

Texas Association of School Boards

# Legislative Summary for School Attorneys 2011 Community College Supplement

Regular Session of the 82nd Texas Legislature

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## **HOUSE BILL 9—HIGHER EDUCATION OUTCOMES-BASED FUNDING**

**Sections affected:** Adds Tex. Educ. Code §§ 61.059(a)(4), (b-1), .0593, .0905. Amends Tex. Educ. Code § 61.059(c).

**Effective date:** June 17, 2011.

This bill requires that THECB funding policies emphasize an alignment with THECB established education goals. The bill requires that the committee employed by THECB to review funding appropriation formulas include representatives of a cross-section of the institutions representing each grouping under the THECB accountability system. A community college district president must recommend to the commissioner of higher education at least one representative for the college district's assigned institutional grouping. The bill requires that the basic funding formulas incorporate goals identified in the THECB long-range statewide plan.

The bill requires THECB, in consultation with community college districts, public state colleges, and public technical institutes, to incorporate the consideration of student success measures, such as certain academic progress measures and the number of degrees and certificates awarded, in devising funding formulas and making recommendations to the legislature about incentive fund appropriations to those institutions. THECB, again in consultation with those institutions, must review the measures biennially and report to the legislature.

## **HOUSE BILL 33—AFFORDABILITY OF TEXTBOOKS**

**Sections affected:** Adds Tex. Educ. Code §§ 51.451-.455.

**Effective date:** September 1, 2011. Applies beginning with the 2012 fall semester.

This bill requires each community college district to compile a course schedule for each semester or academic term that indicates the courses offered to postsecondary students. The college district must include with the schedule a detailed list of required and recommended textbooks for each course. No later than the 30th day before the semester or term starts, the list must be posted with the course schedule on the college district's Web site and distributed with any hard copy of the course schedule, unless posted or distributed by a college district bookstore on the college district's behalf. The college district must set a deadline for faculty to submit information for the course schedule and textbook list.

The bill requires the college district to make reasonable efforts to disseminate information to students regarding cost-saving strategies offered by the college district for purchasing textbooks, such as textbook rental programs.

The bill requires textbook publishers to provide certain textbook information to faculty, such as price, substantial content revisions between editions, and alternative formats of content delivery. Textbook publishers that offer textbook bundles must also offer the bundled items for sale separately in certain circumstances.

## **HOUSE BILL 51—ENERGY EFFICIENCY STANDARDS**

**Sections affected:** Adds Tex. Educ. Code § 55.115; Tex. Gov't Code § 447.004(b-1)-(b-3); Tex. Health & Safety Code §§ 388.003(c)(3), .007(d). Amends Tex. Gov't Code § 447.004(b)(2), (4); Tex. Health & Safety Code §§ 388.003(e)(1), (2)(B), .007(c).

**Effective date:** September 1, 2011, except as provided below.

This bill amends the requirements for the energy and water conservation design standards issued by the State Energy Conservation Office (SECO), including those relating to water consumption levels and design flexibility. A qualifying building must be designed and constructed or renovated so that it achieves certification under a SECO-approved, high-performance design evaluation system. SECO must appoint a committee composed of individuals specified in the bill to advise SECO on the approval of one or more evaluation system that fulfills the bill's requirements. The changes apply to a building or structure for which the design services contract is entered into on or after September 1, 2013.

## **HOUSE BILL 452—TEMPORARY HOUSING BETWEEN ACADEMIC TERMS FOR CERTAIN STUDENTS FORMERLY UNDER DFPS CONSERVATORSHIP**

**Sections affected:** Adds Tex. Educ. Code § 51.976.

**Effective date:** June 17, 2011.

This bill applies to a student who was under DFPS conservatorship prior to the student's 18th birthday or the date the student's disabilities of minority were removed by a court; who was enrolled full-time at the college during the immediately preceding academic term; who enrolled for the upcoming academic term; and who lacks temporary housing between the academic terms. A community college district must assist an eligible student, on that student's request, in finding temporary housing between academic terms.

The bill provides that, if the student demonstrates financial need, the college district may provide the student a stipend to cover reasonable temporary housing costs above other financial aid offered to the student or provide temporary housing directly to the student. The college district may solicit gifts, grants, and donations for this purpose, but if none are available, the college district may use other available funds.

## **HOUSE BILL 650—ABANDONED PROPERTY**

**Sections affected:** Amends Tex. Prop. Code § 76.001.

**Effective date:** June 17, 2011.

This bill expands the application of Texas Property Code chapter 76, regarding the report, delivery, and claims process for certain abandoned property, to include property held by a community college district that is presumed abandoned under Texas Property Code chapter 72 or 75 and valued at \$100 or less. The college district board must first take formal action to opt to handle such property in accordance with Chapter 76.

## **HOUSE BILL 736—ONLINE INFORMATION AND RESOURCES**

**Sections affected:** Adds Tex. Educ. Code §§ 51.9745, 51A.002(e), .004, .052(e), .053(c)(1)(B), (4)(C)(F), (7)(C), (9), .102(e), 61.0778, .09021. Amends Tex. Educ. Code §§ 51A.002(b)(3)(A), .003(2), .052(d)(1)-(2), (3)(C), (4), .102(d)(1)-(2), (4). Repeals Tex. Educ. Code § 51A.053(c)(3)(B)(iii).

**Effective date:** June 17, 2011, except as provided below.

This bill requires THECB to more prominently display the link to the online resumes maintained for each institution of higher education, including community college districts, and to use the same financial aid data for each resume as that published online on the DOE College Navigator Web Site. The bill provides similar specifications for the link to the resume posted on each community college's Internet Web site. College districts may satisfy a related requirement to post financial aid information online by linking to the information posted online by the DOE.

The bill adds to the information that must be included on a college district's online resume for policy makers and the resume for prospective students, parents, and members of the public. The additions address student enrollment in developmental and dual credit courses; student loans and grants; state appropriations; federal funding; and costs charged to students, including increases.

THECB and college districts must comply with the bill's online resume requirements as soon as practicable but no later than February 1, 2012.

