

CHAPTER 646

S.B. No. 911

An Act relating to postsecondary technical-vocational education, to Texas State Technical Institute, and to certain powers and duties of the coordinating board; creating a joint advisory committee; amending the Education Code, as amended, by amending Sections 61.003, 61.058, 135.01, 135.03, 135.04, 135.51, and 135.52, Subsections (b), (c), (f), and (j) of Section 61.051, Subsections (b) and (d) of Section 61.059, and Subsections (c) and (e) of Section 135.06; and by adding Subsection (g) to Section 61.059 and a new Section 61.075.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 61.003, Education Code, as amended, is amended to read as follows:

“Section 61.003. **DEFINITIONS.** In this chapter:

“(1) ‘Board’ means the Coordinating Board, Texas College and University System.

“(2) ‘Public junior college’ means any junior college certified by the board in accordance with Section 61.063 of this chapter [as required by law; including but not limited to the following as long as they retain certification: Alvin Junior College; Amarillo Junior College; Blinn Junior College; Brenham; Cisco Junior College; Clarendon Junior College; Cooke County Junior College; Gainesville; Del Mar Junior College; Corpus Christi; Frank Phillips Junior College; Borger; Grayson County Junior College; Denison; Henderson County Junior College; Athens; Hill County Junior College; Hillsboro; Howard County Junior College; Big Spring; Kilgore Junior College; Laredo Junior College; Lee Junior College; Baytown; Navarro County Junior College; Corsicana; Odessa Junior College; Panola County Junior College; Carthage; Paris Junior College; Ranger Junior College; San Antonio Junior College; San Jacinto Junior College; Pasadena; South Plains Junior College; Levelland; Southwest Texas Joint Counties Junior College; Uvalde; Temple Junior College; Texarkana Junior College; Texas Southmost College; Brownsville; Tyler Junior College; Victoria Junior College; Weatherford Junior College; and Wharton County Junior College; Wharton].

“(3) ‘General academic teaching institution’ means The University of Texas at Austin; The University of Texas at El Paso; The University of Texas of the Permian Basin; The University of Texas at Dallas; The University of Texas at San Antonio; Texas A & M University, Main University; The University of Texas at Arlington; Tarleton State College; Prairie View Agricultural and Mechanical College; Texas Maritime Academy; Texas Tech University; North Texas State University; Lamar University; Texas A & I University; Texas Woman’s University; Texas Southern University; Midwestern University; University of Houston; Pan American University; East Texas State University; Sam Houston State University; Southwest Texas State University; West Texas State University; Stephen F. Austin State University; Sul Ross State University; Angelo State University; Tyler State College; and any other college, university, or institution so classified as provided in this chapter or created and so classified, expressly or impliedly, by law.

“(4) ‘Public senior college or university’ means a general academic teaching institution as defined above.

"(5) 'Medical and dental unit' means The University of Texas Medical Branch at Galveston; Southwestern Medical School; The University of Texas Medical School at San Antonio; The University of Texas Dental Branch at Houston; The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston; The University of Texas Graduate School of Biomedical Sciences at Houston; The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; the component institutions of The University of Texas Nursing School (Systemwide); and The University of Texas School of Public Health at Houston; and such other medical or dental schools as may be established by statute or as provided in this chapter.

"(6) 'Other agency of higher education' means The University of Texas System, System Administration; Texas Western University Museum; Texas A&M University System, Administrative and General Offices; Texas Agricultural Experiment Station; Texas Agricultural Extension Service; Rodent and Predatory Animal Control Service (a part of the Texas Agricultural Extension Service); Texas Engineering Experiment Station (including the Texas Transportation Institute); Texas Engineering Extension Service; Texas Forest Service; Texas Tech University Museum; Texas State University System, System Administration; Sam Houston Memorial Museum; Panhandle-Plains Historical Museum; Cotton Research Committee of Texas; Water Resources Institute of Texas; and any other unit, division, institution, or agency which shall be so designated by statute or which may be established to operate as a component part of any public senior college or university, or which may be so classified as provided in this chapter.

