

BILL ANALYSIS

Senate Research Center

H.B. 449
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Higher Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Stakeholders have expressed concern that a student who was expelled from an institution of higher education may enroll at a new institution without that institution being made aware of potential safety risks associated with the student's prior conduct. For example, there have been cases of a student being expelled for committing a violent offense against another student and then enrolling at a new institution that did not know about the student's earlier offense.

H.B. 449 addresses these concerns by requiring public, private, and independent institutions of higher education in Texas to add a notation on the transcript of a student who is ineligible to reenroll at the institution for a reason other than an academic or financial reason. H.B. 449 also requires institutions to complete the investigatory process if a student withdraws from the institution pending disciplinary charges that may result in the student becoming ineligible to reenroll for reasons other than academic and financial reasons. At the same time, H.B. 449 also respects due process by creating a mechanism to remove the notation if the student becomes eligible to reenroll or the institution determines that good cause exists to remove it.

In this way, H.B. 449 gives institutions of higher education another tool to ensure they do not inadvertently admit a student who has been expelled for serious misconduct that could pose a danger to other students.

H.B. 449 amends current law relating to a requirement that a public or private institution of higher education include a notation on a student's transcript under certain circumstances.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.9364, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9364, as follows:

Sec. 51.9364. CERTAIN NOTATIONS REQUIRED ON STUDENT TRANSCRIPTS.

(a) Defines "postsecondary educational institution" for purposes of this section.

(b) Requires a postsecondary educational institution, if a student is ineligible to reenroll in the postsecondary educational institution for a reason other than an academic or financial reason, to include on the student's transcript a notation stating that the student is ineligible to reenroll in the institution for a reason other than an academic or financial reason.

(c) Prohibits a postsecondary educational institution, if a student withdraws from the institution pending disciplinary charges that may result in the student becoming ineligible to reenroll in the institution for a reason other than an academic or financial reason, from ending the disciplinary process until the institution makes a final determination of responsibility, including, if applicable, a determination of whether the student will be ineligible to reenroll in the institution

for a reason other than an academic or financial reason. Requires the institution, if, as a result of the disciplinary process, the student is ineligible to reenroll in the institution for a reason other than an academic or financial reason, to include on the student's transcript the notation required under Subsection (b).

(d) Authorizes a postsecondary educational institution, on request by the student, to remove from a student's transcript a notation required under this section if:

(1) the student is eligible to reenroll in the institution; or

(2) the institution determines that good cause exists to remove the notation.

(e) Requires the Texas Higher Education Coordinating Board (THECB) to adopt rules as necessary to implement this section. Requires THECB, in adopting those rules, to use the negotiated rulemaking procedures under Chapter 2008 (Negotiated Rulemaking), Government Code.

SECTION 2. Requires THECB to 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. Provides that the change in law made by this Act applies beginning with the 2019 fall semester.

SECTION 4. Effective date: upon passage or September 1, 2019.