## **HOUSE BILL 755—TEXAS EMPLOYEES UNIFORM GROUP INSURANCE PROGRAM**

**Sections affected:** Amends Tex. Ins. Code § 1551.004(a)(3)(C).

**Effective date:** September 1, 2011.

This bill amends the definition of *dependent* for purposes of determining eligibility for the Texas Employees Uniform Group Insurance Program. The definition now includes a child who lives with or whose care is provided by the qualifying employee on a regular basis if the child is at least 25 years old, and, on the date the employee became eligible, the child was enrolled as the employee's dependent in one of the listed group benefits programs available to employees of higher education institutions or schools.

## **HOUSE BILL 1163—TUITION AND FEE EXEMPTIONS FOR CERTAIN FIREFIGHTERS AND PEACE OFFICERS**

**Sections affected:** Adds Tex. Educ. Code § 54.2081. Reenacts Tex. Educ. Code § 54.208.

**Effective date:** June 17, 2011. Applies to an exemption from tuition and fees beginning with the 2011 fall semester.

This bill amends provisions regarding tuition and fee exemptions for firefighters and peace officers. Prior, two provisions existed that exempted firefighters enrolled in fire science courses from the payment of tuition and fees, one that applied to firefighters employed by

a political subdivision or, in certain circumstances, serving as a volunteer and one that applied to firefighters employed by a political subdivision and to peace officers taking certain criminal law and law enforcement courses. The bill reenacts the statute that applied only to firefighters and removes the reference to firefighters in the peace officer statute. The bill renumbers the peace officer statute.

### **HOUSE BILL 1206—BOARD TRAINING**

**Sections affected:** Adds Tex. Educ. Code § 61.084(e)-(g). Amends Tex. Educ. Code § 61.084(a).

**Effective date:** September 1, 2011.

This bill requires that community college district board members attend a THECB training program for governing boards of higher education institutions, or a qualifying alternative, within the member's first two years on the board. Prior, board members were permitted, but not required, to attend. The training must include information about best practices in campus financial management, financial ratio analysis, and case studies using financial indicators, in addition to the existing training topics. The bill requires THECB to provide a training program electronically to a board member who cannot attend the training program in person.

The bill requires that the minutes of the last regular board meeting held by the college district during a calendar year address whether each board member has completed the required training.

### **HOUSE BILL 1244—TEXAS SUCCESS INITIATIVE**

**Sections affected:** Adds Tex. Educ. Code §§ 51.3062(a-1), (i-2)-(i-4), 54.225. Amends Tex. Educ. Code § 51.3062(f), (i), (k). Repeals Tex. Educ. Code § 51.3062(e).

**Effective date:** June 17, 2011. Applies beginning with the 2012-13 academic year.

This bill amends the standard requirements that attach to assessment instruments designated for use as part of the Texas Success Initiative. The bill requires that THECB prescribe a single standard or set of standards for each instrument that effectively measure student readiness to perform freshman-level coursework as demonstrated by current research instead of that merely reflect student readiness. A community college district may no longer adopt more stringent readiness assessment standards.

The bill clarifies that a student who has completed the recommended or advanced high school program and who shows college readiness through Algebra II and English III EOC performance may not be required to take developmental coursework. If a student is required to enroll in developmental coursework, the college district must offer the student a range of course options, including online offerings, or instructional support that includes the integration of technology. The coursework must incorporate research-based best practices and include, in accordance with THECB rules, the components listed in the

bill, such as faculty development, support services, and program evaluation. The bill requires THECB to develop and provide professional development programs for faculty and staff who teach developmental courses.

The bill changes the method of determination by a college district that a student is ready to perform freshman-level coursework to require the use of learning outcomes developed by THECB based on established readiness standards and student performance on one or more appropriate assessments.

The bill permits a college district board to exempt a student participating in an approved non-semester-length developmental education intervention from the payment of tuition.

### **HOUSE BILL 1341—MANNER OF PAYMENT OF TUITION AND MANDATORY FEES**

**Sections affected:** Adds Tex. Educ. Code § 54.007(a-1), (b-2). Amends Tex. Educ. Code §§ 54.007(a)-(b-1), (c)-(g), .0071(a)-(c), (e).

**Effective date:** July 17, 2011. Applies beginning with the payment of tuition and fees for the 2011 fall semester.

This bill amends provisions related to the timing and manner of payment of tuition and fees, now referenced for terms of the statutory requirements as tuition and *mandatory* fees. The provisions related to manner of payment are now distinguished by the length of the semester or term, specifically whether it is 10 weeks or longer or shorter than 10 weeks, instead of whether the semester or term is the fall, spring, or summer semester or term.

The bill provides that the deadlines for a student to pay tuition and mandatory fees in full or by installment are to be determined by the college district. Formerly, the deadlines were set out in statute, such as payment in full before the beginning of the fall semester. The adopted deadlines may not be later than the date established by THECB for certifying student enrollment for purposes of formula funding. The bill permits a college district to collect tuition and mandatory fees on a later due date if the payment is for unpaid balances resulting from an adjustment to a student's enrollment status or an administrative action or if the payment is for unpaid residual balances constituting less than five percent of the total tuition and mandatory fees charged to the student for that semester or term.

### **HOUSE BILL 1495—APPLICATION OF INFORMATION RESOURCES MANAGEMENT ACT**

**Sections affected:** Adds Tex. Gov't Code § 2054.0075.

**Effective date:** June 17, 2011.

This bill exempts community college districts from the application of the Information Resources Management Act, except as necessary to participate in the state electronic government project, formerly TexasOnline, or as to provisions related to bids and proposals for interagency contracts.

## **HOUSE BILL 1781—OBSOLETE AND REDUNDANT REPORTING REQUIREMENTS**

**Sections affected:** Adds Tex. Gov't Code §§ 2052.401-.403, 325.011(13), .012(a)(4). Amends Tex. Educ. Code § 61.0815(c); Tex. Fam. Code § 231.005(a); Tex. Gov't Code § 41.002; Tex. Health & Safety Code §§ 242.005(a), (c), .050(c); Tex. Tax Code § 311.016(b). Repeals Tex. Fam. Code § 236.002(e); Tex. Gov't Code §§ 402.034, 481.168, 2107.005; Tex. Health & Safety Code § 247.050(b); Tex. Loc. Gov't Code §§ 240.903, 395.082.

