

## **BILL ANALYSIS**

Senate Research Center  
82R29472 JRJ-D

C.S.H.B. 3689  
By: Oliveira (Lucio)  
Higher Education  
5/18/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 1992, the 72nd Legislature authorized the creation of The University of Texas at Brownsville to offer upper-level courses for the expansion of higher educational opportunities in South Texas. Additionally, The University of Texas System was authorized to enter into agreements with the Texas Southmost College District to offer lower-division, occupational and technical courses. The partnership model developed by both entities created The University of Texas Brownsville/Texas Southmost College under a shared governance model.

In November 2010, The University of Texas System Board of Regents terminated the current partnership with Texas Southmost College District in favor of separate governance.

C.S.H.B. 3689 amends current law relating to The University of Texas at Brownsville, including its partnership agreement with the Texas Southmost College District.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 78.02(c), Education Code, as follows:

(c) Authorizes The University of Texas at Brownsville (UT-Brownsville) to enter into any agreement with the Texas Southmost College (TSC) District to facilitate higher education advancement and opportunity in the district's service area and the transition of students from TSC to UT-Brownsville. Authorizes 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 UT-Brownsville and TSC. Deletes existing text authorizing UT-Brownsville to enter into a partnership agreement with the Southmost Union Junior College District in the manner authorized by Subchapter N, Chapter 51, to offer a lower-division, occupational, or technical course that is not offered at UT-Brownsville.

SECTION 2. Amends Section 78.03, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes the board of regents of The University of Texas System (board) to prescribe courses 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. Deletes existing text authorizing the board to authorize UT-Brownsville to offer any upper level or graduate course which is authorized by the Texas Higher Education Coordinating Board (THECB).

(a-1) Prohibits a department, school, or degree program from being instituted without the prior approval of THECB.

SECTION 3. Amends Section 78.04, Education Code, as follows:

Sec. 78.04. FACILITIES. (a) Creates this subsection from existing text. Authorizes the board to make provisions for adequate physical facilities for use by UT-Brownsville. Provides that, subject to the agreement of the parties as provided by Subsection (b), the facilities are authorized to include facilities on land committed by the board of trustees of the TSC district, rather than Southmost Union Junior College District, on the district's TSC campus. Provides that the provision of facilities is subject to the normal requirements of the board and THECB.

(b) Authorizes the board and the board of trustees of the TSC district to contract with each other for the use of facilities. Requires that the terms of the contract be negotiated between the parties and provide for reasonable compensation for the use of facilities.

SECTION 4. Repealers: Sections 78.02(b) (relating to requiring UT-Brownsville to teach only junior, senior, and graduate-level courses) and (d) (relating to requiring UT-Brownsville to offer lower-division courses), 78.07 (Lower-Division Admissions), and 78.08 (Formula Funding), Education Code.

SECTION 5. (a) Provides that UT-Brownsville and the TSC district, formerly referred to as the Southmost Union Junior College District, are free-standing, independent institutions that have operated in close association under a partnership agreement authorized by Section 78.02 (Establishment; Scope), Education Code. Provides that it is the intent of this Act to facilitate the independent operation of UT-Brownsville and the TSC district in the absence of such a partnership, but this Act does not affect the authority of UT-Brownsville and TSC district to continue in partnership or to establish a new partnership at a future date.

(b) Requires UT-Brownsville and the TSC 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.

(c) Authorizes UT-Brownsville and the TSC district to extend or renew the existing agreement, agree to its earlier termination, or execute a new agreement as necessary to ensure accreditation.

(d) Requires UT-Brownsville and the TSC district to submit to the legislature a semiannual report on the status of the partnership until each institution achieves separate accreditation and the existing partnership agreement is terminated.

SECTION 6. Effective date: upon passage or September 1, 2011.