

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1577
By: Bivins
Education
3-31-97
Committee Report (Substituted)

DIGEST

Currently, the state's system of delivering postsecondary technical education programs has come into question. The Texas State Technical College System (system) has been viewed as having a statewide mission for delivering highly specialized technical programs that are too expensive to replicate on all community college campuses. Community colleges' perceived focus, on the other hand, has been to provide courses and programs for the population within its service area. However, the state uses the same formulas for funding technical education programs at both types of institutions. It has been argued that inadequate funding for advanced technical programs has caused the system to stray from its high-tech mission to compete with community colleges for funding. This legislation narrows the system's mission to offering advanced and highly specialized technology programs as defined by the Texas Higher Education Coordinating Board, while encouraging alliances with community colleges to provide technical assistance as well as deliver courses and joint programs. In addition, C.S.S.B. 1577 requires that remedial education be provided by a local or service region community college at the system campus with no additional charge to the student, and eliminates all system authority for the establishment of extension centers and programs, while providing for the maintenance of existing system centers and programs by local communities. Finally, this bill authorizes centers operated by the system at Abilene, Brownwood, and Breckenridge to merge with certain junior colleges, and implements a new funding formula, subject to legislative approval, for advanced and emerging technology courses to account for the associated high costs.

PURPOSE

As proposed, C.S.S.B. 1577 establishes public postsecondary technical and vocational education; provides for the programs, operation, and administration of the Texas State Technical College System; and transfers certain centers operated by the system to certain junior colleges.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Higher Education Coordinating Board in SECTION 13 (Section 61.0594(c), Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 135.01, Education Code, by amending Subsection (b), and adding Subsections (d)-(f), to delete the provision regarding occupationally oriented programs with supporting academic course work. Authorizes the Texas State Technical College System (system) to offer supporting academic course work to the extent required for accreditation by a recognized accrediting agency. Authorizes the system, if a program is not authorized by Subsection (b), to continue to offer the program after September 1, 1997 at a particular campus or center, provided certain conditions exist. Sets forth the terms by which the system campus or center is authorized to revise the curriculum. Sets forth the terms by which the Texas Higher Education Coordinating Board (coordinating board) is required to name an advisory committee to provide advice, counsel, and recommendations. Provides that this section does not limit the authority of the coordinating board to exercise its duties under this title. Makes conforming changes.

SECTION 2. Amends Section 135.02(a), Education Code, as amended by Section 3, Chapter 359, Acts of the 73rd Legislature, Regular Session, 1993, to provide that, among others, the system is composed of a campus, rather than an extension center, located in the city of Marshall.

SECTION 3. Amends Section 135.02, Education Code, by amending Subsections (d) and (e), and adding Subsection (f), to prohibit the board of regents of the Texas State Technical College System (board) from establishing an extension center after September 1, 1997. Deletes the provision authorizing the board to establish an extension center. Provides that it is the intent of the legislature that the system campus, rather than the Texas State Technical Institute extension center, in Marshall shall not offer general academic or technical courses or programs that duplicate those offered by Panola College, unless Panola College agrees that the system campus may offer the course or program or the coordinating board determines that it is essential that the course be offered for the campus to be accredited. Deletes the provisions regarding courses offered at Northeast Texas Community College and Kilgore College. Sets forth the terms by which Panola College and the board of the system are required to enter into an agreement under which the college and the system agree on certain issues. Makes conforming changes.

SECTION 4. Amends Section 135.04, Education Code, by amending Subsections (b) and (c), and adding Subsections (d) and (e), to require the coordinating board, before a system extension center or extension program may offer certain new programs, to determine that the program is authorized, there is sufficient demand for the program, the system can offer the program at appropriate levels of quality and cost, and the public junior college is incapable or unwilling to offer the program. Deletes the previous provisions regarding programs offered by a campus or extension center. Requires the coordinating board, before a system campus may offer certain programs, to determine that the program is authorized, a need for the program exists, the system can offer the program at appropriate levels of quality and cost, and there is sufficient demand to justify the offering of the program. Sets forth the terms by which, before a system campus or center may offer an unauthorized new program, the program must be approved by the regional higher education council and by the coordinating board. Makes conforming changes.

SECTION 5. Amends Section 135.06, Education Code, by adding Subsection (g), to prohibit the system from creating an extension program after September 1, 1997. Provides that this subsection is not intended to discourage the system from cooperating with public junior colleges in offering programs.

SECTION 6. Amends Section 135.51, Education Code, to make a conforming change.

SECTION 7. Amends Chapter 135C, Education Code, by adding Section 135.541, as follows:

Sec. 135.541. COOPERATION WITH COMMUNITY COLLEGES. Sets forth the terms by which the board is required to attempt to coordinate its programs with those of a public junior college that offers technical or vocational programs or instruction in the same region. Requires the board to implement policies designed to encourage this coordination. Requires the coordinating board to evaluate the board's compliance with this section.

SECTION 8. Amends Chapter 130A, Education Code, by adding Section 130.010, as follows:

Sec. 130.010. COOPERATION WITH STATE TECHNICAL COLLEGE SYSTEM. Sets forth the terms by which the board of trustees of a junior college district is required to attempt to coordinate its programs with those of a component of the system that offers technical or vocational programs or instruction in the same region. Requires the board to implement policies designed to encourage this coordination. Requires the coordinating board to evaluate the board of trustees' compliance with this section.