**Effective date:** June 17, 2011.

This bill removes obsolete or redundant reporting requirements. The bill removes the requirement that the attorney general collect necessary data for inclusion in a THECB report to state officials on faculty and professional staff who served that year as paid expert witnesses in lawsuits. The community college district president still must collect the data, however.

The bill requires that the head of each college district review each state statutory reporting requirement established prior to January 1, 2009 and not since amended to determine whether the requirement: is not necessary to accomplish the objectives of the statute containing the requirement, is redundant of other statutory reporting requirements, or is required to be provided a frequency for which data is not available. The results, and supporting justification for each determination, must be submitted to the listed state agencies and officials by August 1, 2012.

## **HOUSE BILL 2631—NORMAN HACKERMAN ADVANCED RESEARCH PROGRAM**

**Sections affected:** Amends Tex. Educ. Code §§ 142.001(4), .002, .004(a). Repeals Tex. Educ. Code § 142.004(b).

**Effective date:** June 17, 2011.

This bill renames the advanced research program to the Norman Hackerman advanced research program. The bill removes language permitting the total funds appropriated for the program to be tied to federally sponsored research funds, as well as language requiring the comptroller to issue warrants in the amounts certified by THECB.

## **HOUSE BILL 2758—EMERGENCY ALERT SYSTEM**

**Sections affected:** Adds Tex. Educ. Code § 51.218.

**Effective date:** June 17, 2011.

This bill requires each community college district to establish an emergency alert system to provide timely notification of relevant emergencies, through e-mail, telephone, and other appropriate methods, to the college district's students and staff. The college district is required, at the time a student first enrolls or a staff member begins employment, to obtain the individual's personal telephone number or e-mail address for notification purposes and to register the individual in the emergency alert system. The system must be implemented not later than the Spring 2012 semester.

## **HOUSE BILL 2910—AGREEMENTS AND GRANTS TO INCREASE DEGREE COMPLETION RATES AND T-STEM CHALLENGE SCHOLARSHIP PROGRAM**

**Sections affected:** Adds Tex. Educ. Code §§ 61.0905, .9791-.9795.

**Effective date:** June 17, 2011.

This bill permits THECB, in partnership with institutions of higher education, including community college districts, to enter into an agreement with nonprofit organizations to help THECB identify and implement effective methods to increase degree completion, including those methods listed in the bill. THECB may establish a grant program to fund, using appropriations or gifts, grants, or other donations, projects related to the improvement of degree completion rates.

The bill requires THECB to establish and administer the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program for qualified students who enroll in a STEM program at an eligible institution and who agree to work for up to 15 hours a week with a participating business. A college district, in considered an *eligible institution*, if the college district admits at least 50 students into a STEM program each academic year and develops partnerships with business and industry to identify local STEM employment needs and to provide program participants part-time employment. To maintain eligibility, a college district must demonstrate that at least 70 percent of the T-STEM graduates are, within three months after graduation, either employed in a STEM field or enrolled in upper-division courses to obtain a baccalaureate degree in a STEM field. THECB must award the scholarships beginning with the 2011-2012 academic year.

## **HOUSE BILL 2937—CRIMINAL HISTORY RECORD INFORMATION**

**Sections affected:** Amends Tex. Gov't Code § 411.094(a)(2), (b)-(e).

**Effective date:** June 17, 2011.

This bill expands the definition of *security-sensitive position* for purposes of criminal history background checks by higher education entities, such as community college districts and now THECB, to include employees of the entity conducting the background check who have access to another person's personal or identifying information or who have access to the financial information of the employer or another person. The bill requires that the criminal history record information of any applicant who is not hired for a security-sensitive position be destroyed after the information is used for its authorized purpose.

## **HOUSE BILL 3025—FILING OF DEGREE PLAN**

**Sections affected:** Adds Tex. Educ. Code §§ 51.9685, 61.833.

**Effective date:** June 17, 2011, except as provided below.

This bill requires that each student enrolled in an associate or bachelor's degree program at a community college district file a degree plan by the end of the second regular semester or term following the semester or term in which the student earned a total of 45 or more credit hours. If the student first enrolls with 45 or more credit hours, then the student must file a degree plan by the end of the student's second regular semester or term. If the student does not file the degree plan on time, the college district must notify the student of the filing requirement and require the student to consult with an academic advisor. Additionally, the student may not obtain an official transcript until the student files the degree plan.

During registration, the student must verify that the student has filed the require degree plan and that the courses the student is registering for are consistent with the degree plan.

The bill requires a community college district to provide students information regarding the degree plan filing requirement and options, including through electronic communication, for consulting with an academic advisor about the degree plan. The degree plan requirement applies beginning with students who first enroll in the college district for the 2012 fall semester.

The bill requires a general academic teaching institution to, with the student's permission, release a student's transcript to a college district the student previously attended if the student earned at least 30 credit hours at the college district and has earned a cumulative total of at least 90 credit hours. The college district must review the transcript and may award the student an associate degree offered by the college district, if the college district finds the student has earned enough credits to qualify. This requirement applies to a student who first enrolls in a general academic teaching institution for the 2011 fall semester.

## **HOUSE BILL 3470—TEXAS ARMED SERVICES SCHOLARSHIP PROGRAM**

**Sections affected:** Amends Tex. Educ. Code §§ 61.9772(a)(1), .9773(a), .9775. Repeals Tex. Educ. Code § 61.9774(b).

**Effective date:** June 17, 2011.

This bill amends the eligibility and service requirements for the Texas Armed Services Scholarship program. The bill expands the pool of individuals who may qualify for an initial scholarship to include students enrolled at any level, not just freshmen. Recipients are given an extra year to graduate from college and may now fulfill the post-graduation service requirement by serving as a member of the Texas State Guard, U.S. Coast Guard, or U.S. Merchant Marine. The bill also amends the method by which scholarship deductions are calculated based on amounts paid for military service.

## **HOUSE BILL 3577—TEXAS EDUCATIONAL OPPORTUNITY GRANT ELIGIBILITY**

**Sections affected:** Amends Tex. Educ. Code § 56.404(e).

**Effective date:** June 17, 2011. Applies beginning with grants awarded for the 2011-12 academic year.

This bill amends the eligibility requirements for the Texas Educational Opportunity Grant to provide that a person may not receive that grant and a TEXAS grant for the same semester or other term. A student eligible for both is entitled only to the larger grant.