"(7) 'Public technical institute' means the Texas State Technical Institute on the four campuses in McLennan, Cameron, Potter, and Nolan counties.

"(8) 'Institution of higher education' means any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in this section.

"(9) ~~(8)~~ 'Governing board' means the body charged with policy direction of any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education, including but not limited to boards of directors, boards of regents, boards of trustees, and independent school district boards insofar as they are charged with policy direction of a public junior college.

"(10) ~~(9)~~ 'University system' means the association of one or more public senior colleges or universities, medical or dental units, or other agencies of higher education under the policy direction of a single governing board.

"(11) ~~(10)~~ 'Degree program' means any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle him to a degree from a public senior college or university or a medical or dental unit.

"(12) ~~(11)~~ 'Certificate program' means a grouping of subject-matter courses which, when satisfactorily completed by a student, will entitle him to a certificate, associate degree from a technical institute or junior college, or documentary evidence, other than a degree, of completion of a course of study at the postsecondary level ~~[from an institution of higher education, provided that programs approved by or subject to the approval of the State Board of Vocational Education are excluded from this definition].~~

"(13) ~~(12)~~ 'Recognized accrediting agency' means the Southern Association of Colleges and Schools and any other association or organization so designated by the board.

"(14) ~~(13)~~ 'Educational and general buildings and facilities' means buildings and facilities essential to or commonly associated with teaching, research, or the preservation of knowledge. Excluded are auxiliary enterprise buildings and facilities, including but not limited to dormitories, cafeterias, student union buildings, stadiums, and alumni centers."

SECTION 2. Subsections (b), (c), (f), and (j), Section 61.051, Education Code, as amended, are amended to read as follows:

"(b) The board shall define a technical institute, a junior college, a senior college, a university, and a university system; provided, that nothing in this section may be construed to authorize the board to establish or create any technical institute system or university system or to alter any technical institute system or university system presently existing by virtue of statute or the constitution of this state.

"(c) The board shall develop and publish criteria to be used as a basis for determining the need for changing the classification of any public institution of higher education and for determining the need for new public technical institutes, public junior colleges, public senior colleges, universities, or university systems."

"(f) The board shall encourage and develop ~~[in cooperation with the State Board of Vocational Education]~~ new certificate programs in technical and vocational education in Texas public technical institutes and public community colleges ~~[institutions of higher education]~~ as

the needs of technology and industry may demand and shall recommend the elimination of *such [certificate] programs for which a need no longer exists. The [board may contract with the State Board of Education (State Board of Vocational Education) so that the coordinating] board shall [may] assume the leadership role and administrative responsibilities [of the State Board for Vocational Education] for state level administration of postsecondary technical-vocational education programs in Texas public community colleges, public technical institutes, and other eligible public postsecondary institutions.*"

"(j) No off-campus courses for credit may be offered by any *public technical institute, public community college, or public college or university* without specific prior approval of the board. The board shall establish regulations for the coordination of credit and noncredit activities of adult and continuing education by *public technical institutes, public community colleges, or public colleges and universities.*"

SECTION 3. Section 61.058, Education Code, as amended, is amended to read as follows:

"Section 61.058. **CONSTRUCTION FUNDS AND DEVELOPMENT OF PHYSICAL PLANTS.** To assure efficient use of construction funds and the orderly development of physical plants to accommodate projected college student enrollments, the board shall:

"(1) determine formulas for space utilization in all educational and general buildings and facilities at institutions of higher education;

"(2) devise and promulgate methods to assure maximum daily and year-round use of educational and general buildings and facilities, including but not limited to maximum scheduling of day and night classes and maximum summer school enrollment;

"(3) consider plans for selective standards of admission when institutions of higher education approach capacity enrollment;

