



Legislative Update

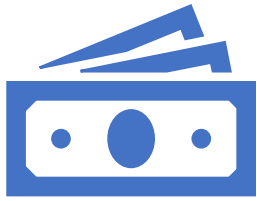
88th Texas Legislature

And

117th Congressional Session



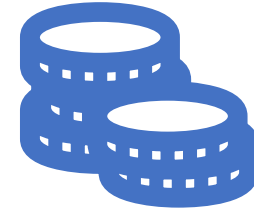
2024-2025 Biennium Funding



\$321.3 billion state budget



Approximately \$42.9 billion,
which is a substantial increase
in HE funding



Stayed within the
constitutional limits of
increasing the budget

By the Numbers

- 11, 807 Bills were introduced during the regular session.
- 4,550 were passed.
- 76 were vetoed.
- -----
- Of these, the committee followed 510 bills.
- 80 of these bills were passed.
- 2 were vetoed.



The Migraine Scale



Dark Room and
Silence Required



Are you kidding me?



Tears in my coffee



Is that a gray hair?



Did you hear something?

HB 1361: Assistance Liaison for Parenting Students



- Each institution shall designate at least one employee to act as liaison officer for current or incoming students who are the parent or guardian of a child younger than 18 years of age.
- Provide assistance to resources-health care, childcare, food security, affordable housing, employment and transportation assistance and student academic success strategies.

SB 459: Priority Registration for Parenting Students



“parenting student” a student enrolled at an institution of higher education who is the parent or legal guardian of a child under 18 years of age


Grants parenting students access to course registration prior to the general student population so they can ensure that their class schedule aligns with the hours they have access to childcare.

Begins with the registration for Spring 2024 semester.

SB 412: Parenting Discrimination Policy

- An institution may not require a pregnant or parenting student, solely because of the student's status as a pregnant or parenting student or due to issues related to the student's pregnancy or parenting to:
 - 1) Take a leave of absence or withdraw from the student's degree or certificate program
 - 2) limit the student's studies
 - 3) participate in an alternative program
 - 4) change the student's major, degree, or certificate programs; or
 - 5) refrain from joining or cease participating in any course, activity or program at the institution






SB 412: Parenting Discrimination Policy

An institution shall provide reasonable accommodations to a pregnant student, including accommodations that:

- 1) would be provided to a student with a temporary medical condition; or
- 2) are related to the health and safety of the student and the student's unborn child, such as allowing the student to maintain a safe distance from substances, areas and activities known to be hazardous to pregnant women or unborn children.

An institution shall for reasons related to a student's pregnancy, childbirth, or any resulting medical status or condition:

- 1) excuse the student's absence;
- 2) allow the student to make up missed assignments or assessments
- 3) allow the student additional time to complete assignments in the same manner as the institution allows for a student with a temporary medical condition; and
- 4) provide the student with access to instructional materials and video recordings or lectures for classes for which the student has an excused absence under this section to the same extent that instructional materials and video recordings of lectures are made available to any other student with an excused absence.



SB 412: Parenting Discrimination Policy

An institution shall allow a pregnant or parenting student to:

- 1) take a leave of absence; and
- 2) if in good academic standing at the time the student takes the leave of absence, return to the student's degree or certificate program in good academic standing without being required to reapply for admission.

Each institution shall adopt a policy for students on pregnancy and parenting discrimination. The policy must:

- 1) include the contact information for the employee or office of the institution designated as point of contact for a student requesting each protection or accommodation under this section;
- 2) be posted in an easily accessible, straightforward format on the institution's internet website; and
- 3) be made available annually to faculty, staff, and employees of the institution.

HB 8: Community College Formula Funding



- Based on recommendations from TxCCCF report (authorized in 87th Leg) Set forth three recommendations for a new model:
 - Reward community colleges for positive student outcomes.
 - Increase affordability and financial aid, including for low-income students.
 - Increase capacity at colleges to meet changing workforce needs.
- The legislation also transfers the Texas Adult Career Education (ACE) program from Austin Community College to the Texas Higher Education Coordinating Board (THECB) and creates the Financial Aid for Swift Transfer (FAST) scholarship program for low-income dual credit students.



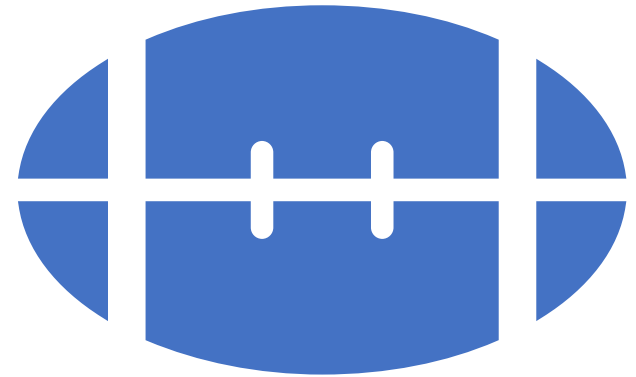
HB 8: Community College Formula Funding

- The passage of HB 8, and the allocation of \$683 million in the state budget, positions Texas as a national leader in tying our funding for community colleges to measurable student-focused outcomes. These include:
 - The number of credentials of value awarded, including badges, certificates, and degrees.
 - Credentials of value awarded in high-demand fields where employers are looking for skilled employees.
 - Successful student transfers from community colleges to four-year universities.
 - Completion of a sequence of dual credit courses, which are offered to high school students and can set them on early pathways to success.



HB 2804: Name, Image and Likeness

- Provides further clarification for student athletes and athletic programs for parameters of NIL contracts.
- The only portion that may pertain to Admissions/Records is regarding the financial literacy and life skills course required within the student's first academic year at the institution. This is a change from the financial literacy workshops that were to be attended in the student's first and third academic years. The course is to be at least 5 hours in duration and include information on financial aid, debt management, time management, budgeting, and academic resources available to the student athlete.



SB 15: Sports Participation by Biological Sex



Requires collegiate athletes to compete on the team according to their biological sex, as correctly stated on their birth certificate

A female athlete is permitted to compete on a male team if there is not a corresponding female team offered.

Provides whistleblower protections for students who report violation of this bill and permits a person to bring a civil action for injustice relief against the institution of higher education or intercollegiate athletic team for a violation.

SB 17: Ban on Diversity, Equity and Inclusion



Prohibits universities from establishing or maintaining Diversity, Equity and Inclusion offices, officers, employees, or contractors that perform the duties of a DEI office. It also prohibits requiring certain training and ideological oaths.

Applies to both student and employee practices

Prohibits anything in this section from being construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

- (1) highlights the institution's work in supporting: first-generation college students; low-income students; or underserved student populations; or
- (2) certifies compliance with state and federal antidiscrimination laws.

SB 17: Diversity, Equity and Inclusion

- Prohibits Subsection (b)(1) from being construed to apply to:
 - (1) academic course instruction;
 - (2) scholarly research or a creative work by an institution of higher education's students, faculty, or other research personnel or the dissemination of that research or work;
 - (3) an activity of a student organization registered with or recognized by an institution of higher education;
 - (4) guest speakers or performers on short-term engagements;
 - (5) a policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
 - (6) data collection; or
 - (7) student recruitment or admissions

