

BILL ANALYSIS

H.B. 3586
By: Gallego
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In these challenging times, students with vast potential, who often have exhausted the educational possibilities available at their local level need assistance in achieving their full potential in the form of increased opportunities presented through programs such as the Texas academies. Currently, there are four such academies: the Texas Academy of Leadership in the Humanities at Lamar University in Beaumont, the Texas Academy of Mathematics and Science located at the University of North Texas in Denton, the Texas Academy of Mathematics and Science located at The University of Texas at Brownsville, and the Texas Academy of International Studies located at Texas A&M International University in Laredo. Adding an academy of the arts to be located at Sul Ross State University in Alpine will ensure that exemplary students, no matter the area of primary academic interest, will have options in choosing a place to receive college credit, as well as high school credit, in a stimulating and challenging residential environment. The location of a new academy in Alpine will add to the geographic and cultural diversity in the program locations, provide a needed, and desirable, additional early entrance opportunity for Texas high school students and complement the existing academies.

H.B. 3586 creates the Texas Academy of Fine Arts, Culture, and Sciences, a division of Sul Ross State University under the management and control of the board of regents of the Texas State University System.

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

H.B. 3586 amends the Education Code to establish the Texas Academy of Fine Arts, Culture, and Sciences, a division of Sul Ross State University under the management and control of the Texas State University System board of regents and sets out the purposes to be served.

H.B. 3586 establishes the academy as a residential, coeducational institution for selected Texas high school students with an interest and the potential to excel in the fine arts, culture, and sciences and generally requires the academy to admit only high school juniors and seniors, but provides an exception for the admission of a student with exceptional abilities who is not yet a high school junior. The bill requires the board to set aside adequate space on the university campus to operate the academy and implement its purposes and requires the academy to operate on the same fall and spring semester basis as the university. The bill requires full-time academy students to enroll for both the fall and spring semesters and university faculty members to teach all academic classes. The bill authorizes a student of the academy to be permitted to attend a college course offered by the university and receive college credit for that course.

H.B. 3586 grants the university administration, except as otherwise provided, the same powers and duties with respect to the academy that the administration has with respect to the university. The bill requires the board to consult with the university's department of education and members of the administration as necessary concerning the academy's administrative design and support, personnel and student issues, and faculty development and to consult with appropriate deans and other administration members as necessary concerning curriculum development, program design, and general faculty issues. The bill requires the board, in consultation with university administration, to establish an internal management system and to appoint a principal who serves at the will of the board and reports to the university provost; to provide for one or more academy counselors; to establish a site-based decision-making process, similar to the process required of public school districts under law, that provides for the participation of faculty, parents, and other members of the community; and to establish an admissions process.

H.B. 3586 prohibits the student-teacher ratio in all regular academic classes from exceeding 30 students for each classroom teacher, except in a program provided for awareness of career and professional development opportunities or another special enrichment course, in a physical education course, or if the board determines that a class with a higher student-teacher ratio would contribute to the educational development of its students. The bill 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 and requires academy administrative and counseling personnel to provide continuous support to and supervision of students.

H.B. 3586 entitles the academy, for each student enrolled, to allotments from the foundation school fund as if the academy were a school district without a tier one local share. The bill requires the commissioner of education, if in any academic year the amount of the allotments 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 an amount equal to the excess amount and to distribute that amount to the academy. The bill requires the commissioner, after deducting the amount set aside and paid to the academy, to reduce the amount to which each district is entitled in the manner described by state law and establishes that a determination of the commissioner is final and unappealable.

H.B. 3586 authorizes the board to use any available money, to enter into contracts, and to accept grants in establishing and operating the academy and requires money spent by the academy to further its stated purposes. The bill limits the state's liability under the Texas Tort Claims Act and under provisions governing tort claims payments by local governments with respect to the academy and employees assigned to the academy and acting on its behalf to the same extent that the liability of a school district and a district employee is limited under state law. The bill 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 state law. The bill exempts the academy, except as otherwise provided, from the provisions of the Education Code or the rules of the Texas Education Agency regulating public schools.

H.B. 3586 exempts a student enrolled in the Texas Academy of Fine Arts, Culture, and Sciences from the state's compulsory school attendance law and requires a school district to grant a student credit toward the academic course requirements for high school graduation for courses completed at the academy in the same manner as the district is required to grant such credit for courses completed at any of the other four academies. The bill defines "academy," "board," and "university."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.