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H.B. No. 1000

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of a new university in South Texas within
3 The University of Texas System.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. AMENDMENT TO EDUCATION CODE. Subtitle C, Title
6 3, Education Code, is amended by adding Chapter 79 to read as
7 follows:

8 CHAPTER 79. UNIVERSITY TO BE ESTABLISHED IN SOUTH TEXAS

9 Sec. 79.01. DEFINITIONS. In this chapter:

10 (1) "Board" means the Board of Regents of The
11 University of Texas System.

12 (2) "University" means the university established
13 under this chapter.

14 Sec. 79.02. ESTABLISHMENT; SCOPE. (a) The university is a
15 general academic teaching institution under the governance,
16 management, and control of the Board of Regents of The University of
17 Texas System.

18 (b) As necessary to achieve the maximum operating
19 efficiency of the university, the board shall provide for the
20 organization, administration, location, and name of the university
21 and of the colleges, schools, and other institutions and entities
22 of the university, which must include:

23 (1) an academic campus and other academic operations
24 in Cameron County;

1 (2) an academic campus and other academic operations
2 in Hidalgo County;

3 (3) the medical school and other programs authorized
4 for The University of Texas Health Science Center--South Texas
5 under Subchapter N, Chapter 74;

6 (4) the facilities and operations of the Lower Rio
7 Grande Valley Academic Health Center established under Subchapter
8 L, Chapter 74; and

9 (5) an academic center in Starr County.

10 (c) The board shall equitably allocate the primary
11 facilities and operations of the university among Cameron, Hidalgo,
12 and Starr Counties.

13 (d) The board shall ensure that the medical and research
14 programs of the medical school component of the university are
15 conducted across the region and have a substantial presence in
16 Hidalgo County and Cameron County. The board shall also ensure the
17 provision of interdisciplinary education across health professions
18 within the university.

19 (e) The authority of the board under this section to achieve
20 the maximum operating efficiency of the university and to provide
21 for the organization, administration, and location of colleges,
22 schools, and other institutions and entities of the university
23 prevails over other law, including Section 74.611.

24 (f) The board has all the powers and duties provided by
25 prior law, as that law existed at the time the applicable university
26 or other entity was abolished, in regard to:

27 (1) The University of Texas at Brownsville, The

1 University of Texas--Pan American, and any other institution,
2 college, school, or entity abolished under the Act authorizing
3 creation of the university; and

4 (2) any facility, operation, or program that is
5 transferred to the university under that Act.

6 (g) The board may impose and collect any fee authorized by
7 prior law, as that law existed at the time the applicable university
8 was abolished, for The University of Texas at Brownsville or The
9 University of Texas--Pan American, as determined by the board and
10 subject to the limitations provided by the prior law authorizing
11 the fee. The abolition of The University of Texas at Brownsville
12 and The University of Texas--Pan American does not affect any
13 pledge of revenue from a fee made by or on behalf of either of those
14 universities to pay obligations issued in connection with
15 facilities for which the fee was imposed and the obligations were
16 issued.

17 Sec. 79.03. COURSES AND DEGREES. (a) The board may
18 prescribe courses leading to customary degrees offered at leading
19 American universities and medical schools as applicable and may
20 award those degrees, including:

21 (1) bachelor's, master's, and doctoral degrees and
22 their equivalents; and

23 (2) medical school degrees and other health science
24 degrees.

25 (b) The board shall award degrees in the name of the
26 university.

27 (c) A department, school, or degree program may not be

1 instituted without the prior approval of the Texas Higher Education
2 Coordinating Board, except that the university may include any
3 department or school or offer any degree program previously
4 approved for The University of Texas--Pan American or The
5 University of Texas at Brownsville or expressly authorized by this
6 chapter or other law.

7 Sec. 79.04. UNIVERSITY OF THE FIRST CLASS. The board shall
8 make any other rules and regulations for the operation, control,
9 and management of the university as may be necessary for the conduct
10 of the university as a university of the first class.

11 Sec. 79.05. FACILITIES. The board shall provide for
12 adequate physical facilities for use by the university.

13 Sec. 79.06. GIFTS AND GRANTS. The board may solicit,
14 accept, and administer, on terms and conditions acceptable to the
15 board, gifts, grants, or donations of any kind and from any source
16 for use by the university.

