

## **BILL ANALYSIS**

C.S.H.B. 3142  
By: Turner  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

According to interested parties, there currently is no mechanism in place to notify a public institution of higher education that a student being admitted to the institution was expelled or suspended from another institution, which potentially puts students at the admitting institution at risk. C.S.H.B. 3142 seeks to address this issue by establishing a requirement that a public, private, or independent institution of higher education include a disciplinary notation on a student's transcript under certain circumstances.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 3142 amends the Education Code to require a public, private, or independent institution of higher education that suspends or expels a student from the institution for any reason to include on the student's transcript a disciplinary notation stating that the student was suspended or expelled, as applicable, from the institution. The bill prohibits the institution, if a student withdraws from the institution pending disciplinary charges that may result in the student's suspension or expulsion from the institution, from ending the disciplinary process until the institution makes a final determination of responsibility, including, if applicable, a determination of whether to suspend or expel the student from the institution as a result. The bill requires the institution, if the institution suspends or expels the student, to include a disciplinary notation on the student's transcript to that effect. The bill authorizes an institution to remove from a student's transcript on request by the student a disciplinary notation indicating the student's suspension or expulsion, as applicable, if the institution determines that each condition of the suspension has been fulfilled, if applicable, or that good cause exists to remove the notation. The bill requires the Texas Higher Education Coordinating Board to adopt rules as necessary to implement the bill's provisions. The bill applies beginning with the 2017 fall semester.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3142 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9364 to read as follows:

Sec. 51.9364. CERTAIN DISCIPLINARY NOTATIONS REQUIRED ON STUDENT TRANSCRIPTS. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) If an institution of higher education suspends or expels a student from the institution for any reason, the institution shall include on the student's transcript a disciplinary notation stating that the student was suspended or expelled, as applicable, from the institution.

(c) If a student withdraws from an institution of higher education pending disciplinary charges that may have resulted in the student's suspension or expulsion from the institution if the student had not withdrawn, the institution may not end the disciplinary process until the institution makes a final determination of responsibility, including, if applicable, a determination of whether the student would have been suspended or expelled from the institution as a result. If the institution determines that the student would have been suspended or expelled from the institution, the institution shall include a disciplinary notation on the student's transcript stating that the student would have been suspended or expelled, as applicable, from the institution if the student had not withdrawn.

(d) An institution of higher education shall remove from a student's transcript a disciplinary notation indicating the student's suspension from the institution if the institution determines that each condition of the suspension has been fulfilled. A suspended student may file a petition with the institution requesting removal of the disciplinary notation under this subsection.

(e) The Texas Higher Education Coordinating Board shall adopt rules as

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9364 to read as follows:

Sec. 51.9364. CERTAIN DISCIPLINARY NOTATIONS REQUIRED ON STUDENT TRANSCRIPTS. (a) In this section, "postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003.

(b) If a postsecondary educational institution suspends or expels a student from the institution for any reason, the institution shall include on the student's transcript a disciplinary notation stating that the student was suspended or expelled, as applicable, from the institution.

(c) If a student withdraws from a postsecondary educational institution pending disciplinary charges that may result in the student's suspension or expulsion from the institution, the institution may not end the disciplinary process until the institution makes a final determination of responsibility, including, if applicable, a determination of whether to suspend or expel the student from the institution as a result. If the institution suspends or expels the student from the institution, the institution shall include a disciplinary notation on the student's transcript stating that the student was suspended or expelled, as applicable, from the institution.

(d) On request by the student, a postsecondary educational institution may remove from a student's transcript a disciplinary notation indicating the student's suspension or expulsion, as applicable, from the institution if the institution determines that:

(1) each condition of the suspension has been fulfilled, if applicable; or

(2) good cause exists to remove the notation.

(e) The Texas Higher Education Coordinating Board shall adopt rules as

necessary to implement this section, including rules establishing a process for a student to appeal or petition for the removal of a disciplinary notation under this section.

SECTION 2. The Texas Higher Education Coordinating Board shall adopt the rules required by Section 51.9364, Education Code, as added by this Act, as soon as practicable after this Act takes effect.

SECTION 3. The change in law made by this Act applies beginning with the 2017 fall semester.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

necessary to implement this section.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.