## **HOUSE BILL 3578—EMERGENCY TUITION, FEE, AND TEXTBOOK LOANS**

**Sections affected:** Amends Tex. Educ. Code § 56.053(a)(3).

**Effective date:** June 17, 2011.

This bill provides, if a community college district opts to establish an emergency loan program for the payment of tuition, fees, and textbook costs, that the college district board adopt rules regarding the loan terms. The terms must provide that each student's loan amount not exceed an amount equal to the tuition, mandatory fees, and now textbook costs for the student's courses.

## **SENATE BILL 5—HIGHER EDUCATION INSTITUTION ADMINISTRATION AND BUSINESS MATTERS**

**Sections affected:** Adds Tex. Educ. Code §§ 51.003(f), .010-.012, .406, .9335(g)-(h), .9336, .9611, .966(d), .9741, 54.5033, 61.0573, 89.001-.004, .051; Tex. Gov't Code §§ 401.042(c), 403.2715, 791.035, 1231.001(3), 2054.008(c), 2101.0115(d)(4), (e); Tex. Ins. Code §§ 1601.111, .2041; Tex. Lab. Code § 412.053(c); Tex. Prop. Code § 74.001(c); Tex. Tax Code § 33.06(g). Amends Tex. Educ. Code §§ 51.003(b), .005, .3062(n), .403(d), .914, .923, .9335(d), (f), .966(c), 61.003(5), 65.42, 130.152; Tex. Gov't Code §§ 552.123, 1231.001(2), .041, 2155.078(n), 2166.302(c), .403(c-1), 2167.001(b), 2254.028(c), .0301; Tex Health & Safety Code §§ 95.006(b), 388.005(f); Tex. Ins. Code § 1601.201(d); Tex. Nat. Res. Code § 31.153(d); Tex. Rev. Civ. Stat. art. 4477-7j, §§ 2.03(a), (c), 3.01(a). Repeals Tex. Educ. Code §§ 51.216, .403(b)-(c), .4033, .859, .917, .968, 54.203, 56.034, .079, 61.0582, .066, .0815, .086, .087(c), .9685, 63.003-.004, .103, 86.52(m), .61-.66, .91-.97, .981-.987, .991-.992, 87.801-.802, 88.210, 106.54, 142.005, 143.006, 147.005, 148.005, 153.008; Tex. Gov't Code §§ 1443.054, 2056.011, 2107.005; Tex. Lab. Code § 412.042; Tex. Rev. Civ. Stat. art. 4477-7j, §3.01(c).

**Effective date:** June 17, 2011, except as provided below.

This bill addresses governance, budgeting, human resources, goods and services, and property issues.

**Deposits:** This bill requires a community college district to deposit funds within seven days of *receipt* by the college district, instead of *collection*. The bill also permits a community college district board to maintain unsecured deposits in a qualifying foreign banks as necessary to support academic and research operations in that country.

**Financial reporting:** The bill removes detailed Texas Education Code provisions about accounting and fund reporting. Instead, community college districts are required to prepare an annual financial report as prescribed by Texas Government Code section 2101.011.

The bill requires each college district to post on the college district's Web site a copy of the college's financial transactions as necessary to provide the amount, date, and purpose of the payment and the name of the payee. The college district may satisfy this requirement by posting a noticeable link to the comptroller's Web site that provides similar information.

**Delinquent obligations:** The bill provides that a community college district is not required to expend resources for collection of a delinquent obligation if the college district is not required to refer the obligation for collection to the attorney general and if the college district, considering such factors as available resources and likelihood of collection, determines further collection should not be actively pursued.

**Unclaimed money funds:** The bill permits a community college district to maintain an unclaimed money fund in which to transfer credit balances of less than 25 dollars that are presumed abandoned under Texas Property Code chapter 72. The college district must adopt procedures for owners to make claims of ownership of the unclaimed funds in accordance with the bill's requirements. The college district must also maintain a database for the public to search for ownership of unclaimed funds. Additionally, the comptroller, in consultation with higher education institutions, may establish minimum requirements for notice to owners of unclaimed money in the fund.

The bill requires a community college district to determine the amount of the fund that is necessary for payment of anticipated claims and fund expenses and to use the remainder of the balance as other educational and general funds. Texas Property Code chapter 74, regarding the report, delivery, and claims process for unclaimed property, does not apply to balances deposited in the college district's unclaimed money fund. These provisions apply to credit balances held by the college district after the bill's effective date.

**Electronic payment:** The bill permits a community college district to make a payment through an electronic funds transfer or by electronic pay card.

**Contracts with certain entities:** The bill expands the application of provisions regarding qualifications, specifically those related to potential conflicts of interest, of nonprofits and corporations to enter into contracts with a community college district to include other business entities, such as a sole proprietorship or partnership. The bill provides that a nonprofit may enter into a contract or transaction with a college district even if an officer or employee of the nonprofit is a member of the college district board. A business entity may contract or enter into a transaction with a college district even if one or more members of the college district board have an interest in the business entity, if the interest is not a substantial interest, as defined by the bill. If the interest is a substantial interest, the board

member, prior to entering into the contract or transaction, must disclose the interest in a properly called board meeting and abstain from voting on a contract or transaction requiring board approval. Failure to comply with the disclosure renders a board vote voidable if the board member's vote was necessary for the contract to be approved.

**Electronic signatures:** This bill permits a community college district to determine whether, and the extent to which, the college district will send or accept electronic or digital signatures. The college district may adopt rules or procedures governing the use of such signatures. These provisions prevail over the Uniform Electronic Transactions Act, to the extent of any conflict.

**Liability insurance:** The bill provides that Texas Government Code section 612.002(b), regarding liability insurance, does not apply to a community college district purchasing insurance coverage under Texas Education Code section 51.966.

**Intergovernmental contracts:** The bill permits a *local government*, defined to include community college districts, and a *higher education institution*, also defined to include community college districts, or a university system to contract with one another to perform any governmental functions and services. A law requiring competitive purchasing does not apply to the functions and services covered by the contract if the contract terms provide for payment based on cost recovery.