"(4) require, and assist the *public technical institutes, public senior colleges and universities, medical and dental units, and other agencies of higher education* in developing [;] long-range plans for campus development;

"(5) endorse, or delay until the next succeeding session of the legislature has the opportunity to approve or disapprove, the proposed purchase of any real property by an institution of higher education, except a public junior college;

"(6) develop and publish standards, rules, and regulations to guide the institutions and agencies of higher education in making application for the approval of new construction and major repair and rehabilitation of all buildings and facilities regardless of proposed use;

"(7) ascertain that the standards and specifications for new construction, repair, and rehabilitation of all buildings and facilities are in accordance with Article 7, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes); and

"(8) approve or disapprove all new construction and repair and rehabilitation of all buildings and facilities at institutions of higher education financed from any source provided that:

"(A) the board's consideration and determination shall be limited to the purpose for which the new or remodeled buildings are to be used to assure conformity with approved space utilization standards and the institution's approved programs and role and scope if the cost of the project is not more than \$500,000, but the board may consider cost factors and the financial implications of the project to the state if the total cost is in excess of \$500,000;

"(B) the requirement of approval for new construction financed from other than appropriated funds applies only to projects the total cost of which is in excess of \$300,000;

"(C) the requirement of approval for major repair and rehabilitation of buildings and facilities applies only to projects the total cost of which is in excess of \$300,000;

"(D) the requirement of approval or disapproval by the board does not apply to any new construction or major repair and rehabilitation project that is specifically approved by the legislature; and

"(E) the requirement of approval by the board does not apply to a junior college's construction, repair, or rehabilitation financed entirely with funds from a source other than the state, including funds from ad valorem tax receipts of the college, gifts, grants, and donations to the college, and student fees."

SECTION 4. Section 61.059, Education Code, is amended by amending Subsections (b) and (d) and by adding Subsection (g) to read as follows:

"(b) The board shall devise, establish, and periodically review and revise formulas for the use of the governor and the Legislative Budget Board in making appropriations recommendations to the legislature for all institutions of higher education, including the funding of postsecondary vocational-technical programs. Not later than March 1 of every even-numbered calendar year, the board shall notify the governing boards and the chief administrative officers of the respective institutions of higher education and university systems, the governor, and the Legislative Budget Board of the formulas designated by the board to be used by the institutions in making

appropriation requests for the next succeeding biennium and shall certify to the governor and the Legislative Budget Board that each institution has prepared its appropriation request in accordance with the designated formulas and in accordance with the uniform system of reporting provided in this chapter. The board shall furnish any other assistance to the governor and the Legislative Budget Board in the development of appropriations recommendations as either or both of them may request. However, nothing in this chapter shall prevent or prohibit the governor, the Legislative Budget Board, the board, or the governing board of any institution of higher education from requesting or recommending deviations from any applicable formula or formulas prescribed by the board and advancing reasons and arguments in support of them."

"(d) The board shall recommend to the governor and the Legislative Budget Board tuition policies for *public technical institutes*, public junior colleges, public senior colleges and universities, medical and dental units, and other agencies of higher education and vocational and technical programs receiving support from state funds."

"(g) *Funds appropriated to the coordinating board for vocational-technical education may be transferred by interagency contract between the two boards as required to carry out an effective and efficient transition of the administration of postsecondary vocational-technical education.*"

SECTION 5. Chapter 61, Education Code, as amended, is amended by adding a new Section 61.075 to read as follows:

"Section 61.075. **JOINT ADVISORY COMMITTEE.** (a) *There is hereby created a joint advisory committee for the purpose of advising the Coordinating Board, Texas College and University System, and the State Board of Education in coordinating postsecondary vocational-technical activities and vocational-technical teacher education programs offered or proposed to be offered in the colleges and universities of this state. The committee shall be composed of three members from the State Board of Education, appointed by the chairman of the board and three members from the Coordinating Board, Texas College and University System, appointed by the chairman of the board, and one member of the Technical-Vocational Education Advisory Council, appointed by the chairman of the council. A member of the coordinating board shall be designated as chairman of the joint advisory committee by the chairman of the coordinating board. The committee shall hold regular annual meetings as called by the chairman.*

