

# RELEVANT BILLS ENACTED BY THE 86TH TEXAS LEGISLATURE

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The 86<sup>th</sup> Texas Legislature filed over 7,300 pieces of legislation during its 140-day regular session, passing over 1,400 bills into law. Several dozen bills related to public higher education, political subdivisions, and community colleges were under consideration. Below is a report on significant legislation passed into law related to the operation of community colleges. Bill numbers link to Texas Legislature Online for additional details.

## APPROPRIATIONS

### [HB 1](#)

**By:** Rep. Zerwas, John

**SP:** Sen. Nelson, Jane

**Caption:** General Appropriations Bill.

**Summary:** HB 1 provides an increase to the formula equal \$67.8 million or about 3.8% over the 2018-2019 biennium. This is a significant increase and follows a \$19M increase during the 85<sup>th</sup> Session (2017).

The 86<sup>th</sup> Legislature placed greater emphasis on outcomes-based funding, allocating a larger percentage of the formula to Student Success Points (SSP). The 2020-21 budget funds SSP at \$203 per point, the first increase in the SSP rate since the program was implemented in 2013.

HB 1 also maintained funding (roughly level) for important workforce development programs housed at the Texas Workforce Commission. The Skills Development Fund helps community colleges provide customized job training programs for businesses to train new workers or upgrade the skills of the existing workforce, this program was funded at just over \$44.8M for the biennium. The Jobs and Education for Texans (JET) Grant Program was funded at \$10M for the biennium.

## TRANSFER / ADVISING / DUAL CREDIT

### [SB 25](#)

**By:** Sen. West, Royce

**SP:** Rep. Turner, Chris

**Caption:** Relating to measures to facilitate the transfer, academic progress, and timely graduation of students in public higher education.

**Summary:** The bill enacts several measures to facilitate transfer:

#### *Recommended Course Sequences*

Higher education institutions would have to develop at least one recommended course sequence for each major offered. Each sequence would have to:

- identify all required lower-division courses for the applicable certificate or degree program;
- include the applicable course number or equivalent under the common course numbering system and the course equivalent in the Lower-Division Academic Course Guide Manual;
- be designed to enable a full-time student to obtain a certificate or degree within two years for a 60-hour degree or certificate or four years for a 120-hour degree; and

- include a specific sequence in which courses should be completed to ensure completion of the applicable program within those time frames.

#### *Reporting of Nontransferable Credit*

The bill requires each public university to prepare a report describing any courses in the Lower-Division Academic Course Guide Manual for which a student who transferred to the institution from another institution was not granted academic credit at the receiving institution or for which such a student who had declared a major and had not changed majors was not granted academic credit toward the student's major at the receiving institution. The report would have to be provided to THECB and the Legislature by March 1 of each year and include:

- the course name and type;
- which institution of higher education provided academic credit for the course; and
- the reason why the receiving institution did not grant academic credit for the course.

Each public junior college would have to prepare a report on courses taken by students who, during the preceding academic year, had transferred to a general academic teaching institution or had earned an associate degree at the college. The report would have to be provided to THECB and the Legislature by March 1 of each year and would be required to include the total number of:

- courses attempted and completed at the college, including the total number of semester credit hours for those courses, disaggregated by whether the course was in the Workforce Education Course Manual or the Lower-Division Academic Course Guide Manual;
- courses attempted and completed at the college that were not in the recommended core curriculum developed by the coordinating board; and
- dual credit courses, including courses for joint high school and junior college credit, attempted and completed at the college.

#### *Articulation Agreements*

A general academic teaching institution is authorized to extend an existing articulation agreement to another lower-division institution on request by that lower-division institution.

#### *Degree Plan*

The bill also requires all college students, not just those attending community college, to file degree plans after earning 30 semester credit hours. Dual credit students will have to file a degree plan not later than the end of the second regular semester or term immediately following the semester or term in which the student earned a total of 15 or more semester credit hours of dual credit.

#### *Study on Core Curriculum*

THECB is required to study and make recommendations to the Legislature regarding the feasibility of implementing statewide meta majors for institutions of higher education. The board would have to establish an advisory committee

to assist in completing the study and to provide subject matter expertise and analysis.

