(1) The provisions of this subsection apply to high school students taking the test required by this section.
(2) Each eligible high school student shall pay for the cost of taking the test unless funds are appropriated for that purpose. If funds are appropriated for that purpose, the board and the Texas Education Agency shall develop a mechanism for the payment of the cost of the test.

(3) The board shall arrange for the test to be offered to high school students outside of regularly scheduled school days and at locations throughout the state.

(4) Except as authorized by the student, test scores of a high school student shall be reported only to the student and the student's parents.

(5) A high school student who fails to achieve the minimum required score set by the board may not be required to take developmental classes while in high school. However, after graduation from high school, a student who enters a public institution of higher education must comply with the provisions of this section.

(6) A high school student who achieves the minimum required score set by the board shall be deemed to have met the requirements of this section when enrolling at an institution of higher education, provided that the student enrolls in the institution not later than five years from the date the test is taken and the set score level is achieved. A student enrolling for the first time in an institution of higher education after the five-year period has elapsed must comply with all provisions of this section.
(7) The board and the Texas Education Agency shall work together to provide high school students, their parents, and their schools with information about the Texas Academic Skills Program and assist them in interpreting the results of the test.

(r) To receive an exemption under Subsection (q), a student must:

(1) if the student claims the exemption because the student is also enrolled in a private or independent institution of higher education or an out-of-state institution of higher education, present to the institution of higher education at which the student seeks the exemption as evidence of enrollment in the other institution:

   [A] a transcript, grade report, or paid fee receipt from the preceding semester; or

   [B] any other evidence acceptable to the institution of higher education as proof of enrollment in the other institution;

(2) if the student claims the exemption because the student has graduated from an institution of higher education, a private or independent institution of higher education, or an out-of-state institution of higher education, present to the institution of higher education at which the student seeks the exemption as evidence of graduation from the other institution a diploma or transcript; and
[(3) sign a form stating that the student does not intend to enroll on a permanent basis in or receive a certificate or degree from the institution of higher education at which the student seeks the exemption.

[(s) An exemption under Subsection (q) terminates if the student:

[(1) enrolls on a permanent basis in the institution of higher education; or

[(2) enrolls in a certificate or degree program at the institution of higher education.

[(s) This section does not apply to a student enrolled in a certificate program of one year or less.]

SECTION 3. Sections 51.305 and 61.078, Education Code, are repealed.

SECTION 4. (a) Not later than September 1, 1998, the Texas Higher Education Coordinating Board shall adopt rules to implement Subchapter S, Chapter 61, Education Code, as added by this Act.

(b) The change in law made by this Act to Subsection (b), Section 51.306, Education Code, requiring each student to be tested for reading, writing, and mathematics skills before enrolling in course work, takes effect beginning with the fall semester 1998.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is
hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

_______________________________  President of the Senate  Speaker of the House

I hereby certify that S.B. No. 148 passed the Senate on February 11, 1997, by the following vote: Yeas 30, Nays 0; May 29, 1997, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 1997, House granted request of the Senate; May 31, 1997, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

_______________________________  Secretary of the Senate

I hereby certify that S.B. No. 148 passed the House, with amendments, on May 25, 1997, by the following vote: Yeas 141, Nays 0, one present not voting; May 30, 1997, House granted request of the Senate for appointment of Conference Committee; May 31, 1997, House adopted
Conference Committee Report by the following vote: Yeas 124, Nays 17, one present not voting.

__________________________________________
Chief Clerk of the House

Approved:

__________________________________________
Date

__________________________________________
Governor