**Payroll deductions:** This bill permits a community college district board to authorize employees to elect in writing a payroll deduction for any purpose that the board determines serves a public purpose and benefits employees, with the exception of dues or membership fees for a labor union or employee association. The deduction is effective until the employee revokes the deduction in writing. The college district board may adopt policies and procedures, including enrollment periods, governing the deductions and may collect an administrative fee to cover the related costs.

**Building design and construction:** The bill states that the requirement that uniform general conditions developed by TFC be incorporated into state building construction contracts does not apply to a community college district construction project. The bill removes the requirement that the community college district board act to verify the feasibility of incorporating alternative energy devices into the college district building's design and proposed energy system. Instead, the college district must act to verify.

**Leases:** The bill provides Texas Government Code chapter 2167 regarding the lease of space for state agencies, with the exception of Texas Government Code section 2167.007, does not apply to any community college district space. Prior the exception applied only to classroom and instructional space.

**Tax deferrals:** The bill provides that, if the ownership interest of an individual entitled to a tax deferral applicable to the residence of an elderly or disabled person is a life estate, then the lien for the deferred tax will attach to the estate of the life tenant, not the remainder interest if the owner of that interest is a higher education institution that has not consented to the deferral.

**PIA exceptions:** The bill expands the PIA exception that applies to the name of the chief executive officer of a higher education institution, such as a community college district, to include other information that would tend to identify the applicant.

The bill excepts from the PIA information maintained by or for a community college district that would reveal the college district's plans or negotiations for commercialization or a proposed research agreement, contract or grant, or that consists of unpublished research or data that may be commercialized. The exception does not apply if the information has been published, is patented, or is subject to an executed license, sponsored research agreement, or research contract or grant.

**Appropriations request forms:** The bill requires that the governor's office and the LBB, in consultation with public higher education institutions, review the forms for legislative appropriations requests to identify opportunities to improve efficiency, provide better transparency of funding sources, eliminate unnecessary or duplicative requirements, and reduce the cost or difficulty of providing information related to requests.

**Property accounting:** The bill clarifies that the statutory provisions related to the commissioner's property accounting system do not apply with the exception of existing provisions related to liability for property loss and transfer of personal property Texas Government Code section 403.2715, as added by the bill. Section 403.2715 requires a community college district to account for all personal property. The college district president or chancellor, as applicable, must designate one or more property managers to maintain the college district personal property records and be the custodian of all of the property. The state auditor may periodically examine the property records or inventory as necessary to determine if the controls are adequate to safeguard state property.

**Student fee advisory committee:** This bill requires that a student fee advisory committee conduct open meetings with a quorum present in accordance with procedures set out by the community college district president. The procedures must require 72 hour notice of the meeting, and the notice must be posted online and in the college district's student newspaper. The committee recommendations must be recorded and made publically available.

**Uniform recruitment and retention strategy:** The bill repeals the requirement that THECB develop and higher education institutions, including college districts, implement a uniform recruitment and retention strategy.

**Consolidated strategic operations plan:** The bill repeals the requirement that THECB, in conjunction with community college districts, develop a consolidated community college district strategic operations plan under Texas Government Code chapter 2056.

**Faculty English programs:** The bill repeals the requirement that a community college district submit to the THECB for approval and monitoring information on a program or short course offered to certain faculty members so they may become more proficient in English.

**Texas Public Educational Grants:** The bill repeals the requirement that a community college district submit to THECB for review and approval the guidelines developed by the college district board to determine student eligibility for a Texas Public Educational Grant.

**Cost of attendance:** The bill repeals the requirement that THECB study and report on the cost of attendance at each higher education institution and the resources that students are using to pay, as well as the requirement that THECB gather information from financial aid offices.

**Centers for technology development and transfer:** The bill repeals the requirement that THECB report to state officials on several measures related to higher education centers for technology development and transfer.

**Major information systems:** The bill provides that a community college district is not required to notify the LBB about a contract for a major information system unless the system cost is more than one million dollars.

**Programs for individuals with economic and education disadvantages:** The bill removes from the list of required criteria that must form the basis of a community college district's plan for a program to serve individuals with an economically or educationally disadvantaged background the submission of a plan for a financial aid program and an annual evaluation report.

**Reporting requirements:** The bill removes the requirement that a community college district report to the college district board and to THECB a small class report. The bill also exempts community college districts from the application of the annual reporting requirements found at Texas Government Code section 2101.0115.

The bill provides that existing statutory provisions requiring a state agency to provide notice to the LBB of a contract for consulting services if the contract amount exceeds 14,000 dollars does not apply to community college districts. The bill provides that community college districts must not file the annual report found at Texas Labor Code section 412.053 that state agencies must file with the State Office of Risk Management.

The bill provides that a community college district is not required to make reports under a number of listed statutes, such as Texas Education Code section 130.086 regarding branch campuses, after September 1, 2013, unless legislation passed during the 83rd legislative session provides otherwise. The bill also states that a state agency, including THECB, policy or rule in effect on June 1, 2011 that requires a community college district to make a report, with the exception of a report required under one of the listed statutes, expires September 1, 2013, unless the rule or policy is formally readopted.

The bill repeals several statutory reporting requirements effective September 1, 2011, regarding the following topics: crime statistics; enrollment and other statistics regarding each instructor's course; higher education faculty and staff who serve as expert witnesses; and matching scholarships and grants.

The bill also repeals statutory reporting requirements effective September 1, 2013, regarding the following topics: the community college district's policy to grant course credit to entering freshman for completion of the International Baccalaureate Diploma Program, receiving certain scores on AP or CLEP tests, or completion of dual credit courses; tuition and fee exemptions granted to military personnel, veterans, and their dependents; work-study student mentorship programs; the advanced research program; the advanced technology program; the Texas-Mexico Educational Development Program; and the Texas-International Educational Development Program.

## **SENATE BILL 28—TEXAS GRANTS**

**Sections affected:** Adds Tex. Educ. Code § 56.303(d-1)-(f). Amends Tex. Educ. Code § 56.303(d).

**Effective date:** September 1, 2011. Applies beginning with TEXAS grants awarded for the 2013 fall semester.

This bill requires THECB to allocate the money appropriated by the legislature for TEXAS grants. In awarding the grants to students, THECB and eligible institutions, including community college districts, must give priority to students who demonstrate the greatest financial need, as in the past, and now also whose expected family contribution does not exceed 60 percent of the average statewide tuition and required fee amount.

The bill provides for tolling of eligibility for an initial award to a student if the legislature does not appropriate enough money to fund initial TEXAS grants to at least 10 percent of eligible persons and if the student has previously not been awarded a grant or received a baccalaureate degree. Once funding is again sufficient, a student who meets the eligibility requirements in effect when the student first qualified may be awarded an initial grant and may be awarded grants in subsequent years, the student is not entitled to a grant for any previously completed academic year, however.

## **SENATE BILL 32—CONSOLIDATION OF RELATED PROGRAMS GOVERNING TUITION, FEE EXEMPTIONS, AND WAIVERS**

**Sections affected:** Adds Tex. Educ. Code §§ 54.206, .211-.214, .221-.223, .231-.233, .241, .251, .261-.263, .301, .331, .341-.345, .351-.356, .361-.368. Amends Tex. Educ. Code §§ 21.050(c), 54.011, .216-.218, .545(c), 56.455(1), 61.0516, .073, .9751, 76.07(c), 131.005(a); Tex. Fam. Code § 162.304(i); Tex. Gov't Code §§ 431.090(i), 434.0072(b), 824.602(a)(8); 2306.562(a)(1-b). Repeals Tex. Educ. Code §§ 54.013, .0513(d), .058-.059, .060, .063-.066, .069-.070, .073, .201, .203-.205, .207-.2111, .212-.215, .2155, .219, .221-.222, .224, .503(e), 65.45(d), 160.07(c); Tex. Gov't Code § 615.0225.

**Effective date:** January 1, 2012. Applies beginning with tuition and fees charged for the 2012-13 academic year.

This bill renumbers several scattered statutes to consolidate programs governing tuition, fee exemptions, and waivers into Texas Education Code chapter 54.

## **SENATE BILL 36—ACADEMIC ADVISING ASSESSMENT**

**Sections affected:** Adds Tex. Educ. Code § 61.077.

**Effective date:** June 17, 2011.

This bill requires that THECB, in consultation with representatives from institutions of higher education and no later than September 1, 2012, establish a method for assessing the quality and effectiveness of institutions', including community colleges districts', academic advising services. The methods must include the use of student surveys and identify objective, quantifiable measures.

## **SENATE BILL 40—TEXAS GUARANTEED STUDENT LOAN CORPORATION COMPOSITION AND FUNCTIONS**

**Sections affected:** Adds Tex. Educ. Code §§ 57.181, .24(b), (d)-(e), .762. Amends Tex. Educ. Code §§ 57.01, .11, .12(a), .1311(b)(1), .13(b), .131(d), .14, .17, .19(d), .20(a), .21(a)(1)-(2), (c), .22(a), .24(a), (c), .41(a), .461, .47(a)-(b), (d), .481(b)-(c), .49, .50, .71, .78. Repeals Tex. Educ. Code §§ 57.13(d), .19(c), (g)-(h), .41(c)-(d), .42-.46, .481(a), (d)-(h).

**Effective date:** September 1, 2011.

This bill clarifies that the purpose of the Texas Guaranteed Student Loan Corporation (TGSLC) is not only to administer a guaranteed student loan program but also to administer student financial aid programs and other student loan programs, as well as to assist higher education institutions by providing services related to financial aid programs. The bill adds to the list of TGSLC responsibilities participation in revenue generating activities to support student financial aid and loan programs.

The bill increases the membership of the TGSLC board by one postsecondary educational institution representative and addresses TGSLC board qualifications and meetings. The bill also addresses TGSLC duties and responsibilities, such as revenue generating opportunities and the appointment of an ombudsman to address complaints. The bill removes the statutory advisory committee requirements, such as the requirement to have an advisory committee made up of postsecondary institution representatives, leaving TGSLC to instead create committees as the TGSLC board deems appropriate.

The bill amends provisions regarding loan default lawsuits to provide that THECB may no longer bring the lawsuits against the student borrower. Now only TGSLC can. The bill also addresses TGSLC responsibility to encourage responsible borrowing and lessen the possibility of default. For example, TGSLC must engage in initiatives and programs that promote responsible borrowing, financial literacy, debt management, research, and informed policymaking in cooperation with outside entities, including community college districts.

### **SENATE BILL 162—DEVELOPMENTAL EDUCATION PLAN**

**Sections affected:** Adds Tex. Educ. Code § 61.07611.

**Effective date:** June 17, 2011.

This bill requires THECB to develop a statewide plan, based on research and best practices, for developmental education that assigns primary responsibility for developmental education to community college districts, public state colleges, and public technical institutes. The plan must also provide for using technology to provide students developmental education.

Under the plan, developmental education must include: technological delivery of courses, diagnostic assessments to determine a student's specific educational needs, modular course materials, use of tutors and instructional aides, an internal monitoring mechanism to identify a student's area of difficulty, periodic updates of course materials, and assessments after course completion to determine student readiness for a freshman-level course. The plan must provide for ongoing training for developmental education program faculty, tutors, and aides, as well as continuous research and improvement of appropriate developmental education programs.

The bill requires THECB, by December 1, 2012, to submit a report to the listed state officials on the initial development of the plan and, as appropriate, recommendations for legislation.

### **SENATE BILL 179—NORTH CENTRAL TEXAS COLLEGE DISTRICT SERVICE AREA**

**Sections affected:** Adds Tex. Educ. Code § 130.190(3).

**Effective date:** June 17, 2011.

This bill adds the part of Graham ISD that is located in Young County to the North Central Texas College District service area.

## **SENATE BILL 386—LONE STAR COLLEGE SYSTEM DISTRICT SERVICE AREA**

**Sections affected:** Amends Tex. Educ. Code § 130.191.

**Effective date:** April 29, 2011.

This bill changes the name of the North Harris Montgomery Community College System to the Lone Star College System in the relevant service area statute.

