

## **BILL ANALYSIS**

S.B. 1452  
By: Lucio  
Higher Education  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Broadening our future leaders' mathematics and science education strengthens their ability to think and act on a cooperative basis. Mathematics and science education is also a critical means for transferring knowledge and skills across borders and preparing a new generation of global citizens. Because of our economy, markets, and scientific and technical concerns are increasingly global in reach and complexity, today's students must develop both the knowledge and understanding required for effective participation in a modern technological environment.

S.B. 1452 establishes the Texas Academy for Mathematics and Science Studies (academy) at The University of Texas at Brownsville (UT-Brownsville) to provide high school students with the opportunity to pursue mathematics education. Students who enroll at the academy will have the benefit of completing high school and their core college requirements while enrolled at UT-Brownsville. They also will be able to take a variety of courses in mathematics, science, and technology studies, become involved in community service, and take advantage of the many cultural opportunities in Brownsville.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Chapter 78, Education Code, by adding Section 78.10, as follows:

Sec. 78.10. TEXAS ACADEMY OF MATHEMATICS AND SCIENCE. (a) Defines "academy."

(b) Sets forth that the Texas Academy of Mathematics and Science (academy) is a division of The University of Texas at Brownsville (university) and is under the management and control of the board of regents of the university (board). Provides that the academy serves certain purposes.

(c) Sets forth that the academy is a non-residential, coeducational institution for selected Texas high school students with an interest in and the potential to excel in mathematics and science studies. Requires the academy to admit only high school juniors and seniors, except that the academy is authorized to admit a student with exceptional abilities who is not yet a high school junior. Requires the board to set aside adequate space on the university campus in Brownsville to operate the academy and implement the purposes of this section. Requires the academy to operate on the same fall and spring semester basis as the university. Requires full-time students of the academy to enroll for both the fall and spring semesters. Requires faculty members of the university to teach all academic classes at the academy. Authorizes a student of the academy to attend a college course offered by the university and receive college credit for that course.

(d) Sets forth that the university administration, except as otherwise provided by this subsection, has the same powers and duties with respect to the academy that the administration has with respect to the university. Requires the board to consult with the vice president for academic affairs and the dean of the School of

Education and other members of the administration as the board considers necessary concerning the academy's administrative design and support, personnel and student issues, and faculty development. Requires the board to consult with the dean of the College of Science, Mathematics and Technology and other members of the administration as the board considers necessary concerning the academy's curriculum development, program design, and general faculty issues. Requires the board, in consultation with the university administration, to take certain actions.

(e) Prohibits the student-teacher ratio in all regular academic classes from exceeding 30 students for each classroom teacher, except that the student-teacher ratio is authorized to exceed that limit under certain circumstances.

(f) Requires the academy to provide the university-level curriculum in a manner that is appropriate for the social, psychological, emotional, and physical development of high school juniors and seniors. Requires the administrative and counseling personnel of the academy to provide continuous support to and supervision of students.

(g) Entitles the academy, for each student enrolled in the academy, to allotments from the foundation school fund under Chapter 42 (Foundation School Program) as if the academy were a school district without a tier one local share for purposes of Section 42.253 (Distribution of Foundation School Fund). Requires the commissioner of education (commissioner), if in any academic year the amount of the allotments under this subsection exceeds the amount of state funds paid to the academy in the first fiscal year of the academy's operation, to set aside from the total amount of funds to which school districts are entitled under Section 42.253(c) an amount equal to the excess amount and to distribute that amount to the academy. Requires the commissioner, after deducting the amount set aside and paid to the academy by the commissioner under this subsection, to reduce the amount to which each district is entitled under Section 42.253(c) in manner described by Section 42.253(h). Provides that a determination of the commissioner under this subsection is final and may not be appealed.

(h) Authorizes the board to use any available money, enter into contracts, and accept grants, including matching grants, federal grants, and grants from a corporation or other private contributor, in establishing and operating the academy. Requires money spent by the academy to further the purposes of the academy under Subsection (b).

(i) Provides that the liability of the state under Chapters 101 (Tort Claims) and 104 (State Liability for Conduct of Public Servants), Civil Practice and Remedies Code, is limited for the academy and employees assigned to the academy and acting on behalf of the academy to the same extent that the liability of a school district is limited under Sections 22.0511 (Immunity from Liability), 22.0512 (Immunity from Disciplinary Proceedings for Professional Employees), 22.052 (Administration of Medication by School District Employees or Volunteer Professionals; Immunity from Liability), of this code and Section 101.051 (School and Junior College Districts Partially Excluded), Civil Practice and Remedies Code. Entitles an employee assigned to the academy to representation by the attorney general in a civil suit based on an action or omission of the employee in the course of the employee's employment, to limits on liability, and to indemnity under Chapters 104 and 108 (Limitation of Liability for Public Servants), Civil Practice and Remedies Code.

(j) Provides that the academy, except as otherwise provided by this section, is not subject to the provisions of this code, or to the rules of the Texas Education Agency, regulating public schools.

SECTION 2. Amends Section 25.086(a), Education Code, to provide that a child is exempt from the requirements of compulsory school attendance if the child is at least 16 years of age and is

attending a course of instruction to prepare for the high school equivalency examination, if the child is enrolled in a Job Corps training program under 29 U.S.C. Section 2881et seq., rather than the Job Corps Training Partnership Act 29 U.S.C. Section 1501, and its subsequent amendments; is enrolled in the Texas Academy of Mathematics and Science under Subchapter G, Chapter 105; or is enrolled in the academy.

SECTION 3. Amends Section 28.024, Education Code, to require a school district to grant to a student credit toward the academic course requirements for high school graduation, up to a maximum of two years of credit, for courses the student successfully completes at the Texas Academy of Leadership in the Humanities under Section 96.707 (Texas Academy of Leadership in the Humanities), rather than Subchapter E, Chapter 108; the Texas Academy of Mathematics and Science under Subchapter G, rather than Subchapter H, Chapter 105; or the academy under Section 78.10.

SECTION 4. Effective date:

#### **EFFECTIVE DATE**

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, 2005.

#### **EXPLANATION OF AMENDMENTS**

The amendment removes the requirement that the program must be a nonresidential program.