The advisory committee would have to consist of equal representatives of public junior colleges and general academic teaching institutions designated by the colleges and institutions. A majority of the committee members would have to represent institutions at which at least 25 percent of students enrolled for the 2018 fall semester were classified as transfer students.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB for the administration of degree plan requirements and recommended course sequences created by the bill. Negotiated rulemaking is required.

The bill requires use of negotiated rulemaking by the THECB when adopting rules regarding the recommended core curriculum.

**[SB 1324](#)**

**By: Sen. Taylor, Larry**

**SP: Rep. Turner, Chris**

**Caption:** Relating to the filing of a degree plan by students at public institutions of higher education.

**Summary:** SB 1324 was TACC's legislative priority for the session on dual credit. The bill requires dual credit students to file a degree plan after completing 15 semester credit hours with the ultimate goal of improving the advising of dual credit students. Through better advising, dual credit students will be less likely to enroll in courses not related to their degree, reducing excess credit hours and their associated costs. The bill's language was also included in SB 25.

**Rulemaking:** Rulemaking authority previously granted to the THECB regarding the filing of degree plans is modified in the bill.

**[SB 502](#)**

**By: Sen. Seliger, Kel**

**SP: Rep. Howard, Donna**

**Caption:** Relating to requiring certain institutions of higher education to issue reports on the transferability of credit.

**Summary:** The bill requires the identical report on transferable credit included in SB 25 (see summary above).

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**[SB 1276](#)**

**By: Sen. Powell, Beverly**

**SP: Rep. Frullo, John**

**Caption:** Relating to an agreement between a school district and public institution of higher education to provide a dual credit program to high school students enrolled in the district.

**Summary:** The bill expands the requirements for an agreement between a public school district and a public institution of higher education to provide a dual credit program to include requirements relating to the following:

- common advising strategies and terminology;

- the alignment of high school transcript endorsements offered by the district and dual credit courses offered under the agreement with postsecondary pathways and credentials and industry certifications; and
- the identification of tools to assist school counselors, students, and families in selecting endorsements and dual credit courses.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**[HB 3650](#)**

**By: Rep. Turner, Chris**

**SP: Sen. Creighton, Brandon**

**Caption:** Relating to an agreement between a school district and public institution of higher education to provide a dual credit program to high school students enrolled in the district.

**Summary:** The bill requires any agreement made between a school district and a public institution of higher education to provide for a dual credit program to consider the use of free or low-cost open educational resources in courses offered under the dual credit. The bill applies only to agreements entered into or renewed on or after September 1, 2019. program.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**FINANCIAL AID / STUDENT LOANS / TUITION & FEES**

**[HB 2140](#)**

**By: Rep. Neave, Victoria**

**SP: Sen. Powell, Beverly**

**Caption:** Relating to creating an electronic application system for state student financial assistance.

**Summary:** The bill requires the THECB to adopt procedures to allow a person to complete and submit the Texas Application for State Financial Aid (TASFA) or a similar application for state student financial assistance through the same website through which THECB provides common admission application forms.

THECB must appoint an advisory committee composed of financial aid personnel at higher education institutions and relevant stakeholders who represented students' needs to assist THECB in adopting procedures to implement the bill. THECB will report the advisory committee's recommendations to the committee of each house of the Legislature with jurisdiction over higher education by January 1, 2021. This provision would expire January 1, 2023.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB.

**[HB 3655](#)**

**By: Rep. Turner, Chris**

**SP: Sen. Buckingham, Dawn**

**Caption:** Relating to the administration and operation of the state's programs for paying, prepaying, or saving toward the costs of attending an institution of higher education.

**Summary:** The bill amends current law relating to the administration and operation of the state's programs for paying, prepaying, or saving toward the costs of attending

an institution of higher education, including the powers and duties of the Prepaid Higher Education Tuition Board.

**Rulemaking:** Rulemaking authority previously granted to the Prepaid Higher Education Tuition Board is modified to require the board to adopt rules to implement the Higher Education Savings Plan.

