

By: Hinojosa, et al.

S.B. No. 24

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a new university in South Texas within  
The University of Texas System.

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

SECTION 1. AMENDMENT TO EDUCATION CODE. Subtitle C, Title  
3, Education Code, is amended by adding Chapter 79 to read as  
follows:

CHAPTER 79. UNIVERSITY TO BE ESTABLISHED IN SOUTH TEXAS

Sec. 79.01. DEFINITIONS. In this chapter:

(1) "Board" means the board of regents of The  
University of Texas System.

(2) "University" means the university established  
under this chapter.

Sec. 79.02. ESTABLISHMENT; SCOPE. (a) The university is a  
general academic teaching institution under the governance,  
management, and control of the board of regents of The University of  
Texas System.

(b) As necessary to achieve the maximum operating  
efficiency of the university, the board shall provide for the  
organization, administration, location, and name of the university  
and of the colleges, schools, and other institutions and entities  
of the university, which must include:

(1) an academic campus and other academic operations  
in Cameron County;

1           (2) an academic campus and other academic operations  
2 in Hidalgo County;

3           (3) the medical school and other programs authorized  
4 for The University of Texas Health Science Center--South Texas  
5 under Subchapter N, Chapter 74;

6           (4) the facilities and operations of the Lower Rio  
7 Grande Valley Academic Health Center established under Subchapter  
8 L, Chapter 74; and

9           (5) an academic center in Starr County.

10          (c) The board shall equitably allocate the primary  
11 facilities and operations of the university among Cameron, Hidalgo,  
12 and Starr Counties.

13          (d) The board shall ensure that the medical and research  
14 programs of the medical school component of the university are  
15 conducted across the region and have a substantial presence in  
16 Hidalgo County and Cameron County. The board shall also ensure the  
17 provision of interdisciplinary education across health professions  
18 within the university.

19          (e) The authority of the board under this section to achieve  
20 the maximum operating efficiency of the university and to provide  
21 for the organization, administration, and location of colleges,  
22 schools, and other institutions and entities of the university  
23 prevails over other law, including Section 74.611.

24          Sec. 79.03. COURSES AND DEGREES. (a) The board may  
25 prescribe courses leading to customary degrees offered at leading  
26 American universities and medical schools as applicable and may  
27 award those degrees, including:

1           (1) bachelor's, master's, and doctoral degrees and  
2 their equivalents; and

3           (2) medical school degrees and other health science  
4 degrees.

5           (b) The board shall award degrees in the name of the  
6 university.

7           (c) A department, school, or degree program may not be  
8 instituted without the prior approval of the Texas Higher Education  
9 Coordinating Board, except that the university may include any  
10 department or school or offer any degree program previously  
11 approved for The University of Texas--Pan American or The  
12 University of Texas at Brownsville or expressly authorized by this  
13 chapter or other law.

14           Sec. 79.04. UNIVERSITY OF THE FIRST CLASS. The board shall  
15 make any other rules and regulations for the operation, control,  
16 and management of the university as may be necessary for the conduct  
17 of the university as a university of the first class.

18           Sec. 79.05. FACILITIES. The board shall provide for  
19 adequate physical facilities for use by the university.

20           Sec. 79.06. GIFTS AND GRANTS. The board may solicit,  
21 accept, and administer, on terms and conditions acceptable to the  
22 board, gifts, grants, or donations of any kind and from any source  
23 for use by the university.

24           Sec. 79.07. JOINT APPOINTMENTS. The board may make joint  
25 faculty appointments to positions in the university and to  
26 positions in other institutions under the governance of the board.

27           Sec. 79.08. PARTICIPATION IN PERMANENT UNIVERSITY FUND.

1 The legislature finds that the university is an institution of  
2 higher education "created at a later date" for purposes of Section  
3 18(c), Article VII, Texas Constitution. If the Act enacting this  
4 chapter receives a vote of two-thirds of the membership of each  
5 house of the legislature, when established the university is  
6 entitled to participate in the funding provided by Section 18,  
7 Article VII, Texas Constitution, to the same extent as similar  
8 component institutions of The University of Texas System.

