

By: Hinojosa, et al.

S.B. No. 24

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 79. UNIVERSITY TO BE ESTABLISHED IN SOUTH TEXAS

Sec. 79.01. DEFINITIONS. In this chapter:

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

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

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

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

(1) an academic campus and other academic operations
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 Sec. 79.03. COURSES AND DEGREES. (a) The board may
25 prescribe courses leading to customary degrees offered at leading
26 American universities and medical schools as applicable and may
27 award those degrees, including:

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

3 (2) medical school degrees and other health science
4 degrees.

5 (b) The board shall award degrees in the name of the
6 university.

7 (c) Notwithstanding any other law, the university may offer
8 any course or program previously authorized for The University of
9 Texas--Pan American or The University of Texas at Brownsville.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (e) The center shall cooperate fully with similar programs
27 operated by Texas A&M International University, The University of

1 Texas at El Paso, and other institutions of higher education.

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

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

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

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

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

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

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

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

27 (A) seminars;

1 (B) workshops;

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

5 (D) internships in foreign countries; and

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

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

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

1 university administration, shall:

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

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

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

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

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

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

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

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

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

1 of the academy shall provide continuous support to and supervision
2 of students.

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

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

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

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

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

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

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

24 SECTION 3. THE UNIVERSITY OF TEXAS--PAN AMERICAN AND THE
25 UNIVERSITY OF TEXAS AT BROWNSVILLE ABOLISHED. (a) The University
26 of Texas--Pan American and The University of Texas at Brownsville
27 are abolished on a date the Board of Regents of The University of

1 Texas System determines appropriate to achieve the maximum
2 operating efficiency of the system. The designated date must be
3 entered into the minutes of the board. The board shall take all
4 actions necessary to provide for an orderly windup of the affairs of
5 each university.

6 (b) The board shall provide to the secretary of state
7 written notice of its action under Subsection (a) of this section.
8 Effective on the date the board designates for the abolition of the
9 institutions described by Subsection (a) of this section, Chapters
10 77 and 78, Education Code, are repealed.

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

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

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

27 (c) In recognition of the abolition of The University of

1 Texas--Pan American and The University of Texas at Brownsville as
2 authorized by this Act, the board of regents shall facilitate the
3 employment at the university created by this Act of as many faculty
4 and staff of the abolished universities as is prudent and
5 practical.

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

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

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

27 SECTION 5. ADVISORY GROUP TO BOARD OF REGENTS. (a) To

1 assist the system in designing, organizing, and implementing a
2 medical school to serve the Rio Grande Valley as a component of the
3 new university, the Board of Regents of The University of Texas
4 System shall appoint a temporary advisory group to give the board
5 counsel and recommendations regarding:

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

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

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

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

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

27 (e) The board shall dissolve the advisory group when the

1 group has reported to the board and the board determines that the
2 purposes of the group under this section have been achieved.

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