**[HB 4465](#)**

**By: Rep. Turner, Chris**

**SP: Sen. Bettencourt, Paul**

**Caption:** Relating to the student loan program administered by the Texas Higher Education Coordinating Board and to the repeal of a related bond program.

**Summary:** The bill amends the Education Code to revise and update statutory provisions relating to the student loan program administered by the Texas Higher Education Coordinating Board. The bill, among other provisions, changes the fund in which certain bond proceeds and applicable gifts, grants, and donations are deposited from the Texas opportunity plan fund to the student loan auxiliary fund, revises requirements relating to a loan applicant's eligibility and relating to repayment of a loan, and repeals provisions relating to the cancellation of certain loan repayments, the coordinating board's authority to issue a student loan under the federal family education loan program, and the college savings bonds program.

**Rulemaking:** Rulemaking authority previously granted to the THECB is rescinded in this bill.

**[SB 16](#)**

**By: Sen. Hancock, Kelly**

**SP: Rep. Stucky, Lynn**

**Caption:** Relating to a student loan repayment assistance program for certain persons who agree to employment as full-time peace officers in this state.

**Summary:** The bill creates the peace officer student loan repayment assistance program, which seeks to provide loan repayment assistance for eligible peace officers who agreed to continued full-time employment in the state for a specified period. The program will be administered by the THECB.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB.

**[SB 1757](#)**

**By: Sen. Creighton, Brandon**

**SP: Rep. Frullo, John**

**Caption:** Relating to student loan repayment assistance under the math and science scholars loan repayment program.

**Summary:** The bill changes the cumulative grade point average required in order to receive loan payment assistance under the Math and Science Scholars Loan Repayment Program to 3.0 on a 4.0 scale, or its equivalent.

The bill also allows the THECB to determine by rule the number of years, up to four, that a participant in the program would be required to teach at any public school in the state after completing four years of teaching at a Title I school.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB.

**[HB 766](#)**

**By: Rep. Huberty, Dan**

**SP: Sen. Watson, Kirk**

**Caption:** Relating to exemptions for disabled peace officers and fire fighters from payment of tuition and fees at public institutions of higher education.

**Summary:** The bill requires the governing board of a public institution of higher education to exempt a peace officer or fire fighter of the state or one of its subdivisions from tuition and fees at higher education institutions if the person was injured in the performance of duty, was permanently disabled, and was unable to continue employment as a peace officer or fire fighter because of the disability.

The chief administrative officer of the law enforcement agency, fire department, or other entity that employed the person at the time of the injury would determine whether the person was permanently disabled. The exemption would be available only to in-state residents.

The governing board of an institution of higher education may not provide exemptions under the bill to students enrolled in a specific course in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that course.

The bill would apply beginning with the fall 2019 semester.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

## STUDENT SERVICES

**[HB 1702](#)**      **By: Rep. Howard, Donna**                      **SP: Sen. Hancock, Kelly**

**Caption:** Relating to services provided for students at public institutions of higher education who were formerly in foster care.

**Summary:** The bill amends the Education Code to extend the duties of the employee designated by a public institution of higher education as the liaison officer for current and incoming students who were formerly in the conservatorship of the Department of Family and Protective Services (DFPS) to current and incoming students who are currently under DFPS conservatorship. The bill provides for the identification of the applicable students, authorizes the liaison officer to participate in appropriate training.

Each institution, by January 1, 2020, must publicize its liaison officer's name and contact information and information regarding associated support services and resources through its website, social media, email, or other means.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**[HB 3808](#)**      **By: Rep. Walle, Armando**                      **SP: Sen. Powell, Beverly**

**Caption:** Relating to measures to facilitate the timely graduation of and attainment of marketable skills by students in public higher education.

**Summary:** The bill decreases to 30 SCH the minimum semester credit hours earned by a student enrolled at all public institutions of higher education in an associate's or bachelor's degree program that would trigger the requirement to file a degree plan with the institution.

The bill requires institutions of higher education to designate at least one employee of the institution to act as a liaison officer for current or incoming students at the institution. The liaison officer shall provide to the students comprehensive information regarding support services and other resources available to the students.