9 Sec. 79.09. CENTER FOR BORDER ECONOMIC AND ENTERPRISE  
10 DEVELOPMENT. (a) The board shall establish a center for border  
11 economic and enterprise development at the university.

12 (b) The center established under this section may:

13 (1) develop and manage an economic database concerning  
14 the Texas-Mexico border;

15 (2) perform economic development planning and  
16 research;

17 (3) provide technical assistance to industrial and  
18 governmental entities; and

19 (4) in cooperation with other state agencies,  
20 coordinate economic and enterprise development planning activities  
21 of state agencies to ensure that the economic needs of the  
22 Texas-Mexico border are integrated within a comprehensive state  
23 economic development plan.

24 (c) The center may offer seminars and conduct conferences  
25 and other educational programs concerning the Texas-Mexico border  
26 economy and economic and enterprise development within this state.

27 (d) The board may solicit and accept gifts, grants, and

1 donations to aid in the establishment, maintenance, and operation  
2 of the center.

3 (e) The center shall cooperate fully with similar programs  
4 operated by Texas A&M International University, The University of  
5 Texas at El Paso, and other institutions of higher education.

6 Sec. 79.10. TEXAS ACADEMY OF MATHEMATICS AND SCIENCE.

7 (a) The board shall establish The Texas Academy of Mathematics and  
8 Science at the university. The academy serves the following  
9 purposes:

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

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

18 (B) fosters students' knowledge of real-world  
19 mathematics and science issues and applications and teaches  
20 students to apply critical thinking and problem-solving skills to  
21 those issues;

22 (C) includes the study of English, foreign  
23 languages, social studies, mathematics, science, and technology;  
24 and

25 (D) offers students learning opportunities  
26 related to mathematics and science through in-depth research and  
27 field-based studies;

1           (2) to provide students with an awareness of  
2 mathematics and science careers and professional development  
3 opportunities through any appropriate means such as:

4                   (A) seminars;

5                   (B) workshops;

6                   (C) collaboration with postsecondary and  
7 university students, including opportunities for summer studies;  
8 and

9                   (D) internships in foreign countries; and

10           (3) to provide students with social development  
11 activities that enrich the academic curriculum and student life,  
12 including, as determined appropriate by the academy, University  
13 Interscholastic League activities and other extracurricular  
14 activities.

15           (b) The academy is a coeducational program for selected  
16 Texas high school students with an interest in and the potential to  
17 excel in mathematics and science studies. The academy shall admit  
18 only high school juniors and seniors, except that the academy may  
19 admit a student with exceptional abilities who is not yet a high  
20 school junior. The board shall set aside adequate space at the new  
21 university to operate the academy and implement the purposes of  
22 this section. The academy must operate on the same fall and spring  
23 semester basis as the university. Full-time students of the  
24 academy must enroll for both the fall and spring semesters. Faculty  
25 members of the university shall teach all academic classes at the  
26 academy. A student of the academy may attend a college course  
27 offered by the university and receive college credit for that

1 course.

2 (c) The university administration has the same powers and  
3 duties with respect to the academy that the administration has with  
4 respect to the university. The board, in consultation with  
5 university administration, shall:

6 (1) establish an internal management system for the  
7 academy and appoint an academy principal, who serves at the will of  
8 the board and reports to the vice president for academic affairs;

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

10 (3) establish for the academy a site-based  
11 decision-making process similar to the process required by  
12 Subchapter F, Chapter 11, that provides for the participation of  
13 academy faculty, parents of academy students, and other members of  
14 the community; and

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

16 (d) The student-teacher ratio in all regular academic  
17 classes at the academy may not exceed 30 students for each classroom  
18 teacher, except that the student-teacher ratio may exceed that  
19 limit:

20 (1) in a program provided for the purposes prescribed  
21 by Subsection (a)(2) or another special enrichment course or in a  
22 physical education course;

23 (2) if the board determines that a class with a higher  
24 student-teacher ratio would contribute to the educational  
25 development of the students in the class; or

26 (3) if an academy class is combined with a university  
27 class with more than 30 students.