## **SENATE BILL 639—TUITION AND FEE EXEMPTIONS FOR CERTAIN MILITARY PERSONNEL, VETERANS, AND DEPENDENTS**

**Sections affected:** Adds Tex. Educ. Code §§ 54.203(a-3), (k-1), (n), .2031. Amends Tex. Educ. Code § 54.203(a), (d), (k), (m). Repeals Tex. Educ. Code § 54.203(b-2), (l)(3).

**Effective date:** June 17, 2011. Applies beginning with tuition and fees for the 2011 fall semester.

This bill clarifies that a student first seeking to qualify during the 2011-12 academic year or beyond for a tuition or fee exemption based on military service must be a current resident. An applicant claiming the exemption must submit an application and evidence of qualification to the community college district within one year after either the day the college district provides written notice of eligibility to the applicant or the day the college district receives the applicant's written acknowledgement of eligibility, whichever is earlier.

The bill requires THECB to issue rules permitting the child of an eligible person to be assigned that person's exemption for the unused portion of credit hours, if that student is not otherwise eligible for a military dependant exemption.

The bill expands upon the existing provisions requiring higher education institutions, including community college districts, to exempt from the payment of tuition a dependent of a U.S. armed forces member deployed on active combat duty. An applicant for the exemption must provide satisfactory evidence indicating qualification for the exemption. The exemption may be claimed for no more than 150 credit hours. The applicant will not qualify if the applicant is in default on a student loan. The bill prohibits a college district from considering an applicant's qualification for the exemption when deciding whether to admit the student. The legislature is no longer required to provide sufficient funding to cover the costs of the exemption if funds are not available. If the legislature does not provide sufficient funding, THECB must prorate the available funding to each higher education institution. An institution is only required to grant the exemption to the extent money is available for that purpose.

## **SENATE BILL 701—INTERNET POSTING OF HIGH-VALUE DATA SETS**

**Sections affected:** Adds Tex. Gov't Code § 2054.1265.

**Effective date:** September 1, 2011.

This bill requires that community college districts post on a generally accessible college Web site, in a manner described in the bill, each high-value data set created or maintained by the college if the posting does not cost the state additional money, is posted at no additional cost to the state as part of a contract that benefits the state, or is funded by a targeted gift or grant. A *high-value data set* is information that is not confidential or protected by law and that can be used to: increase community college district accountability and responsiveness; improve public knowledge of the college district and its operations; further the college district's core mission; create economic opportunity; or respond to need and demand as determined through public consultation. This bill should be considered with House Bill 1495, also summarized in this section.

## **SENATE BILL 794—PERMANENT FUND FOR HIGHER EDUCATION NURSING, ALLIED HEALTH, AND OTHER HEALTH-RELATED PROGRAMS**

**Sections affected:** Amends Tex. Educ. Code § 63.202(f)-(g).

**Effective date:** June 17, 2011.

This bill extends through the state fiscal biennium ending August 31, 2015 the requirement that grants issued from the permanent fund for higher education nursing, allied health, and other health-related programs be issued for nursing education programs that prepared students for initial licensure as registered nurses or programs that prepare qualified faculty for a nursing education program. The bill similarly extends the application of the statutory guidance for the award of the grants, such as that THECB may give priority to institutions of higher education that propose to end the nursing shortage in innovative ways. Both the requirement and the guidance were set to expire in 2011.

## **SENATE BILL 898—ENERGY EFFICIENCY PROGRAMS**

**Sections affected:** Amends Tex. Health & Safety Code §§ 388.005(c)-(e), .006.

**Effective date:** September 1, 2011.

This bill amends statutory energy efficiency requirements to require that community college districts reduce electric consumption by at least five percent each state fiscal year for 10 years beginning September 1, 2011. The State Energy Conservation Office is required to develop a form for community college districts and other entities to annually report their efforts to meet their respective goals. The bill provides that a community college district that does not reach its established goals is exempt from the annual reporting requirements if it reports that it has implemented all available cost-effective measures and that a subsequent report will indicate that there is no change in status.

## **SENATE BILL 988—CYBERSECURITY, EDUCATION, AND ECONOMIC DEVELOPMENT COUNCIL**

**Sections affected:** Adds Tex. Gov't Code §§ 2054.501-.506.

**Effective date:** September 1, 2011.

This bill establishes the Cybersecurity, Education, and Economic Development Council to conduct an interim study and make recommendations to the Department of Information Resources (DIR) for improving the state's cybersecurity operations and examining actions to accelerate the growth of the state's cybersecurity industry. The council must include two representatives from institutions of higher education with a cybersecurity-related program and one representative from a community college district with a cybersecurity-related program, as well as representatives from other relevant agencies and organizations, including DIR, the Texas Economic Development and Tourism Office, local chambers of commerce, and the military. The council must submit a report to the DIR executive director and legislative officials by December 1, 2012.

## **SENATE BILL 1009—NOTICE REGARDING WITHDRAWAL OR NONATTENDANCE OF CERTAIN FOREIGN STUDENTS**

**Sections affected:** Adds Tex. Educ. Code § 51.9091.

**Effective date:** September 1, 2011.

This bill requires a community college district federally certified to enroll a foreign student with a nonimmigrant F or M visa to promptly notify the federal Student and Exchange Visitor Information System (SEVIS) if the student withdraws from the college district or from all courses in which the student is enrolled. The community college district must also notify SEVIS if the college dismisses or takes other official administrative action against the student for nonattendance.

## **SENATE BILL 1107—BACTERIAL MENINGITIS VACCINATIONS**

**Sections affected:** Adds Tex. Educ. Code § 51.9192(d-1). Amends Tex. Educ. Code § 51.9192(b)-(c), (e).

**Effective date:** May 27, 2011. Applies to an entering student enrolling on or after January 1, 2012.

This bill provides that the existing bacterial meningitis vaccination requirements apply to an *entering student*, which includes a new student and a student who previously attended a public, private, or independent institution of education before January 1, 2012 and is enrolling at the same or another institution following a break in enrollment of at least one fall or spring semester. The bill clarifies that the requirement does not apply to a student who is enrolled only in an online or distance education course or who is 30 years old or older.

The bill amends the documentation requirement to permit a student or the student's parent to provide an official immunization record, instead of a certificate signed by a health practitioner. Either document must indicate that the vaccination was administered during the five-year period prior to the date set by THECB. That date may not be later than the 10th day before the first day of the semester in which the student first enrolls, unless the institution grants the student an extension to a date that is no later than the 10th day after the first day of the semester.