The bill also amends requirements for eligible institutions to participate in the Texas college work-study program. Such institutions would have to:

- provide employment to an eligible student in nonpartisan and nonsectarian activities;
- provide employment to an eligible student that was related to the student's academic interests, to the extent practicable;
- use work-study program positions only to supplement and not supplant positions normally filled by persons not eligible to participate in the work-study program;
- provide from sources other than federal college work-study program funds a percentage of an employed student's wages that was equal to the percentage of a student's wages that the eligible institution would be required to provide to the student under the federal college work-study program; and
- provide from sources other than federal college work-study funds 100 percent of other employee benefits for the employed student

The bill also requires the THECB to create the Texas Working Off-Campus: Reinforcing Knowledge and Skills (WORKS) internship program, which would provide jobs funded in part by the state of Texas to enable students employed through the program to attend public or private institutions of higher education in Texas while exploring career options and strengthening their marketable skills.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB for the implementation of the WORKS internship program.

Rulemaking authority previously granted to the THECB regarding the filing of a degree plan is modified in the bill.

**[SB 1017](#)**

**By: Sen. Powell, Beverly**

**SP: Rep. Guerra, Bobby**

**Caption:** Relating to the creation of the advisory council on postsecondary education for persons with intellectual and developmental disabilities.

**Summary:** The bill requires the THECB to establish an advisory council to advise the board on improving access to postsecondary educational opportunities for persons with intellectual and developmental disabilities.

The THECB, with the assistance of the advisory council, is required to periodically review the policies and practices that increased access to higher education opportunities for persons with intellectual and developmental disabilities and to



distribute educational outreach materials developed by the council to increase awareness of such opportunities.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

## OCCUPATIONAL LICENSING

### [SB 37](#)

**By:** Sen. Zaffirini, Judith

**SP:** Rep. Krause, Matt

**Caption:** Relating to the abolition of student loan default or breach of a student loan repayment or scholarship contract as a ground for nonrenewal of professional license.

**Summary:** The bill prohibits a licensing authority from taking disciplinary action against a person based solely on the person's default on a student loan from a public or private entity or breach of a student loan repayment contract or scholarship contract, including by denying the person's application for a license or renewal or by suspending the person's license.

**Rulemaking:** Rulemaking authority previously granted to licensing agencies, the Supreme Court of Texas, the Judicial Branch Certification Commission, and the Texas Court of Criminal Appeals is rescinded in the bill.

### [HB 2847](#)

**By:** Rep. Goldman, Craig

**SP:** Sen. Hancock, Kelly

**Caption:** Relating to the licensing and regulation of certain occupations and activities.

**Summary:** The bill repeals specific regulations on certain licensed occupations and revises certain licensing display and authentication requirements.

The bill makes multiple changes in law related to barbers and cosmetologists. The bill updates references to the definition of cosmetology with regard to performing or offering to perform for compensation certain services for purposes of:

- the requirement for Texas Commission of Licensing and Regulation (TCLR) to adopt rules for the licensing of instructors to teach specialty courses in the practice of cosmetology;
- the limitation on the practice of cosmetology that a person holding a manicurist/esthetician specialty license may perform; and
- the limitation on the practice of cosmetology for which a person a holding a specialty shop license may maintain an establishment.

The bill also amends provisions related to the underlying requirements to qualify for a barbering or cosmetology license; the bill:

- amends the Occupations Code, to require an applicant for a cosmetology operator license to have completed 1,000 hours, rather than 1,500 hours, of instruction in a licensed beauty culture school.
- requires the holder of a private beauty culture school license to require six, rather than nine months and not less than 1,000, rather than 1,500, hours instruction for a complete course in cosmetology.

- amends the conditions under which the TDLR may allow for an early written examination by reducing required hours for a student seeking an operator license in a private cosmetology school from 1,000 to 900.

**Rulemaking:** Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation (TCLR) in Section 1001.2531, Occupations Code, Section 401.509, Health and Safety Code, Section 51.203, Occupations Code, and Section 601.252, Occupations Code.

Rulemaking authority previously granted to TCLR is modified in Section 1602.255, Occupations Code and Section 2309.102, Occupations Code.