1       (e) The academy shall provide the university-level  
2 curriculum in a manner that is appropriate for the social,  
3 psychological, emotional, and physical development of high school  
4 juniors and seniors. The administrative and counseling personnel  
5 of the academy shall provide continuous support to and supervision  
6 of students.

7       (f) For each student enrolled in the academy, the academy is  
8 entitled to allotments from the foundation school fund under  
9 Chapter 42 as if the academy were a school district without a tier  
10 one local share for purposes of Section 42.253. If in any academic  
11 year the amount of the allotments under this subsection exceeds the  
12 amount of state funds paid to the academy in the first fiscal year  
13 of the academy's operation, the commissioner of education shall set  
14 aside from the total amount of funds to which school districts are  
15 entitled under Section 42.253(c) an amount equal to the excess  
16 amount and shall distribute that amount to the academy. After  
17 deducting the amount set aside and paid to the academy by the  
18 commissioner of education under this subsection, the commissioner  
19 of education shall reduce the amount to which each district is  
20 entitled under Section 42.253(c) in the manner described by Section  
21 42.253(h). A determination of the commissioner of education under  
22 this subsection is final and may not be appealed.

23       (g) The board may use any available money, enter into  
24 contracts, and accept grants, including matching grants, federal  
25 grants, and grants from a corporation or other private contributor,  
26 in establishing and operating the academy. Money spent by the  
27 academy must further the purposes of the academy under Subsection



1 (a).

2 (h) The liability of this state under Chapters 101 and 104,  
3 Civil Practice and Remedies Code, is limited for the academy and  
4 employees assigned to the academy and acting on behalf of the  
5 academy to the same extent that the liability of a school district  
6 and an employee of the school district is limited under Sections  
7 22.0511, 22.0512, and 22.052 of this code and Section 101.051,  
8 Civil Practice and Remedies Code. An employee assigned to the  
9 academy is entitled to representation by the attorney general in a  
10 civil suit based on an action or omission of the employee in the  
11 course of the employee's employment, to limits on liability, and to  
12 indemnity under Chapters 104 and 108, Civil Practice and Remedies  
13 Code.

14 (i) Except as otherwise provided by this section, the  
15 academy is not subject to the provisions of this code or to the  
16 rules of the Texas Education Agency regulating public schools.

17 SECTION 2. CONFORMING AMENDMENT. Subsection (a), Section  
18 74.751, Education Code, is amended to read as follows:

19 (a) The board of regents of The University of Texas System  
20 may operate The University of Texas Health Science Center--South  
21 Texas as provided by Section 79.02 [~~a component institution of The~~  
22 ~~University of Texas System~~] with its main campus and administrative  
23 offices to be determined as described by that section [~~in Cameron~~  
24 ~~County~~]. The health science center shall [~~may~~] consist of a medical  
25 school, as provided by Section 74.752, other health and  
26 health-related degree programs, and related programs and  
27 facilities as the board considers appropriate.

1           SECTION 3. THE UNIVERSITY OF TEXAS--PAN AMERICAN AND THE  
2 UNIVERSITY OF TEXAS AT BROWNSVILLE ABOLISHED. (a) The University  
3 of Texas--Pan American and The University of Texas at Brownsville  
4 are abolished on a date the board of regents of The University of  
5 Texas System determines appropriate to achieve the maximum  
6 operating efficiency of the system. The designated date must be  
7 entered into the minutes of the board. The board shall take all  
8 actions necessary to provide for an orderly windup of the affairs of  
9 each university.

10           (b) The board shall provide to the secretary of state  
11 written notice of its action under Subsection (a) of this section.  
12 Effective on the date the board designates for the abolition of the  
13 institutions described by Subsection (a) of this section, Chapters  
14 77 and 78, Education Code, are repealed.

