

By: Gallego

H.B. No. 3586

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Academy of Fine Arts, Culture, and Sciences at Sul Ross State University.

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

SECTION 1. Subchapter A, Chapter 96, Education Code, is amended by adding Section 96.03 to read as follows:

Sec. 96.03. TEXAS ACADEMY OF FINE ARTS, CULTURE, AND SCIENCES. (a) In this section:

(1) "Academy" means the Texas Academy of Fine Arts, Culture, and Sciences.

(2) "Board" means the board of regents of the Texas State University System.

(3) "University" means Sul Ross State University.

(b) The Texas Academy of Fine Arts, Culture, and Sciences is a division of Sul Ross State University and is under the management and control of the board. The academy serves the following purposes:

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

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

1 education;

2 (B) fosters students' knowledge of the fine arts,  
3 culture, and sciences and teaches students to apply critical  
4 thinking and problem-solving skills to those subjects;

5 (C) is presented through an interdisciplinary  
6 approach that introduces and develops appropriate intellectual  
7 concepts throughout the curriculum; and

8 (D) offers students learning opportunities  
9 related to the fine arts, culture, and sciences through in-depth  
10 research and field-based studies;

11 (2) to provide students with an awareness of career  
12 and professional development opportunities in the fine arts,  
13 culture, and sciences through seminars, workshops, collaboration  
14 with postsecondary students from other countries, summer academic  
15 internships, and similar methods; and

16 (3) to provide students with social development  
17 activities that enrich the academic curriculum and student life,  
18 including, as determined appropriate by the academy, University  
19 Interscholastic League activities and other extracurricular  
20 activities generally offered by public high schools.

21 (c) The academy is a residential, coeducational institution  
22 for selected Texas high school students with an interest and the  
23 potential to excel in the fine arts, culture, and sciences. The  
24 academy shall admit only high school juniors and seniors, except  
25 that the academy may admit a student with exceptional abilities who  
26 is not yet a high school junior. The board shall set aside adequate  
27 space on the university campus to operate the academy and implement

1 the purposes of this section. The academy must operate on the same  
2 fall and spring semester basis as the university. Full-time  
3 students of the academy must enroll for both the fall and spring  
4 semesters. Faculty members of the university shall teach all  
5 academic classes at the academy. A student of the academy may be  
6 permitted to attend a college course offered by the university and  
7 receive college credit for that course.

8 (d) Except as otherwise provided by this subsection, the  
9 university administration has the same powers and duties with  
10 respect to the academy that the administration has with respect to  
11 the university. The board shall consult with the university's  
12 department of education and members of the administration as the  
13 board considers necessary concerning the academy's administrative  
14 design and support, personnel and student issues, and faculty  
15 development. The board shall consult with appropriate deans and  
16 other members of the administration as the board considers  
17 necessary concerning the academy's curriculum development, program  
18 design, and general faculty issues. The board, in consultation  
19 with university administration, shall:

20 (1) establish an internal management system for the  
21 academy and appoint an academy principal who serves at the will of  
22 the board and reports to the university provost;

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

24 (3) establish for the academy a site-based  
25 decision-making process similar to the process required by  
26 Subchapter F, Chapter 11, that provides for the participation of  
27 academy faculty, parents of academy students, and other members of

1 the community; and

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

3 (e) The student-teacher ratio in all regular academic  
4 classes at the academy may not exceed 30 students for each classroom  
5 teacher, except that the student-teacher ratio may exceed that  
6 limit:

7 (1) in a program provided for the purposes prescribed  
8 by Subsection (b)(2) or another special enrichment course or in a  
9 physical education course; or

10 (2) if the board determines that a class with a higher  
11 student-teacher ratio would contribute to the educational  
12 development of the students in the class.

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

19 (g) For each student enrolled in the academy, the academy is  
20 entitled to allotments from the foundation school fund under  
21 Chapter 42 as if the academy were a school district without a tier  
22 one local share for purposes of Section 42.253. If in any academic  
23 year the amount of the allotments under this subsection exceeds the  
24 amount of state funds paid to the academy in the first fiscal year  
25 of the academy's operation, the commissioner of education shall set  
26 aside from the total amount of funds to which school districts are  
27 entitled under Section 42.253(c) an amount equal to the excess

1 amount and shall distribute that amount to the academy. After  
2 deducting the amount set aside and paid to the academy by the  
3 commissioner of education under this subsection, the commissioner  
4 of education shall reduce the amount to which each district is  
5 entitled under Section 42.253(c) in the manner described by Section  
6 42.253(h). A determination of the commissioner of education under  
7 this subsection is final and may not be appealed.

