

**SUBJECT:** Allowing Texas Southmost College and UT-Brownsville to stand alone

**COMMITTEE:** Higher Education — committee substitute recommended

**VOTE:** 5 ayes — Branch, Bonnen, D. Howard, Lewis, Patrick  
0 nays  
4 absent — Castro, Alonzo, Brown, Johnson

**WITNESSES:** (*On original version:*)  
For — None  
  
Against — Erasmo Castro; Adela Garza, Texas Southmost College District  
  
On — Barry Burgdorf, The University of Texas System

**BACKGROUND:** Since 1991, the University of Texas at Brownsville and Texas Southmost College (UTB/TSC), a university and community college partnership, has operated as a consolidated institution housed on one campus in Brownsville. UTB/TSC offers a range of certificates and degrees. Currently, TSC owns the land, and the university leases facilities from TSC.  
  
The University of Texas System board of regents and the Texas Southmost College District board of trustees officially decided to end the 20-year-old UTB/TSC partnership this year.

**DIGEST:** CSHB 3689 would authorize UTB and the Southmost Union Junior College District to terminate the partnership agreement authorized under current law. The bill would authorize the university to enter into any agreement with 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. An agreement could cover any matter related to those purposes, including the facilitation of course credit transfer and the alignment of courses between the university and the college.

The University of Texas System board of regents would be authorized to prescribe courses at the university leading to customary degrees offered at leading American universities, and could award bachelor's, master's, and doctoral degrees and their equivalents. The bill would eliminate the board's ability to authorize the university to offer any upper-level or graduate course authorized by the Texas Higher Education Coordinating Board.

CSHB 3689 would authorize the University of Texas System board of regents and the TSC district board of trustees to contract with each other for the use of facilities. The negotiated contact would have to provide for reasonable compensation. Subject to the agreement of the parties, the facilities could include facilities on land committed by the Texas Southmost College District's Texas Southmost College campus.

The bill would officially establish the college district formerly known as the Southmost Union Junior College District as the Texas Southmost College District. The bill would not affect the authority of the university and the college district to continue in partnership or to establish a new partnership. The institutions would be required to cooperate to ensure that each one timely achieved separate accreditation before the termination of the existing partnership agreement, and would have to continue the partnership agreement until August 31, 2015, to the extent necessary to ensure accreditation.

The university and the college district would be authorized to extend or renew the existing agreement, agree to its earlier termination, or execute a new agreement as necessary to ensure accreditation.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

CSHB 3689 represents the negotiated decisions of the stakeholders to terminate the UTB/TSC partnership. The bill's provisions would be permissive but would allow the institutions to move forward with their decision. If at some point the institutions decided to continue the partnership or establish a new one, they would have the authority to do so. The current authority of the TSC district to offer lower-division, occupational, or technical courses would not be affected.

The bill would accommodate the best interests of both institutions as well as the students. The Legislature authorized junior colleges and universities to enter into partnerships with one another to enhance learning opportunities for students. The partnership of UTB/TSC has created unprecedented economic and educational opportunities for Brownville. But over time, largely due to student growth, the focus of the institutions has changed. After extensive negotiations, all parties concluded that it was in everyone's best interest to unwind the partnership and work toward being stand-alone, autonomous institutions.

It is imperative that each institution be allowed to adequately serve its students. The community needs and deserves a community college and a university. TSC was established in 1926 as a community college and would continue that mission under the provisions of the bill. Having a stand-alone community college would allow for lower tuition rates and the addition of vocational, technical, and job training courses.

The bill would enhance the university's presence in the community by allowing it to move toward being a four-year, stand-alone university. It would authorize the university to operate like other institutions in the University of Texas System, including being able to manage admissions policies within the normal administration of the university.

The institutions have shared buildings, students, faculty, staff, police and security, maintenance, and administration. Some of these shared responsibilities would continue. The institutions would have to tackle issues involving accreditation, division of services, and restructuring the faculty. Both UTB and TSC are committed to continuing a symbiotic relationship because of their mutual stake in the success of the students and the future of the community.

Concerns about the original version of the bill regarding separate accreditation were addressed in the committee substitute. Currently, accreditation is shared by the partnership, and there was concern that if the two institutions did not work in concert while attaining separate accreditation, one institution might get accredited before the other did. This would have created an imbalance and meant that some students would be attending a nonaccredited institution. CSHB 3689 also would require the board of regents of the University of Texas System to negotiate and contract with the Texas Southmost College District board of trustees for reasonable compensation to TSC for the use of facilities to ensure that

TSC's financial interests were protected. The committee substitute would require any agreement between the institutions to facilitate the transfer of course credit and course alignment, which would be necessary to provide a seamless transition for the students.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The committee substitute differs from the original version by requiring the UT board of regents to negotiate and contract with TSC for reasonable compensation for the use of facilities on TSC land. It would authorize both institutions to continue the partnership or execute a new agreement and cooperate with one another to ensure separate accreditation.

The committee substitute would require any agreement between the two entities to facilitate higher education advancement and opportunity in TSC's service area and the transition of the students from TSC to the university. It would stipulate that an agreement must facilitate the transfer of course credit and the alignment of courses between the two institutions.

The committee substitute would allow UTB to offer bachelor's, master's and doctoral degrees.

The author intends to offer a floor amendment to clarify that a department, school, or degree program could not be instituted without the prior approval of the Texas Higher Education Coordinating Board.

The companion bill, SB 1909 by Lucio, was reported favorably, as substituted, by the Senate Higher Education Committee on April 29.