SB 17: Diversity, Equity and Inclusion



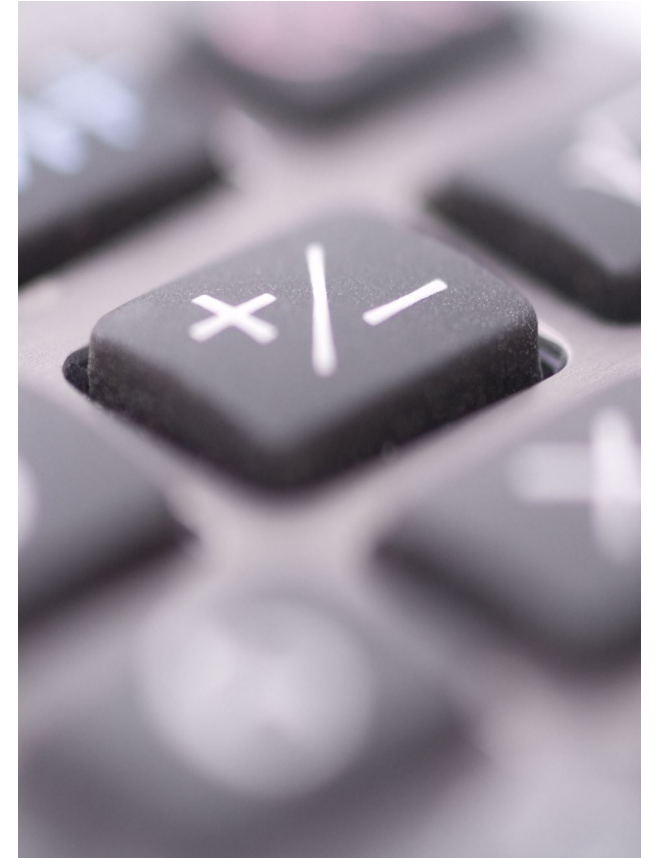
Prohibits an institution of higher education from spending money appropriated to the institution for a state fiscal year until the governing board of the institution submits to the legislature and THECB a report certifying THECB's compliance with this section during the preceding state fiscal year.



Requires the governing board of each institution of higher education, or the board's designee, in the interim between each regular session of the legislature, to testify before the standing legislative committees with primary jurisdiction over higher education at a public hearing of the committee regarding the board's compliance with this section.

SB 17: Diversity, Equity and Inclusion

- Requires the state auditor to periodically conduct a compliance audit of each institution of higher education to determine whether the institution has spent state money in violation of this section. Requires the state auditor to adopt a schedule by which the state auditor will conduct compliance audits under this subsection. Requires that the schedule ensure that each institution of higher education is audited at least once every four years.
- Provides that an institution of higher education, if the state auditor determines pursuant to a compliance audit conducted under Subsection (g) that the institution has spent state money in violation of this section:
 - (1) is required to cure the violation not later than the 180th day after the date on which the determination is made; and
 - (2) if the institution fails to cure the violation during the period described by Subdivision (1), is ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.



SB 17: Diversity, Equity and Inclusion

- Authorizes a student or employee of an institution of higher education who is required to participate in training in violation of Subsection (b)(1)(E) to bring an action against the institution for injunctive or declaratory relief.
- Requires THECB, in coordination with institutions of higher education, to conduct a biennial study to identify the impact of the implementation of this section on the application rate, acceptance rate, matriculation rate, retention rate, grade point average, and graduation rate of students at institutions of higher education, disaggregated by race, sex, and ethnicity. Requires THECB, not later than December 1 of each even-numbered year, to submit to the legislature a report on the results of the study and any recommendations for legislative or other action. Provides that this subsection expires September 1, 2029.
- Authorizes a public institution of higher education to provide to each employee in good standing at the institution whose position is eliminated as a result of the implementation of Section 51.3525, Education Code, as added by this Act, a letter of recommendation for employment for a position at the institution or elsewhere
- Subsection (b) applies with the Spring 2024 Semester.
- Section 51.3525(e) applies beginning with money appropriate for the fiscal year beginning 9/1/24.

SB 65: Academic Transcripts and Sales Tax



Amends Tax Code definition of “information service” – does not include the furnishing of an academic transcript



Presently public universities are exempt from the sales tax, they do not charge it to their students for academic transcript transactions. As non-governmental bodies private institutions are required to collect sales taxes in the same situation.



This bill exempts an academic transcript transaction at a private institution from the sales tax.



This bill is effective October 1, 2023.

SB 294: Use of Epinephrine auto-injectors and medication for respiratory distress



Expands who may administer the medication during an unexpected respiratory distress episode, including asthma.



Requires one or more personnel members or volunteers of an institution of higher education trained in the administration of medication for respiratory distress to be on each campus of an institution of higher education.



Outlines reporting requirements for administrations of the medications



Outlines training requirements



Effective Immediately

SB 629: Use of Opioid Antagonists



Applies to each school district, open-enrollment charter school, or private school (this should include any early-college high school on or off your campus)

Each school must develop a policy to identify those authorized and trained to administer an opioid antagonist to a person who is reasonably believed to be experiencing a opioid-related drug overdose, establish the number of opioid antagonists on hand at each campus and a secure location for storage.