Rulemaking authority previously granted to the Texas State Board of Pharmacy is rescinded in Sections 554.016 and 556.0555, Occupations Code.

Rulemaking authority previously granted to TCLR is rescinded in Section 202.602, Occupations Code, Section 202.6011, Occupations Code, Chapter 605, Occupations Code, Section 701.155, Occupations Code, Section 2309.154, Occupations Code, and Chapter 2309, Occupations Code.

Rulemaking authority previously granted to the Texas Department of Licensing and Regulation is rescinded in Section 2309.106, Occupations Code.

## POLITICAL SUBDIVISIONS / GOVERNANCE / TAXATION

### [SB 2](#)

**By:** Sen. Bettencourt, Paul

**SP:** Rep. Burrows, Dustin

**Caption:** Relating to ad valorem taxation.

**Summary:** The bill, titled the "Texas Taxpayer Transparency Act of 2019", includes provisions relating to required voter approval of a proposed property tax rate that exceeds the rollback rate, property tax appraisal process reforms, and improving access to information on the effects of proposed property tax rates and the process to voice concerns.

Under the bill, community college districts are defined as "special taxing units" and remain subject to an 8% rollback, or "voter-approval", tax rate. Districts that adopt a tax rate above the voter-approval tax rate would be required to hold an election to approve the adopted rate.

**Rulemaking:** Rulemaking authority is expressly granted to the comptroller of public accounts.

### [SB 64](#)

**By:** Sen. Nelson, Jane

**SP:** Rep. Phelan, Dade

**Caption:** Relating to cybersecurity for information resources.

**Summary:** The bill revises various cybersecurity requirements for state agency information resources, including oversight of cybersecurity practices and the state's electric grid.

The bill applies laws governing information resources to public junior colleges as necessary to comply with information security standards for participation in shared technology services and statewide technology centers. The Department of Information Resources (DIR) by agreement could provide network security to a public junior college.

The bill requires the THECB, in collaboration with DIR, to identify strategies to incentivize institutions of higher education to develop cybersecurity degree programs. By September 1, 2020, the coordinating board would have to report the strategies to the lieutenant governor, House speaker, certain legislative committees, and each governing board of an institution of higher education.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB regarding the development of strategies to incentivize institutions of higher education to develop degree programs in cybersecurity.

**SB 944**

**By: Sen. Watson, Kirk**

**SP: Rep. Capriglione, Giovanni**

**Caption:** Relating to the public information law.

**Summary:** The bill ensures that public information on a privately owned device of a current or former officer or employee of a governmental body is transferred to the governmental body or appropriately preserved. The bill creates an exception to public disclosure for certain sensitive health care information. The bill updates the process for requesting information under the Public Information Act and requires the Office of the Attorney General to promulgate a standard request form.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SB 1640**

**By: Sen. Watson, Kirk**

**SP: Rep. Phelan, Dade**

**Caption:** Relating to the open meetings law.

**Summary:** The bill clarifies, specifies, and makes more precise the conduct that constitutes a prohibited series of communications under the state open meetings law, conduct commonly referred to as a "walking quorum."

Under the bill, a member of a governmental body commits an offense if the member knowingly engages in at least one communication among a series of communications that each occurred outside of a meeting authorized by the Open Meetings Act and that concerned an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constituted fewer than a quorum. At the time the member engaged in the communication, the member also would have to have known that the series of communications involved or would involve a quorum and would constitute a deliberation once a quorum engaged in the series of communications.

The bill revises the definition of "deliberation" to mean a verbal or written exchange between a quorum of a governmental body, or between a quorum of

a governmental body and another person, concerning an issue within the jurisdiction of the governmental body.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**HB 440**

**By: Rep. Murphy, Jim**

**SP: Sen. Lucio, Eddie**

**Caption:** Relating to general obligation bonds issued by political subdivisions.

**Summary:** The bill requires political subdivisions to use the unspent proceeds of general obligation bonds only for the specific purposes for which the bonds were authorized or for retiring the bonds.