17 Sec. 79.07. JOINT APPOINTMENTS. The board may make joint
18 faculty appointments to positions in the university and to
19 positions in other institutions under the governance of the board.

20 Sec. 79.08. PARTICIPATION IN PERMANENT UNIVERSITY FUND.
21 The legislature finds that the university is an institution of
22 higher education "created at a later date" for purposes of Section
23 18(c), Article VII, Texas Constitution. If the Act enacting this
24 chapter receives a vote of two-thirds of the membership of each
25 house of the legislature, when established the university is
26 entitled to participate in the funding provided by Section 18,
27 Article VII, Texas Constitution, to the same extent as similar

1 component institutions of The University of Texas System.

2 Sec. 79.09. CENTER FOR BORDER ECONOMIC AND ENTERPRISE
3 DEVELOPMENT. (a) The board shall establish a center for border
4 economic and enterprise development at the university.

5 (b) The center established under this section may:

6 (1) develop and manage an economic database concerning
7 the Texas-Mexico border;

8 (2) perform economic development planning and
9 research;

10 (3) provide technical assistance to industrial and
11 governmental entities; and

12 (4) in cooperation with other state agencies,
13 coordinate economic and enterprise development planning activities
14 of state agencies to ensure that the economic needs of the
15 Texas-Mexico border are integrated within a comprehensive state
16 economic development plan.

17 (c) The center may offer seminars and conduct conferences
18 and other educational programs concerning the Texas-Mexico border
19 economy and economic and enterprise development within this state.

20 (d) The board may solicit and accept gifts, grants, and
21 donations to aid in the establishment, maintenance, and operation
22 of the center.

23 (e) The center shall cooperate fully with similar programs
24 operated by Texas A&M International University, The University of
25 Texas at El Paso, and other institutions of higher education.

26 Sec. 79.10. TEXAS ACADEMY OF MATHEMATICS AND SCIENCE.

27 (a) The board shall establish The Texas Academy of Mathematics and

1 Science at the university. The academy serves the following
2 purposes:

3 (1) to provide academically gifted and highly
4 motivated junior and senior high school students with a challenging
5 university-level curriculum that:

6 (A) allows students to complete high school
7 graduation requirements, including requirements adopted under
8 Section 28.025 for the advanced high school program, while
9 attending for academic credit a public institution of higher
10 education;

11 (B) fosters students' knowledge of real-world
12 mathematics and science issues and applications and teaches
13 students to apply critical thinking and problem-solving skills to
14 those issues;

15 (C) includes the study of English, foreign
16 languages, social studies, mathematics, science, and technology;
17 and

18 (D) offers students learning opportunities
19 related to mathematics and science through in-depth research and
20 field-based studies;

21 (2) to provide students with an awareness of
22 mathematics and science careers and professional development
23 opportunities through any appropriate means such as:

24 (A) seminars;

25 (B) workshops;

26 (C) collaboration with postsecondary and
27 university students, including opportunities for summer studies;

1 and

2 (D) internships in foreign countries; and

3 (3) to provide students with social development
4 activities that enrich the academic curriculum and student life,
5 including, as determined appropriate by the academy, University
6 Interscholastic League activities and other extracurricular
7 activities.

8 (b) The academy is a coeducational program for selected
9 Texas high school students with an interest in and the potential to
10 excel in mathematics and science studies. The academy shall admit
11 only high school juniors and seniors, except that the academy may
12 admit a student with exceptional abilities who is not yet a high
13 school junior. The board shall set aside adequate space at the new
14 university to operate the academy and implement the purposes of
15 this section. The academy must operate on the same fall and spring
16 semester basis as the university. Full-time students of the
17 academy must enroll for both the fall and spring semesters. Faculty
18 members of the university shall teach all academic classes at the
19 academy. A student of the academy may attend a college course
20 offered by the university and receive college credit for that
21 course.