15           (c) The board may not act under Subsection (a) of this  
16 section to abolish The University of Texas--Pan American and The  
17 University of Texas at Brownsville earlier than the date on which  
18 the university created under Chapter 79, Education Code, as added  
19 by this Act, begins operation.

20           SECTION 4. UNIVERSITY CREATED. (a) The university  
21 described by Chapter 79, Education Code, as added by this Act, is  
22 created within The University of Texas System. As provided by that  
23 chapter, the board of regents of the system shall name the  
24 university and establish the university as a general academic  
25 teaching institution offering the degrees authorized by that  
26 chapter.

27           (b) The university shall begin operating on a date the board

1 of regents determines appropriate to achieve the maximum operating  
2 efficiency of the system. The designated date must be entered into  
3 the minutes of the board.

4 (c) In recognition of the abolition of The University of  
5 Texas--Pan American and The University of Texas at Brownsville as  
6 authorized by this Act, the board of regents shall facilitate the  
7 employment at the university created by this Act of as many faculty  
8 and staff of the abolished universities as is prudent and  
9 practical.

10 (d) A student admitted to or enrolled at The University of  
11 Texas--Pan American or The University of Texas at Brownsville on  
12 the date of abolition is entitled to admission to the university  
13 created by this Act, and the board shall take actions necessary to  
14 facilitate that admission and the appropriate transfer of credits.

15 (e) Until such time as the university created by this Act  
16 formally begins operation, the board of regents may provide for The  
17 University of Texas--Pan American or The University of Texas at  
18 Brownsville to use any facilities under the management and control  
19 of The University of Texas System, including facilities developed  
20 for the university created by this Act. In addition, the board may  
21 lease or purchase facilities owned by Texas Southmost College  
22 District or by other owners to the extent the board determines  
23 necessary and practical.

24 (f) This Act does not affect the powers, duties, and  
25 obligations of The University of Texas at Brownsville and the Texas  
26 Southmost College District under Section 5, Chapter 935  
27 (S.B. 1909), Acts of the 82nd Legislature, Regular Session, 2011.

1 As provided by that law, that university and the district shall  
2 continue a partnership agreement in effect until August 31, 2015,  
3 to the extent necessary to ensure accreditation.

4 SECTION 5. ADVISORY GROUP TO BOARD OF REGENTS. (a) To  
5 assist the system in designing, organizing, and implementing a  
6 medical school to serve the Rio Grande Valley as a component of the  
7 new university, the board of regents of The University of Texas  
8 System shall appoint a temporary advisory group to give the board  
9 counsel and recommendations regarding:

10 (1) the design and development of the medical school,  
11 with the goal of preparing future physicians for medical careers  
12 through an innovative model of medical education for the 21st  
13 century; and

14 (2) the best locations for medical school  
15 administration and operations, identifying the best chance for  
16 success of the medical school and its administrative offices based  
17 on resources, costs, assets, infrastructure, long-term fiscal  
18 viability, and other objective criteria.

19 (b) The board shall determine the size and membership of the  
20 advisory group, but the group must be composed of nationally  
21 recognized experts in the organization and administration of  
22 medical schools and other health-related programs and of  
23 institutions of higher education.

24 (c) The advisory group shall solicit input from interested  
25 parties, including representatives of business organizations,  
26 health care providers, and educators, as determined by the board  
27 and the advisory group.

1           (d) The board shall base its determinations regarding the  
2 matters described by Subsections (a)(1) and (2) of this section on  
3 the findings and recommendations of the advisory group.

4           (e) The board shall dissolve the advisory group when the  
5 group has reported to the board and the board determines that the  
6 purposes of the group under this section have been achieved.

7           SECTION 6. EFFECTIVE DATE.       This Act takes effect  
8 immediately if it receives a vote of two-thirds of all the members  
9 elected to each house, as provided by Section 39, Article III, Texas  
10 Constitution. If this Act does not receive the vote necessary for  
11 immediate effect, this Act takes effect September 1, 2013.