A political subdivision that is not a school district could use these unspent proceeds for a new purpose only if the authorized purposes were accomplished or abandoned and a majority of the votes cast in an election in the political subdivision were in favor of using the proceeds for the new purpose. The political subdivision would have to hold an election approving the new purpose in the same manner as an election to issue bonds in the subdivision. The bill requires a sample ballot to be posted on the political subdivision's website during the 21 days before the election.

The bill prohibits political subdivisions from issuing general obligation bonds to finance an improvement to real property or to purchase personal property if the weighted average maturity of the issue of bonds used to finance these expenditures exceeded 120 percent of the reasonably expected weighted average economic life of the improvement or personal property.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**HB 1495**

**By: Rep. Toth, Steve**

**SP: Sen. Creighton, Brandon**

**Caption:** Relating to the ethics of certain public officials, including certain disclosure requirements.

**Summary:** The bill requires the disclosure of certain contracts and budgeted expenses for lobbying services by certain governmental entities and state agencies. Under the bill, proposed budgets must include a line item indicating the amount of expenditures for "directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Section 305.002, Government Code." Both line items must allow "as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year."

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**HB 2826**

**By: Rep. Bonnen, Greg**

**SP: Sen. Huffman, Joan**

**Caption:** Relating to procurement of a contingent fee contract for legal services by a state agency or political subdivision.

**Summary:** The bill changes the approval process for certain public subdivisions seeking to enter into contingent fee contracts for legal services by requiring that these contracts be reviewed and approved by the attorney general rather than by the comptroller.

Political subdivisions would be required to select well qualified attorneys for these contracts on the basis of demonstrated competence, qualifications, and experience in the requested services and would have to attempt to negotiate a contract for a fair and reasonable price. Attorneys could not be selected for a contingent fee contract on the basis of competitive bids.

Before entering into a contingent fee contract, political subdivisions would have to provide public notice and hold an open meeting to consider and approve the contract. Contingent fee contracts approved by political subdivisions would be subject to the Public Information Act and could not be withheld from requestors under any exception from disclosure. Political subdivisions would not have to obtain attorney general approval of contingent fee contracts for the collection of delinquent property taxes or the issuance of public securities.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

## CAMPUS SAFETY / CAMPUS ACTIVITIES

[SB 11](#)

**By:** Sen. Taylor, Larry

**SP:** Rep. Bonnen, Greg

**Caption:** Relating to policies, procedures, and measures for school safety and mental health promotion in public schools.

**Summary:** The bill revises and adds requirements for the statutory multihazard emergency operations plan adopted by school districts and public junior college districts.

The bill adds prevention to the existing requirements for a plan to address mitigation, preparedness, response, and recovery. The Texas School Safety Center (TSSC) in conjunction with the governor's office of homeland security would be included along with the commissioner of education or higher education, as applicable, in defining how the plan would address those issues.

In addition to existing statutory requirements, multihazard emergency operation plans will now be required to include:

- training in responding to an emergency for district employees, including substitute teachers;
- measures that ensured district employees had classroom access to a telephone (including a cellphone) or other electronic communication device allowing for immediate contact with certain emergency services, law enforcement agencies, health departments, and fire departments;
- measures that ensured district communications technology and infrastructure adequately allowed for communication during an emergency

Multihazard emergency operation plans will now be approved by district presidents, rather than governing boards. TSSC will establish a random or needbased cycle for reviewing and verifying multihazard emergency operations plans.

**Rulemaking:** Rulemaking authority is expressly granted to the commissioner of education, Texas Education Agency, and the State Board of Education regarding implementation at public schools.

**SB 18**

**By: Sen. Huffman, Joan**

**SP: Rep. Geren, Charlie**

**Caption:** Relating to the protection of expressive activities at public institutions of higher education.

**Summary:** Under the bill, an institution of higher education would be required to ensure that the common outdoor areas of its campus were deemed traditional public forum. The bill requires each higher education institution to adopt a policy by August 1, 2020, detailing students' rights and responsibilities regarding expressive activities at the institution. The bill prohibits higher education institutions from taking action against a student organization or denying an organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. The bill establishes guidelines around approval of guest speakers and fees for use of facilities, requiring such guidelines to be content-neutral. By December 1, 2020, each institution would have to prepare, post on its website, and submit to the governor and Legislature a report on the institution's implementation of the bill's requirements.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SB 212**

**By: Sen. Huffman, Joan**

**SP: Rep. Morrison, Geanie**

**Caption:** Relating to reporting requirement for certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public and private institutions of higher education.