22 (c) The university administration has the same powers and
23 duties with respect to the academy that the administration has with
24 respect to the university. The board, in consultation with
25 university administration, shall:

26 (1) establish an internal management system for the
27 academy and appoint an academy principal, who serves at the will of

1 the board and reports to the vice president for academic affairs;

2 (2) provide for one or more academy counselors;

3 (3) establish for the academy a site-based
4 decision-making process similar to the process required by
5 Subchapter F, Chapter 11, that provides for the participation of
6 academy faculty, parents of academy students, and other members of
7 the community; and

8 (4) establish an admissions process for the academy.

9 (d) The student-teacher ratio in all regular academic
10 classes at the academy may not exceed 30 students for each classroom
11 teacher, except that the student-teacher ratio may exceed that
12 limit:

13 (1) in a program provided for the purposes prescribed
14 by Subsection (a)(2) or another special enrichment course or in a
15 physical education course;

16 (2) if the board determines that a class with a higher
17 student-teacher ratio would contribute to the educational
18 development of the students in the class; or

19 (3) if an academy class is combined with a university
20 class with more than 30 students.

21 (e) The academy shall provide the university-level
22 curriculum in a manner that is appropriate for the social,
23 psychological, emotional, and physical development of high school
24 juniors and seniors. The administrative and counseling personnel
25 of the academy shall provide continuous support to and supervision
26 of students.

27 (f) For each student enrolled in the academy, the academy is

1 entitled to allotments from the foundation school fund under
2 Chapter 42 as if the academy were a school district without a tier
3 one local share for purposes of Section 42.253. If in any academic
4 year the amount of the allotments under this subsection exceeds the
5 amount of state funds paid to the academy in the first fiscal year
6 of the academy's operation, the commissioner of education shall set
7 aside from the total amount of funds to which school districts are
8 entitled under Section 42.253(c) an amount equal to the excess
9 amount and shall distribute that amount to the academy. After
10 deducting the amount set aside and paid to the academy by the
11 commissioner of education under this subsection, the commissioner
12 of education shall reduce the amount to which each district is
13 entitled under Section 42.253(c) in the manner described by Section
14 42.253(h). A determination of the commissioner of education under
15 this subsection is final and may not be appealed.

16 (g) The board may use any available money, enter into
17 contracts, and accept grants, including matching grants, federal
18 grants, and grants from a corporation or other private contributor,
19 in establishing and operating the academy. Money spent by the
20 academy must further the purposes of the academy under Subsection
21 (a).

22 (h) The liability of this state under Chapters 101 and 104,
23 Civil Practice and Remedies Code, is limited for the academy and
24 employees assigned to the academy and acting on behalf of the
25 academy to the same extent that the liability of a school district
26 and an employee of the school district is limited under Sections
27 22.0511, 22.0512, and 22.052 of this code and Section 101.051,

1 Civil Practice and Remedies Code. An employee assigned to the
2 academy is entitled to representation by the attorney general in a
3 civil suit based on an action or omission of the employee in the
4 course of the employee's employment, to limits on liability, and to
5 indemnity under Chapters 104 and 108, Civil Practice and Remedies
6 Code.

7 (i) Except as otherwise provided by this section, the
8 academy is not subject to the provisions of this code or to the
9 rules of the Texas Education Agency regulating public schools.

10 SECTION 2. CONFORMING AMENDMENT. Section 74.751(a),
11 Education Code, is amended to read as follows:

12 (a) The board of regents of The University of Texas System
13 may operate The University of Texas Health Science Center--South
14 Texas as provided by Section 79.02 [~~a component institution of The~~
15 ~~University of Texas System~~] with its main campus and administrative
16 offices to be determined as described by that section [~~in Cameron~~
17 ~~County~~]. The health science center shall [~~may~~] consist of a medical
18 school, as provided by Section 74.752, other health and
19 health-related degree programs, and related programs and
20 facilities as the board considers appropriate.

21 SECTION 3. THE UNIVERSITY OF TEXAS--PAN AMERICAN AND THE
22 UNIVERSITY OF TEXAS AT BROWNSVILLE ABOLISHED. (a) The University
23 of Texas--Pan American and The University of Texas at Brownsville
24 are abolished on a date the Board of Regents of The University of
25 Texas System determines appropriate to achieve the maximum
26 operating efficiency of the system. The designated date must be
27 entered into the minutes of the board. The board shall take all

1 actions necessary to provide for an orderly windup of the affairs of
2 each university.