Reporting requirement for administrations

Policy must be in place by January 1, 2024.

SB 867: Use of Opioid Antagonists



Amends the existing statute regarding the opioid antagonist program, to include institutions of higher education

Allows state health services to provide opioid antagonist to those likely to be able to respond to an opioid overdose.

SB 427: Undergraduate Courses in Texas History



Applies to any college or university that receives state support or state aid from public funds



Must provide access to a Texas History Course



If the institution does not offer at least a three-semester credit hour or the equivalent in Texas history to their undergraduate students, they are required to enter into an agreement with another institution to provide their students access to such a Texas history course.



Act applies beginning with the 2023-2024 academic year

SB 1518: Terrorist Offender Registry

- Creates the nation's only Terrorist Offender Registry, to identify those who have proven to be threats to public and national safety
- Requires DPS to send to “Authority for campus security” of any person required to register under this chapter who is or will be employed by, carrying on a vocation at, or a student at an institution of higher education.
- Requires the officer to notify the local law enforcement authority not later than the seventh day after the date the officer receives the relevant information, of any change in the person’s job or educational status in which the person, 1) becomes employed, begins to carry on a vocation, or becomes a student at a particular institution of higher education; or 2) terminates the person’s status in that capacity.
- Prohibits a person subject to registration under this chapter from residing on the campus of an institution of higher education unless the institution approves the person to reside on the institution’s campus.





SB 1859 Veterans benefits



- Repeals Section 54.344 of the TEC “Participants in Military Funerals”
- Had stated, “ The governing board of each institution of higher education shall provide a \$25 exemption from tuition and required fees under this chapter to a student in exchange for a voucher issued to the student under Section 434.0072, Government Code, that is presented by the student to the institution.

SB 1887: Early College and Transfer



This bill adds on to SB 25 from the 86th Legislature.



Requires early college high schools to enroll student in either an applied associate degree program or an academic associate degree program with an embedded field of study to ensure that students complete a degree that will either be directly applicable to the workforce or will transfer and count toward a bachelor's degree.



Amends the statutes regarding field of study curricula to clarify and better align the statute with the best practices developed and implemented through the Texas Transfer Advisor Committee (TTAC).

SB 1887: Early College and Transfer



Makes changes to the transfer dispute resolution process to create clear expectations and standards of accountability for students and institutions regarding timeline, how parties are informed, and how a dispute is finally resolved.



Creates the “Texas Direct” associate degree which will be notated on a community college student’s transcript that they have completed a field of study and either the core curriculum or 42 hours of lower division courses transferable to one or more general academic teaching institutions.



Moves the due dates for the two reports created by SB 25 – the Report on Nontransferable Credit and the Report of Courses Taken at Junior Colleges- from March 1 to May 1.

Credentialing



HB 584 Development of a State Information Technology Credential

Dept. of Information Resources may enter into an agreement with a public junior college district to offer a program leading to a state information technology credential to address shortages in the state information resource workforce.



HB 1391 Residential Wireman License

A person who successfully completed a sequence of courses in the electrical trade that are offered through a career and technology education program to apply for and take an exam for licensure as a residential wireman regardless of hours of on-the-job training.



SB 159 Accounting CPA exam

Amends the number of hours to sit for the CPA exam to 120 hours, including at least 24 semester hours of accounting or equivalent courses. Certificate still requires 150 semester hours. Removes 2-year work requirement

HB 2177 Digital textbooks and material pilot



THECB shall establish a pilot program under which the board awards grants to participating eligible institutions to provide financial assistance to students for the cost of accessing digital course materials.



“Digital Course Material” means a digital textbook, supplemental material, or open educational resource.



Begins with the Spring 2024 semester



HB 1755: Lone Star Workforce Fund



Requires the Texas Workforce Commission (TWC) to establish and administer a grant program to provide grants from the fund to public junior colleges, public technical institutes, and nonprofit organizations that apply to TWC.



