

CHAPTER 807

H.B. No. 2182

AN ACT

relating to the testing of and remedial education opportunities for students at public institutions of higher education.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter F, Chapter 51, Education Code, is amended by adding Section 51.306 to read as follows:

Sec. 51.306. TESTING AND REMEDIAL COURSEWORK. (a) In this section, "board" and "institution of higher education" have the meanings assigned by Section 61.003 of this code.

(b) All students in the following categories who enter public institutions of higher education in the fall of 1989 and thereafter must be tested for reading, writing, and mathematics skills:

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

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

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

For that purpose, the institution shall use a test instrument prescribed by the board. The same instrument shall be used at all public institutions of higher education.

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

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

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

(f) If the test results indicate that remedial education is necessary in any area tested, the institution shall refer the student to remedial courses or other remedial programs made available by the institution. Each institution shall make available those courses and programs on the same campus at which the student would otherwise attend classes. The courses or programs may not be considered as credit toward completion of degree requirements.

(g) A student may not enroll in any upper division course completion of which would give the student 60 or more semester credit hours or the equivalent until the student's test results meet or exceed the minimum standards in all test scores. The board shall establish other assessment procedures to be used by institutions in exceptional cases to allow a student to enroll in upper division courses in cases where student test results do not meet minimum standards.

(h) The state shall continue to fund approved nondegree credit remedial courses. Additionally, the board shall develop formulas to augment institutional funding of other remedial academic programs. The additional funding required under such formulas shall be met by state appropriation for fiscal years 1990-1991 and thereafter.

(i) Each institution shall establish an advising program to advise students at every level of courses and degree options that are appropriate for the individual student.

(j) The unit costs of each test shall be borne by the student. Costs of administering the tests to students shown to be financially needy under criteria established by the board shall be borne by the state through appropriation to the board for that purpose or other sources of funds. Additionally, appropriation shall be made to the board to cover overall administrative costs of the testing program.

(k) Each institution shall report annually to the board, on or before a day set by rule of the board, concerning the results of the students being tested and the effectiveness of the institution's remedial program and advising program. The report shall identify by name the high school from which each tested student graduated and a statement as to whether or not the student's performance was above or below the standard. For the purposes of this report, students shall not be identified by name.

SECTION 2. The test required by this Act shall be administered to students beginning with those students entering institutions of higher education for the first time no later than the fall semester 1989.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 4, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2182 on May 26, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 21, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.