SECTION 9. Amends Chapter 135, Education Code, by adding Subchapter D, as follows:

SUBCHAPTER D. TRANSFERS OF CERTAIN CENTERS AUTHORIZED

Sec. 135.701. TRANSFER OF EXTENSION CENTER IN ABILENE. Sets forth the terms under which the board is authorized to transfer the governance and control of the system's extension center located in Abilene, along with all right, title, and interest in the property, to the board of trustees of Cisco Junior College, provided certain conditions are met.

Sec. 135.702. TRANSFER OF EXTENSION CENTER IN BROWNWOOD. Sets forth the terms under which the board is authorized to transfer the governance and control of the system's extension center located in Brownwood, along with all right, title, and interest in the property, to the board of trustees of Ranger Junior College, provided certain conditions are met.

Sec. 135.703. TRANSFER OF RURAL TECHNOLOGY CENTER IN BRECKENRIDGE. Sets forth the terms by which the board is authorized to transfer the governance and control of the system's rural technology center located in Breckenridge, along with all right, title, and interest in the property, to the board of trustees of Cisco Junior College, Ranger Junior College, Weatherford College, or Western Texas College, provided certain conditions are met.

Sec. 135.704. POWERS AND DUTIES. Sets forth the powers and duties of the board of trustees of the applicable public junior college regarding the governance and control of the system center, and all property transferred to it under this subchapter.

Sec. 135.705. CONTRACTS AND WRITTEN OBLIGATIONS. Establishes the conditions by which contracts and written obligations entered into by the system board and in effect on the transfer date are ratified and validated. Provides that in those contracts and obligations, the board of trustees is substituted for, and acts in the place of, the system board.

Sec. 135.706. EMPLOYEE INSURANCE AND OTHER BENEFITS. Provides that any contract or other agreement with a provider of insurance or employee benefits that provides coverage for employees of a system center transferred under this subchapter is not void and does not terminate on the effective date of the transfer. Set forth the terms under which any such contract or agreement remains in effect until its date of expiration, with certain exceptions; and by which all persons for whom the insurance or benefits are provided on the effective date of the transfer are covered until the respective dates of termination or expiration of those agreements.

Sec. 135.707. EFFECT OF TRANSFER ON STUDENTS AND EMPLOYEES. Provides that a transfer under this subchapter does not affect the credit hours earned by students at the center before the effective date of the transfer, or the employment status on the effective date of the transfer of certain center staff.

SECTION 10. Amends Section 4, Article 5190.6, V.T.C.S. (Development Corporation Act of 1979), by adding Subsection (k), to authorize a corporation created under Subsection (a) to pay a public junior college the cost of physical plant maintenance and operation at certain facilities if the facility was formerly an extension center or rural technology center of the system.

SECTION 11. Amends Section 4A, Article 5190.6, V.T.C.S., by adding Subsection (s), to make conforming changes.

SECTION 12. Amends Section 4B, Article 5190.6, V.T.C.S., by adding Subsection (o), to make conforming changes.

SECTION 13. Amends Chapter 61C, Education Code, by adding Section 61.0594, as follows:

Sec. 61.0594. FUNDING FOR HIGH-TECHNOLOGY COSTS OF POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION. Requires the coordinating board to make recommendations to the legislature for funding for high-technology costs required in postsecondary vocational-technical education to maintain program excellence. Sets forth the terms by which the coordinating board, to the extent funds are appropriated by the legislature, is authorized to administer a program to support such education by assisting a public technical institute or public junior college to cover certain special costs; shall prescribe guidelines and procedures regarding requests for grants; and may make grants. Requires the coordinating board to adopt rules implementing the provisions of this section which provide for awards on a competitive, peer review basis. Establishes the procedures regarding program funding and

issuance of warrants to recipients of grants. Authorizes the coordinating board to appoint an advisory committee to advise the coordinating board, and requires the coordinating board to employ a process of committee review and expert testimony and analysis to assist in consideration of grant requests.

SECTION 14. Effective date: September 1, 1997.

SECTION 15. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 135.01, Education Code, to replace references to "course" with "program" in Subsection (d). Prohibits certain programs from being expanded, but authorizes the system campus or center to revise the curriculum. Deletes the restrictions previously placed on offerings of unauthorized courses.

SECTION 3.

Amends Section 135.02, Education Code, to provide that it is the intent of the legislature that the system campus in Marshall shall not offer courses that duplicate courses offered by Panola College unless certain conditions are met. Deletes the previous provisions regarding programs offered by Panola College, Northeast Texas Community College, and Kilgore College.

SECTION 4.

Amends Section 135.04, Education Code, to revise the determinations to be made by the coordinating board before a system extension center, extension program, or system campus may offer a new program within certain public junior colleges. Requires a proposed program, before being offered by a system campus or center, to be approved by the regional higher education council and the coordinating board.

SECTION 9.

Amends Section 135.702, Education Code, to replace references to "Ranger College" with "Ranger Junior College."

Amends Section 135.707, Education Code, to provide that a transfer does not affect the employment status on the effective date of the transfer of certain staff of the center.

SECTION 13.

Amends Section 61.0594, Education Code, to require the coordinating board to make recommendations to the legislature regarding funding for high-technology costs of vocational-technical education, rather than requiring the coordinating board to ensure adequate funding for those costs. Authorizes the coordinating board to administer the program to the extent funds are appropriated by the legislature, rather than requiring the board to administer a program. Requires the coordinating board to adopt rules implementing the provisions of this section which provide for awards on a competitive, peer review basis. Deletes the previous provision regarding the guidelines and procedures developed by the coordinating board. Requires the program to be funded by appropriations and gifts, rather than providing that the program is funded in that manner.