

BILL ANALYSIS

C.S.H.B. 3689
By: Oliveira
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, The University of Texas at Brownsville and the Texas Southmost College District are currently contemplating whether to continue functioning as separate institutions or whether to enter into a partnership agreement. C.S.H.B. 3689 seeks to set out certain requirements relating to any agreement between the university and the district, should the institutions opt to enter into an agreement.

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

C.S.H.B. 3689 amends the Education Code to change references to the Southmost Union Junior College District to the Texas Southmost College District in provisions of law relating to the establishment, scope, and facilities of The University of Texas at Brownsville. The bill authorizes the university to enter into any agreement with the district to facilitate higher education advancement and opportunity in the district's service area and the transition of students from Texas Southmost College to the university, rather than a partnership agreement with the district to offer a lower division, occupational, or technical course that is not offered at the university. The bill authorizes such an agreement to cover any matter related to those purposes, including the facilitation of the transfer of course credit and the alignment of courses between the university and the college.

C.S.H.B. 3689 authorizes the board of regents of The University of Texas System to prescribe courses at The University of Texas at Brownsville leading to customary degrees offered at leading American universities and to award those degrees, including bachelor's, master's, and doctoral degrees and their equivalents. The bill removes a provision authorizing the board of regents to authorize the university to offer any upper level or graduate course which is authorized by the Texas Higher Education Coordinating Board.

C.S.H.B. 3689, in a provision requiring the board of regents to make provisions for adequate physical facilities for use by the university, specifies that such facilities may include facilities on land committed by the district board of trustees on the district's Texas Southmost College, rather than requiring the board to make provisions for those facilities on such land. The bill authorizes the board of regents and the district board of trustees to contract with each other for the use of facilities and requires the terms of the contract to be negotiated between the parties and to provide for reasonable compensation for the use of facilities.

C.S.H.B. 3689 establishes legislative intent with regard to the university and the district and requires the university and district to cooperate to ensure that each institution timely achieves separate accreditation from a recognized accrediting agency before the termination of the

existing partnership agreement and to continue a partnership agreement in effect until August 31, 2015, to the extent necessary to ensure accreditation. The bill authorizes the university and district to extend or renew the existing agreement, agree to its earlier termination, or execute a new agreement as necessary to ensure accreditation.

C.S.H.B. 3689 repeals provisions of law requiring the university to teach only junior-level, senior-level, and graduate-level courses and to offer certain lower-division courses under certain conditions and provisions of law relating to lower-division admissions and formula funding at the university.

C.S.H.B. 3689 repeals the following provisions of the Education Code:

- Sections 78.02(b) and (d)
- Section 78.07
- Section 78.08, Education Code

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3689 relates to the University of Texas at Brownsville, including its partnership agreement with the Texas Southmost College District; rather than to the partnership agreement between the University of Texas at Brownsville and the Texas Southmost College District.

C.S.H.B. 3689 contains provisions not included in the original authorizing The University of Texas at Brownsville to enter into any agreement with the Texas Southmost College District to facilitate higher education advancement and opportunity in the district's service area and the transition of students from Texas Southmost College to the university, authorizing such an agreement to cover any matter related to those purposes, and removing the authorization of the university to enter into a partnership agreement with the district to offer a lower-division, occupational, or technical course that is not offered at the university.

C.S.H.B. 3689 omits a provision included in the original requiring a partnership agreement between the university and the district to include certain elements.

C.S.H.B. 3689 contains provisions not included in the original authorizing the board of regents of The University of Texas System to prescribe courses at the university leading to customary degrees offered at leading American universities and to award those degrees and removing the authorization of the board of regents to authorize the university to offer any upper-level or graduate course which is authorized by the Texas Higher Education Coordinating Board.

C.S.H.B. 3689 contains a provision not included in the original authorizing facilities for which the board of regents is required to make provisions to include facilities on land committed by the board of trustees of the district on the district's Texas Southmost College campus. The substitute contains provisions not included in the original authorizing the board of regents and the district board of trustees to contract with each other for the use of facilities and requiring the terms of the contract to be negotiated between the parties and to provide for reasonable compensation for the use of facilities.

C.S.H.B. 3689 omits a provision included in the original requiring any standing partnership agreement between the university and the district to meet the requirements of the partnership agreement as added by the bill's provisions by a certain deadline.

C.S.H.B. 3689 contains a provision not included in the original repealing provisions of law requiring the university to teach only junior-level, senior-level, and graduate-level courses and to offer certain lower-division courses under certain conditions and provisions of law relating to lower-division admissions and formula funding at the university.

C.S.H.B. 3689 contains provisions not included in the original establishing legislative intent; requiring the university and district to cooperate to ensure that each institution timely achieves separate accreditation from a recognized accrediting agency to continue a partnership agreement in effect until August 31, 2015, to the extent necessary to ensure accreditation; and authorizing the university and district to extend or renew the existing agreement, agree to its earlier termination, or execute a new agreement as necessary to ensure accreditation.

C.S.H.B. 3689 differs from the original by making the bill effective on passage, or, if the bill does not receive the necessary vote, September 1, 2011, whereas the original makes the bill effective September 1, 2011. The substitute differs from the original in nonsubstantive ways.