

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, subject to the provisions of that
6 subchapter regarding the location of certain facilities and
7 programs of the health science center;

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

11 (5) an academic center in Starr County.

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

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

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

26 (f) The board has all the powers and duties provided by
27 prior law, as that law existed at the time the applicable university

1 or other entity was abolished, in regard to:

2 (1) The University of Texas at Brownsville, The
3 University of Texas--Pan American, and any other institution,
4 college, school, or entity abolished under the Act authorizing
5 creation of the university; and

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

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

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

23 (1) bachelor's, master's, and doctoral degrees and
24 their equivalents; and

25 (2) medical school degrees and other health science
26 degrees.

27 (b) The board shall award degrees in the name of the

1 university.

2 (c) A department, school, or degree program may not be
3 instituted without the prior approval of the Texas Higher Education
4 Coordinating Board, except that the university may include any
5 department or school or offer any degree program previously
6 approved for The University of Texas--Pan American or The
7 University of Texas at Brownsville or expressly authorized by this
8 chapter or other law.

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

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

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

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

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

1 entitled to participate in the funding provided by Section 18,
2 Article VII, Texas Constitution, to the same extent as similar
3 component institutions of The University of Texas System.

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

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

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

10 (2) perform economic development planning and
11 research;

12 (3) provide technical assistance to industrial and
13 governmental entities; and

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

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

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

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

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

2 (a) The board shall establish The Texas Academy of Mathematics and
3 Science at the university. The academy serves the following
4 purposes:

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

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

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

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

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

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

26 (A) seminars;

27 (B) workshops;

1 (C) collaboration with postsecondary and
2 university students, including opportunities for summer studies;
3 and

4 (D) internships in foreign countries; and

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

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

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

1 (1) establish an internal management system for the
2 academy and appoint an academy principal, who serves at the will of
3 the board and reports to the vice president for academic affairs;

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

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

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

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

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

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

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

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

1 of students.

2 (f) For each student enrolled in the academy, the academy is
3 entitled to allotments from the foundation school fund under
4 Chapter 42 as if the academy were a school district without a tier
5 one local share for purposes of Section 42.253. If in any academic
6 year the amount of the allotments under this subsection exceeds the
7 amount of state funds paid to the academy in the first fiscal year
8 of the academy's operation, the commissioner of education shall set
9 aside from the total amount of funds to which school districts are
10 entitled under Section 42.253(c) an amount equal to the excess
11 amount and shall distribute that amount to the academy. After
12 deducting the amount set aside and paid to the academy by the
13 commissioner of education under this subsection, the commissioner
14 of education shall reduce the amount to which each district is
15 entitled under Section 42.253(c) in the manner described by Section
16 42.253(h). A determination of the commissioner of education under
17 this subsection is final and may not be appealed.

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

24 (h) The liability of this state under Chapters 101 and 104,
25 Civil Practice and Remedies Code, is limited for the academy and
26 employees assigned to the academy and acting on behalf of the
27 academy to the same extent that the liability of a school district

1 and an employee of the school district is limited under Sections
2 22.0511, 22.0512, and 22.052 of this code and Section 101.051,
3 Civil Practice and Remedies Code. An employee assigned to the
4 academy is entitled to representation by the attorney general in a
5 civil suit based on an action or omission of the employee in the
6 course of the employee's employment, to limits on liability, and to
7 indemnity under Chapters 104 and 108, Civil Practice and Remedies
8 Code.

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

12 SECTION 2. CONFORMING AMENDMENT. Subsection (a), Section
13 74.751, Education Code, is amended to read as follows:

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

23 SECTION 3. CONFORMING AMENDMENT. Section 74.752, Education
24 Code, is amended to read as follows:

25 Sec. 74.752. MEDICAL SCHOOL. The medical school [~~If The~~
26 ~~University of Texas Health Science Center--South Texas is~~
27 ~~established under Section 74.751, The University of Texas Medical~~

1 ~~School--South Texas may be]~~ established as a component of the
2 health science center and as a component institution of The
3 University of Texas System under the management and control of the
4 board of regents of The University of Texas System is subject to
5 this section. The offices overseeing undergraduate medical
6 education shall be located in Hidalgo County and the offices
7 overseeing graduate medical education shall be located in Cameron
8 County. The board shall ensure that educational programs for
9 first-year and second-year students shall be primarily located in
10 Hidalgo County, and the educational programs for third-year and
11 fourth-year students shall be primarily located in Cameron County;
12 and the educational programs for all medical students shall take
13 full advantage of the existing educational facilities and programs
14 at The University of Texas--Pan American's Edinburg campus or
15 successor campus, The University of Texas at Brownsville campus or
16 successor campus, and the Lower Rio Grande Valley Academic Health
17 Center established under Subchapter L, Chapter 74, in Harlingen and
18 Edinburg. Graduate medical education programs and activities shall
19 be conducted throughout the region.

20 SECTION 4. THE UNIVERSITY OF TEXAS--PAN AMERICAN AND THE
21 UNIVERSITY OF TEXAS AT BROWNSVILLE ABOLISHED. (a) The University
22 of Texas--Pan American and The University of Texas at Brownsville
23 are abolished on a date the board of regents of The University of
24 Texas System determines appropriate to achieve the maximum
25 operating efficiency of the system. The designated date must be
26 entered into the minutes of the board. The board shall take all
27 actions necessary to provide for an orderly windup of the affairs of

1 each university.

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

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

12 SECTION 5. UNIVERSITY CREATED. (a) The university
13 described by Chapter 79, Education Code, as added by this Act, is
14 created within The University of Texas System. As provided by that
15 chapter, the board of regents of the system shall name the
16 university and establish the university as a general academic
17 teaching institution offering the degrees authorized by that
18 chapter.

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

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

1 practical.

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

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

16 (f) This Act does not affect the powers, duties, and
17 obligations of The University of Texas at Brownsville and the Texas
18 Southmost College District under Section 5, Chapter 935 (Senate
19 Bill No. 1909), Acts of the 82nd Legislature, Regular Session,
20 2011. As provided by that law, that university and the district
21 shall continue a partnership agreement in effect until August 31,
22 2015, to the extent necessary to ensure accreditation.

23 SECTION 6. EFFECTIVE DATE. This Act takes effect
24 immediately if it receives a vote of two-thirds of all the members
25 elected to each house, as provided by Section 39, Article III, Texas
26 Constitution. If this Act does not receive the vote necessary for
27 immediate effect, this Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 24 passed the Senate on March 13, 2013, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendments on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 24 passed the House, with amendments, on May 20, 2013, by the following vote: Yeas 143, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor