

## **BILL ANALYSIS**

Senate Research Center  
83R6818 AED-F

H.B. 2760  
By: Branch et al. (Birdwell)  
Higher Education  
5/9/2013  
Engrossed

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

Subchapter N (Partnerships Between Community/Junior Colleges and Other Institutions of Higher Education), Chapter 51 (Provisions Generally Applicable to Higher Education), Education Code, makes a provision for partnerships between community or junior colleges and other institutions of higher education, but does not grant the same authority to public technical institutes, as the Texas State Technical College (TSTC) is defined in Section 61.003(7) (defining "public technical institute") of the Texas Education Code. As is the case today, TSTC would not be able to offer education programs outside of its campuses or extension centers without a partnership agreement.

H.B. 2760 adds a new Subchapter to Chapter 135 (Texas State Technical College System) of the Education Code to clarify TSTC's authority to enter into partnerships with other institutions of higher education for the purpose of propagating advanced and emerging technical education. In order to be competitive globally, Texas businesses and industries are dependent upon an ample supply of job-ready, skilled workers. This legislation will enhance TSTC's ability to serve specific local workforce needs by partnering with community and junior colleges to provide technical education programs whenever such partnerships enhance the availability and/or the quality of technical education.

The intent of this legislation is to address the workforce training needs of business and industry across Texas. H.B. 2760 is consistent with TSTC's statutory statewide mission of public service and economic development through the provision of occupationally oriented education, which emphasized highly specialized advance or emerging technical programs not commonly offered by public junior colleges.

H.B. 2760 amends current law relating to partnerships between the Texas State Technical College System and public junior colleges.

### **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 Chapter 135, Education Code, by adding Subchapter D, as follows:

#### **SUBCHAPTER D. PARTNERSHIPS BETWEEN TEXAS STATE TECHNICAL COLLEGE SYSTEM AND PUBLIC JUNIOR COLLEGES**

Sec. 135.101. DEFINITION. Defines "public junior college" in this subchapter.

Sec. 135.102. PARTNERSHIP AGREEMENTS. (a) Authorizes the board of regents of the Texas State Technical College System (system) (board) and a public junior college, with the approval of the Texas Higher Education Coordinating Board (THECB), to enter into a partnership agreement designed to coordinate the management and operations of the institutions and to enhance the delivery of technical education programs across this

state. Provides that the agreement does not abrogate the powers and duties of the boards with regard to the governance of their respective institutions.

(b) Requires that a partnership agreement under this subchapter provide that the participating institutions, in conjunction with the local community, identify and offer courses that will meet the educational and workforce development goals for the region; provide that program offerings receive approval from THECB; provide for the distribution of responsibilities regarding specific program offerings and resulting awards; provide for the distribution of tuition, fees, and state funds associated with formula funding regarding program offerings; and comply with applicable rules of THECB relating to contractual agreements.

(c) Provides that a partnership agreement between the system and a public junior college under this subchapter is considered to be in compliance with Sections 135.04(b) (relating to providing that it must be established that a public junior college that is operating a vocational and technical program is not capable of offering or is unable to offer a program before any program may be offered by a campus or extension center within the tax district of the public junior college) and (c) (relating to authorizing the campus or extension center to offer a program, provided approval is secured from THECB, where a local government, business, or industry located in a county or a portion of a county that is not operating a public junior college district requests that the campus or extension center offer the program).

Sec. 135.103. JOINT USE OF PERSONNEL. Authorizes the governing boards of the participating institutions to fill by joint appointment any administrative, faculty, or support position necessary for the operation of the institutions.

Sec. 135.104. SUPPORT SERVICES. Authorizes the governing boards of the participating institutions to assign the management and operation of selected services, including maintenance of buildings and grounds, operation of auxiliary enterprises, and operation of a jointly supported library, to one of the institutions in order to achieve cost-effectiveness.

Sec. 135.105. FACILITIES. (a) Authorizes the participating institutions, under the terms of the partnership agreement, to make provisions for adequate physical facilities for use by the institutions.

(b) Authorizes the participating institutions to individually or collectively lease, purchase, finance, construct, or rehabilitate physical facilities under this section appropriate to partnership needs. Provides that the owning or financing of facilities under this section promotes the public purpose of supporting higher education and further promotes the public purpose of developing and diversifying the economy of this state and eliminating unemployment and underemployment in this state under the authority granted by Section 52-a (Loan or Grant of Public Money for Economic Development), Article III, Texas Constitution.

(c) Authorizes a participating institution of higher education to lease facilities from or to another participating institution for administrative and instructional purposes.

(d) Authorizes participating institutions to solicit, accept, and administer, on terms and conditions acceptable to the participating institutions, gifts, grants, or donations of any kind and from any source for facilities and equipment.

(e) Provides that a facility used for the purposes of a partnership agreement under this subchapter is not considered a facility used to operate an extension program under Section 135.06 (Extension Program).

Sec. 135.106. STATE FUNDING. Entitles the system to receive state appropriations on the same formula basis as if the system did not enter into a partnership agreement under this subchapter, and entitles any other participating institution of higher education to state appropriations on the same formula basis as other similar institutions of higher education.

SECTION 2. Effective date: upon passage or September 1, 2013.