**Summary:** The bill requires employees of Texas postsecondary institutions to report certain sexually related incidents against a student or employee to the institution's Title IX coordinator. The bill would create an offense for failure to report an incident or making a false report. The CEO of each institution would have to annually certify in writing to the Texas Higher Education Coordinating Board that it was in substantial compliance with the bill's requirements. If the coordinating board determined that an institution was not in substantial compliance, it could assess an administrative penalty of up to \$2 million. In determining the amount of the penalty, the coordinating board would have to consider the nature of the violation and number of students enrolled at the institution.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB as necessary to implement and enforce the bill, including rules that ensure implementation in a manner that complies with federal law regarding confidentiality of student

educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). In adopting those rules, the coordinating board shall use the negotiated rulemaking procedures under Chapter 2008, Government Code, and consult with relevant stakeholders.

**[HB 449](#)**

**By: Rep. Turner, Chris**

**SP: Sen. Watson, Kirk**

**Caption:** Relating to a requirement that a public or private institution of higher education include a disciplinary notation on a student's transcript under certain circumstances.

**Summary:** The bill requires institutions that suspended or expelled a student for any reason to include on the student's transcript a disciplinary notation stating that the student was suspended or expelled.

The bill also prohibits a postsecondary institution from ending the disciplinary process of a student who withdrew from that institution pending charges that could have resulted in the student's suspension or expulsion from the institution. An institution may remove a disciplinary notation indicating a student's suspension or expulsion from a student's transcript on the request of a student if the institution determines that each condition of the suspension had been fulfilled or that good cause existed to remove the notation.

The THECB shall adopt rules to implement the bill's provisions as soon as practicable after it takes effect. The bill would apply beginning with the fall 2019 semester.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB. Negotiated rulemaking is required.

**[HB 1735](#)**

**By: Rep. Howard, Donna**

**SP: Sen. Watson, Kirk**

**Caption:** Relating to sexual harassment, sexual assault, dating violence, and stalking at public and private postsecondary educational institutions.

**Summary:** The bill requires public and private postsecondary educational institutions to adopt a policy on campus sexual harassment, sexual assault, dating violence and stalking. Under provisions of the bill, each peace officer employed by a postsecondary educational institution must complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking. The bill requires each postsecondary educational institution to designate a Title IX Coordinator. Under provisions of the bill, as part of the protocol for responding to reports of sexual harassment, sexual assault, dating violence, and stalking, each institution shall, to the greatest extent practicable based on the number of counselors employed by the institution, offer counseling provide by a counselor who does not provide counseling to any other person involved in the incident.

The bill requires institutions to require entering freshmen and undergraduate transfer students to attend an orientation on the policy before or during the student's first semester. The orientation could be provided online.

The bill authorizes the Higher Education Coordinating Board to assess an administrative penalty of up to \$2.0 million against an institution that failed to substantially comply with provisions of the bill. Under provisions of the bill, a postsecondary educational institution may not pay an administrative penalty using state or federal money. The bill would require the commissioner of higher education to establish an advisory committee.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB, rules must define relevant terms and ensure implementation of in a manner that complies with federal law regarding confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

## MISCELLANEOUS

**[HB 1101](#)**      **By: Rep. Darby, Drew**                      **SP: Sen. Seliger, Kel**

**Caption:** Relating to the name of the Southwest Collegiate Institute for the Deaf.

**Summary:** The bill changes the name of the Southwest Collegiate Institute for the Deaf to the Southwest College for the Deaf.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**[HB 277](#)**      **By: Rep. Oliverson, Tom**                      **SP: Sen. Creighton, Brandon**

**Caption:** Relating to a requirement that online admission application forms for public institutions of higher education include a link to certain comparative gainful employment data.