Creates the Lone Star Workforce of the Future Fund and grant program



Purpose: to create and sustain a utilization-driven supply of qualified workers for entry-level to mid-level jobs in high demand occupations, address and close the gap between the skills needed by workers and the current skills of the available workforce, fill emerging jobs that require less education than a bachelor's degree, but more than a high school diploma



Effective September 1, 2023

HB 3993: Automatic Admission with a nontraditional secondary education



- Requires each general academic teaching institution to admit an applicant as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying and the applicant met certain criteria including completing a nontraditional secondary education
- Requires a general academic teaching institution, in determining the eligibility for admission of an applicant with a nontraditional secondary education that does not have a class ranking, to calculate the applicant's class rank in the manner provided by Section 51.9241d
- In effect for Fall 2024 admissions cycle.

Special Sessions

Special Session I

- 57 bills were introduced
- 0 passed

Special Session II

- 69 bills have been introduced
- 0 have passed
- Still in session

Federal
Updates-

117th
Congressional
Session



Supreme Court and Race-based Admissions



On June 29th, the Supreme Court opinion came out on two pending court cases regarding the use of race in admissions.



There are a few caveats to the reach of the decision. 1) recognized that military academies may present a different question of compelling interest, 2) it is not prohibiting a university from “ considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise”, 3) universities may look to race-neutral policies to seek the same benefits (i.e., socioeconomic identification and recruitment efforts)

Race-based Admissions



Though the cases focused on admissions and the opinions seem to concentrate on that, it remains to be seen how the interpretation of this opinion will extend to financial aid, mentoring programs, or other areas.



American Council on Education advises reviewing all policies and practices that include race as a potential determining factor as well as working with staff to ensure clear messaging to students and outside parties moving forward.



Newsworthy: The University of Kentucky and the University of Missouri system have removed any race-related criteria to scholarship applications due to the Court's decision.

Gainful Employment

- The Biden Administration has resurrected [Gain Employment guidelines](#) for Title IV funding.
- Negotiated rules have been formulated and the comments period ended June 20, 2023.
- The regulations propose that programs covered by this requirement would have to meet certain performance standards on two measures to maintain access to Federal financial aid.
 - The first measure would be that graduates can afford their yearly debt payments. Their annual earnings must be equal to or less than eight percent, or equal to or less than 20 percent of their discretionary earnings.
 - The second measure indicates that at least half of graduates (not just those on aid) have higher earnings than a typical high school graduate in the state's labor force who did not pursue a postsecondary education.
- Each measure would be assessed separately. Programs that fail at least on metric would need to warn students that the program is at risk of losing access to Federal aid. Those that fail to meet the standards on the same metric twice in a three-year period would lose access to Federal aid.
- This is obviously still developing, and I hope to have additional information by the Fall conference.

Title IX: Rulemaking

The release of the revised Title IX regulations have been delayed until October 2023.

The department (DOE) received more than 240,000 public comments on the proposed rule, nearly twice as many as the last time rulemaking on Title IX rulemaking was made.

It will take the department time to review and consider these.

The delay also applies to the administration's proposed rule for transgender student athletes, which received more than 150,000 comments.

OPMs and Third-Party Service Providers

- The Department of Education has long used a definition of a Third-Party Service Provider (TPS) in reference to services used to aid in the administration of Title IV funding for students. The TPS definition has been reviewed and expanded to include a wider scope of functions and activities that fall within the TPS requirements as it states these functions are ‘intrinsically intertwined’ with the institution’s administration of its Title IV programs and thus subject to TPS requirements. Additionally, there is a growing concern with online program management companies (OPMs) providing services to transition academic programs into a distance education format and expand enrollment. This may have unrealized consequences for institutions and the entities and technology that we partner with to conduct day-to-day business.
- This new definition was set to go into effect September 1, 2023, but has been delayed until at least six months after the finalized policy is published. The DOE is still sifting through the many comments they received regarding this revised interpretation.
- The DOE did go ahead and remove one of the most contentious elements of the policy, which would have banned colleges from working with foreign servicers or those with an owner or operator who is not an American citizen or permanent resident.

Legislative Issues Committee 2022-2023



Jodie Rexroat, Chair,
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University



Sarina Willis,
Prairie View A&M
University



Robert Jenkins,
UT Health Science
Center at Houston



Julio Reyes,
Laredo College



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