8 (h) The board may use any available money, enter into  
9 contracts, and accept grants, including matching grants, federal  
10 grants, and grants from a corporation or other private contributor,  
11 in establishing and operating the academy. Money spent by the  
12 academy must further the purposes of the academy prescribed by  
13 Subsection (b).

14 (i) The liability of the state under Chapters 101 and 104,  
15 Civil Practice and Remedies Code, is limited for the academy and  
16 employees assigned to the academy and acting on behalf of the  
17 academy to the same extent that the liability of a school district  
18 and an employee of the school district is limited under Sections  
19 22.0511, 22.0512, and 22.052 of this code and Section 101.051,  
20 Civil Practice and Remedies Code. An employee assigned to the  
21 academy is entitled to representation by the attorney general in a  
22 civil suit based on an action or omission of the employee in the  
23 course of the employee's employment, limits on liability, and  
24 indemnity under Chapters 104 and 108, Civil Practice and Remedies  
25 Code.

26 (j) Except as otherwise provided by this section, the  
27 academy is not subject to the provisions of this code, or to the

1 rules of the Texas Education Agency, regulating public schools.

2 SECTION 2. Section 25.086(a), Education Code, is amended to  
3 read as follows:

4 (a) A child is exempt from the requirements of compulsory  
5 school attendance if the child:

6 (1) attends a private or parochial school that  
7 includes in its course a study of good citizenship;

8 (2) is eligible to participate in a school district's  
9 special education program under Section 29.003 and cannot be  
10 appropriately served by the resident district;

11 (3) has a physical or mental condition of a temporary  
12 and remediable nature that makes the child's attendance infeasible  
13 and holds a certificate from a qualified physician specifying the  
14 temporary condition, indicating the treatment prescribed to remedy  
15 the temporary condition, and covering the anticipated period of the  
16 child's absence from school for the purpose of receiving and  
17 recuperating from that remedial treatment;

18 (4) is expelled in accordance with the requirements of  
19 law in a school district that does not participate in a mandatory  
20 juvenile justice alternative education program under Section  
21 37.011;

22 (5) is at least 17 years of age and:

23 (A) is attending a course of instruction to  
24 prepare for the high school equivalency examination, and:

25 (i) has the permission of the child's parent  
26 or guardian to attend the course;

27 (ii) is required by court order to attend

1 the course;

2 (iii) has established a residence separate  
3 and apart from the child's parent, guardian, or other person having  
4 lawful control of the child; or

5 (iv) is homeless as defined by 42 U.S.C.  
6 Section 11302; or

7 (B) has received a high school diploma or high  
8 school equivalency certificate;

9 (6) is at least 16 years of age and is attending a  
10 course of instruction to prepare for the high school equivalency  
11 examination, if:

12 (A) the child is recommended to take the course  
13 of instruction by a public agency that has supervision or custody of  
14 the child under a court order; or

15 (B) the child is enrolled in a Job Corps training  
16 program under the Workforce Investment Act of 1998 (29 U.S.C.  
17 Section 2801 et seq.);

18 (7) is at least 16 years of age and is enrolled in a  
19 high school diploma program under Chapter 18;

20 (8) is enrolled in the Texas Academy of Mathematics  
21 and Science under Subchapter G, Chapter 105;

22 (9) is enrolled in the Texas Academy of Leadership in  
23 the Humanities;

24 (10) is enrolled in the Texas Academy of Mathematics  
25 and Science at The University of Texas at Brownsville;

26 (11) is enrolled in the Texas Academy of International  
27 Studies; [~~or~~]

1           (12) is enrolled in the Texas Academy of Fine Arts,  
2 Culture, and Sciences at Sul Ross State University; or

3           (13) is specifically exempted under another law.

4           SECTION 3. Section 28.024, Education Code, is amended to  
5 read as follows:

6           Sec. 28.024. CREDIT FOR ENROLLMENT IN CERTAIN ACADEMIES. A  
7 school district shall grant to a student credit toward the academic  
8 course requirements for high school graduation, up to a maximum of  
9 two years of credit, for courses the student successfully completes  
10 at:

11           (1) the Texas Academy of Leadership in the Humanities  
12 under Section 96.707;

13           (2) the Texas Academy of Mathematics and Science under  
14 Subchapter G, Chapter 105;

15           (3) the Texas Academy of Mathematics and Science under  
16 Section 78.10; ~~or~~

17           (4) the Texas Academy of International Studies under  
18 Section 87.505; or

19           (5) the Texas Academy of Fine Arts, Culture, and  
20 Sciences under Section 96.03.

21           SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2009.