**Summary:** The bill requires electronic common admission application forms adopted by the THECB to include a prominent link to a website containing comparative gainful employment data on higher education institutions, including information collected by the TEA. THECB would maintain the website using data compiled in coordination with the Texas Workforce Commission.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**[HB 476](#)**      **By: Rep. Howard, Donna**                      **SP: Sen. Menendez, Jose**

**Caption:** Relating to certain duties of public institutions of higher education and the Department of State Health Services regarding policies on the use of epinephrine auto-injectors by public institutions of higher education.

**Summary:** The bill requires those institutions that have adopted policies on epinephrine auto-injectors to include the policy in the institution's student handbook or a similar publication and to publish the policy on the institution's website.

Institutions that adopted such policies would have to submit to the Department of State Health Services (DSHS) a copy of their policies and any amendments the



institution adopted. DSHS would be required to maintain a record, available to the public on request, of the most recent policies each institution has submitted.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**[HB 1891](#)**

**By:** Rep. Stucky, Lynn

**SP:** Sen. Powell, Beverly

**Caption:** Relating to an exemption from the assessment requirements of the Texas Success Initiative for students who achieve certain scores on certain high school equivalency examinations.

**Summary:** The bill exempts students who achieved a certain score on a high school equivalency exam from the assessment requirements of the Texas Success Initiative. The score that would allow a student to be exempted from this requirement would be set by the THECB, and the commissioner of higher education would establish the period for which the exemption would be valid.

The bill applies beginning with the assessment of entering undergraduate students at public institutions of higher education for the 2020 fall semester.

**Rulemaking:** Rulemaking authority is expressly granted to the commissioner of higher education regarding the establishment of the period for which an exemption under this bill is valid.

**[HB 3165](#)**

**By:** Rep. Oliverson, Tom

**SP:** Sen. Creighton, Brandon

**Caption:** Relating to an occupational and life skills associate degree program offered by the Lone Star College System District.

**Summary:** The bill authorizes the Lone Star College System District to establish an occupational and life skills associate degree program. The degree program would have to require a student to successfully complete the college's core curriculum and then successfully complete the courses selected by the student in the student's degree plan.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB.

**[HB 3601](#)**

**By:** Rep. Bell, Cecil

**SP:** Sen. Menendez, Jose

**Caption:** Relating to the accreditation by the Texas Higher Education Coordinating Board of competency-based education degree plans for members of the Texas military forces.

**Summary:** The bill authorizes the THECB to approve an institution of higher education to offer a degree in coordination with the Texas Military Department that used alternative methods of determining mastery of content, including competency-based education.

To be eligible for the degree, a person would have to be a high school graduate or possess an equivalent diploma, complete and meet the standards of the degree plan, and satisfy a minimum active military service obligation to the Texas military forces. The minimum active military service requirements would entail:

- two years of service for an associate degree;
- four years of service for a baccalaureate degree; and
- six years of service for a graduate degree.

THECB may propose rules to establish requirements under which a person's verified training and experience could serve as proof of subject matter knowledge. The bill applies beginning with degree plans offered for enrollment for the 2020-2021 academic year.

**Rulemaking:** Rulemaking authority is expressly granted to the THECB.

**[HB 3652](#)**

**By: Rep. Turner, Chris**

**SP: Sen. Creighton, Brandon**

**Caption:** Relating to the creation of a state repository for open educational resources by the Texas Higher Education Coordinating Board.

**Summary:** The bill requires the THECB to contract with a high-quality open educational resource (OER) repository to develop and maintain a web portal customized to meet the needs of individual institutions of higher education, students, and others who may benefit from access to OERs.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**[SB 1441](#)**

**By: Sen. Zaffirini, Judith**

**SP: Rep. Turner, Chris**

**Caption:** Relating to a study by the Texas Higher Education Coordinating Board comparing postsecondary educational outcomes for certain traditional and nontraditional students.

**Summary:** The bill directs the THECB to conduct a study comparing the outcomes of students who graduate high school with those who complete a high school equivalency examination, disaggregated by which exam they took.

**Rulemaking:** This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

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