3 (b) The board shall provide to the secretary of state
4 written notice of its action under Subsection (a) of this section.
5 Effective on the date the board designates for the abolition of the
6 institutions described by Subsection (a) of this section, Chapters
7 77 and 78, Education Code, are repealed.

8 (c) The board may not act under Subsection (a) of this
9 section to abolish The University of Texas--Pan American and The
10 University of Texas at Brownsville earlier than the date on which
11 the university created under Chapter 79, Education Code, as added
12 by this Act, begins operation.

13 SECTION 4. UNIVERSITY CREATED. (a) The university
14 described by Chapter 79, Education Code, as added by this Act, is
15 created within The University of Texas System. As provided by that
16 chapter, the board of regents of the system shall name the
17 university and establish the university as a general academic
18 teaching institution offering the degrees authorized by that
19 chapter.

20 (b) The university shall begin operating on a date the board
21 of regents determines appropriate to achieve the maximum operating
22 efficiency of the system. The designated date must be entered into
23 the minutes of the board.

24 (c) In recognition of the abolition of The University of
25 Texas--Pan American and The University of Texas at Brownsville as
26 authorized by this Act, the board of regents shall facilitate the
27 employment at the university created by this Act of as many faculty

1 and staff of the abolished universities as is prudent and
2 practical.

3 (d) A student admitted to or enrolled at The University of
4 Texas--Pan American or The University of Texas at Brownsville on
5 the date of abolition is entitled to admission to the university
6 created by this Act, and the board shall take actions necessary to
7 facilitate that admission and the appropriate transfer of credits.

8 (e) Until such time as the university created by this Act
9 formally begins operation, the board of regents may provide for The
10 University of Texas--Pan American or The University of Texas at
11 Brownsville to use any facilities under the management and control
12 of The University of Texas System, including facilities developed
13 for the university created by this Act. In addition, the board may
14 lease or purchase facilities owned by Texas Southmost College
15 District or by other owners to the extent the board determines
16 necessary and practical.

17 (f) This Act does not affect the powers, duties, and
18 obligations of The University of Texas at Brownsville and the Texas
19 Southmost College District under Section 5, Chapter 935
20 (S.B. 1909), Acts of the 82nd Legislature, Regular Session, 2011.
21 As provided by that law, that university and the district shall
22 continue a partnership agreement in effect until August 31, 2015,
23 to the extent necessary to ensure accreditation.

24 SECTION 5. ADVISORY GROUP TO BOARD OF REGENTS. (a) To
25 assist the system in designing, organizing, and implementing a
26 medical school to serve the Rio Grande Valley as a component of the
27 new university, the Board of Regents of The University of Texas

1 System shall appoint a temporary advisory group to give the board
2 counsel and recommendations regarding:

3 (1) the design and development of the medical school,
4 with the goal of preparing future physicians for medical careers
5 through an innovative model of medical education for the 21st
6 century; and

7 (2) the best locations for medical school
8 administration and operations, identifying the best chance for
9 success of the medical school and its administrative offices based
10 on resources, costs, assets, infrastructure, long-term fiscal
11 viability, and other objective criteria.

12 (b) The board shall determine the size and membership of the
13 advisory group, but the group must be composed of nationally
14 recognized experts in the organization and administration of
15 medical schools and other health-related programs and of
16 institutions of higher education.

17 (c) The advisory group shall solicit input from interested
18 parties, including representatives of business organizations,
19 health care providers, and educators, as determined by the board
20 and the advisory group.

21 (d) The board shall base its determinations regarding the
22 matters described by Subsections (a)(1) and (2) of this section on
23 the findings and recommendations of the advisory group.

24 (e) The board shall dissolve the advisory group when the
25 group has reported to the board and the board determines that the
26 purposes of the group under this section have been achieved.

27 SECTION 6. EFFECTIVE DATE. This Act takes effect

H.B. No. 1000

1 immediately if it receives a vote of two-thirds of all the members
2 elected to each house, as provided by Section 39, Article III, Texas
3 Constitution. If this Act does not receive the vote necessary for
4 immediate effect, this Act takes effect September 1, 2013.