A community college district must include with the registration materials provided to a new written notice of the right of the student or student's parent to claim an exemption and the importance of consulting a physician about the need for immunization to prevent the disease.

### **SENATE BILL 1226—ANNEXATION ELECTION BALLOT LANGUAGE**

**Sections affected:** Amends Tex. Educ. Code § 130.065(g).

**Effective date:** September 1, 2011.

This bill amends the language that must appear on the ballot used during a community college district annexation election to include a reference to the college district's tax rate.

### **SENATE BILL 1327—CONFIDENTIALITY OF INFORMATION COLLECTED BY A HIGHER EDUCATION INSTITUTION'S COMPLIANCE OFFICE**

**Sections affected:** Adds Tex. Educ. Code § 51.971(g). Amends Tex. Educ. Code § 51.971(e)-(f).

**Effective date:** May 28, 2011.

This bill clarifies that information collected in a compliance program investigation is excepted from disclosure under the PIA if releasing the information would interfere with an ongoing investigation. The bill provides that information related to a compliance report or investigation that is otherwise confidential or protected from disclosure may be made available to a governmental agency responsible for investigating the matter that is the subject of a compliance report. The information also may be made available to a community college district officer or employee who is responsible under college district policy for a compliance program investigation or reviewing an investigation. The bill clarifies that the disclosure to a government agency or college district officer or employee under one of the new provisions is not considered a voluntary disclosure that triggers the PIA requirement to release the information to other requestors.

**SENATE BILL 1414—SEXUAL ABUSE AND CHILD MOLESTATION TRAINING AND EXAMINATION PROGRAM FOR EMPLOYEES OF CERTAIN CAMPUS PROGRAMS**

**Sections affected:** Adds Tex. Educ. Code § 51.976.

**Effective date:** September 1, 2011.

This bill prohibits the operator of a campus program for minors from hiring a person who will have contact with the campers unless the person has successfully completed a DSHS-approved training and examination program on sexual abuse and child molestation within the prior two years or during the person's first five days of employment. Students enrolled at the institution of higher education that operates the program or at which the program is located are excepted from the training requirement if they will only be in contact with campers at a single class of short duration. *Campus program for minors* is defined by the bill as a program that is operated by or on the campus of an institution of higher education, including a community college district; offers recreational, athletic, religious, or educational activities for at least 20 campers who are not enrolled at the institution and who attend or temporarily reside at the camp for all or part of at least four days; and is not a day camp or youth camp or a facility or program that requires a DFPS license.

This bill requires a program operator to, for each employee, submit to DSHS verification that the employee has complied with the bill's requirements, pay the DSHS assessed fee, and retain documentation of compliance until 2 years after the employee's exam date. The bill authorizes DSHS to investigate any person DSHS suspects has violated the requirements of the bill and any associated regulations. DSHS must establish the criteria and guidelines for the training and examination program by December 1, 2011, and a program operator and its qualifying employees must satisfy the bill requirements beginning June 1, 2012.

**SENATE BILL 1726—LEARNING OUTCOMES FOR UNDERGRADUATE COURSES**

**Sections affected:** Adds Tex. Educ. Code § 51.96851.

**Effective date:** June 17, 2011.

This bill requires each community college district to identify, adopt, and make available to the public measurable learning outcomes for each course offered by the college district, with the exception of a course that is tailored specifically to a particular student or a laboratory, practicum, or discussion section that is a required component of a lecture course. A community college district may adopt learning outcomes for a qualifying course that are the same as or based on those identified by the college district's accrediting agency.

### **SENATE BILL 1736—COLLEGE CREDIT FOR HEROES PROGRAM**

**Sections affected:** Adds Tex. Labor Code § 302.0031.

**Effective date:** June 17, 2011.

This bill requires TWC establish and administer the College Credit for Heroes demonstration program to maximize academic or workforce education credit to veterans and military personnel for military experience, education, and training obtained during military service. To accomplish the purposes of the program, TWC must work with other state agencies, including THECB and community college districts, and may award grants to state, local, or private entities.

### **SENATE BILL 1799—ISSUANCE OF BONDS FOR STUDENT LOANS**

**Sections affected:** Amends Tex. Educ. Code §§ 52.01, .501(4), .81(2), .82(a), (d), .87.

**Effective date:** Immediately upon passage of constitutional amendment S.J.R. 50, also summarized in this section.

This bill would allow THECB to issue general obligation bonds to fund student educational loans in a principal amount not to exceed that provided in the Texas Constitution. The total amount of bonds issued during a state fiscal year would be limited to no greater than 350 million dollars, increasing the limit from 125 million dollars.

### **SENATE BILL 1909—AGREEMENT BETWEEN TEXAS SOUTHMOST COLLEGE DISTRICT AND THE UNIVERSITY OF TEXAS AT BROWNSVILLE**

**Sections affected:** Amends Tex. Educ. Code §§ 78.02(c), .03(a), .04(a). Adds Tex. Educ. Code §§ 78.03(a-1), .04(b). Repeals Tex. Educ. Code §§ 78.02(b), (d), .07-.08.

**Effective date:** June 17, 2011.

This bill amends provisions relating to the partnership agreement between Texas Southmost College District and The University of Texas at Brownsville to facilitate the independent operation of the institutions if they choose to no longer partner. For example, the bill expands the purpose of the agreement to facilitate higher education advancement and opportunity in the college district's service area and the transition of students from the college district to the university. Though the community college district and university may eventually operate separately, they must maintain the partnership until August 31, 2015, to the extent necessary to ensure each entity receives separate accreditation.

**SENATE JOINT RESOLUTION 50—ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE EDUCATIONAL LOANS**

**Sections affected:** Adds Tex. Const. art. III, § 50b-7.

**Effective date:** On the date approved by voters in November.

This resolution would permit the legislature to authorize THECB to issue and sell general obligation bonds to finance student educational loans. The principal of the outstanding bonds would be required to always be equal to or less than the aggregate principal amount of bonds previously authorized for that purpose, an amount totaling around 1.8 billion dollars.

*This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for you to consult with your own attorneys in order to apply these legal principles to specific fact situations.*

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