"(b) *The purposes of this committee shall include the following:*

"(1) *to advise the two boards on the coordination of postsecondary vocational-technical education and the articulation between postsecondary vocational-technical education and secondary vocational-technical education;*

"(2) *to facilitate the transfer of responsibilities for the administration of postsecondary vocational-technical education from the State Board of Education to the Coordinating Board, Texas College and University System, in accordance with Section 111(a)(1) of the Carl D. Perkins Vocational Education Act, Public Law 98-524; and*

"(3) *to advise the State Board of Education, when it acts as the State Board of Vocational Education, on the following:*

"(A) *the allocation between secondary and postsecondary education of funds received by the State of Texas from the United States government under the Vocational Education Act of 1963, as amended, and other federal statutes relating to postsecondary vocational-technical education;*

"(B) *the transfer of federal funds to the coordinating board for allotment to eligible public postsecondary institutions of higher education;*

"(C) *the vocational-technical education funding for projects and institutions as determined by the coordinating board when the State Board of Vocational Education is required by federal law to endorse such determinations;*

"(D) *the development and updating of the state plan for vocational-technical education and the evaluation of programs, services, and activities of postsecondary vocational-technical education and such amendments to the state plan for vocational-technical education as may relate to postsecondary education; and*

"(E) *other matters related to postsecondary vocational-technical education.*"

SECTION 6. Section 135.01, Education Code, is amended to read as follows:

"Section 135.01. **PURPOSE OF INSTITUTE.** Texas State Technical Institute is a coeducational institution of *higher education* offering courses of study in vocational and vocational-technical education for which there is demand within the State of Texas."

SECTION 7. Section 135.03, Education Code, is amended to read as follows:

"Section 135.03. **ROLE AND SCOPE OF INSTITUTE.** (a) *The institute shall operate under the general control of the Coordinating Board, Texas College and University System.*

“(b) The institute shall provide occupationally oriented programs in highly technical and vocational areas, including field or laboratory work and remedial or related academic and technical instruction. Particular emphasis shall be placed on industrial and technological manpower needs of the state. Technical and vocational programs ~~and shall be subject to the approval of the State Board of Vocational Education. Related~~ academic programs shall be ~~[instruction is]~~ subject to the approval of the Coordinating Board, Texas College and University System.

“(c) ~~(b)~~ The institute shall provide training programs for technical teachers, counselors, and supervisors which shall be subject to prior and continuing approval of the *Coordinating Board, Texas College and University System* ~~[State Board of Vocational Education]~~.

“(d) ~~(e)~~ The institute shall conduct manpower development and utilization research programs for identification of training and retraining needs and projected needs and for curriculum development, either individually or in cooperation with other public and private institutions.

“(e) *The coordinating board shall have responsibility for approving programs and courses, adopting policies, enacting regulations, and establishing general rules necessary for the institute to carry out its duties as prescribed by the legislature. The coordinating board shall have authority to*

“(1) *adopt standards for the operation of the institute and prescribe the rules and regulations therefor; and*

“(2) *require of the institute such reports as are deemed necessary in accordance with the coordinating board's rules and regulations.*”

SECTION 8. Section 135.04, Education Code, is amended to read as follows:

“Section 135.04. **APPROVAL OF PROGRAMS.** (a) Educational programs wholly or partially financed from state funds are subject to the prior approval *or disapproval and continuing review of* ~~[the State Board of Vocational Education and]~~ the Coordinating Board, Texas College and University System.

“(b) Before any program may be offered by the institute within the district of a public junior college that is operating a vocational and technical program, it must be established that the public junior college is not capable of offering or is unable to offer the program. After it is established that a need for the program exists and that the program is not locally available, the institute may offer the program, provided approval is secured as required by this chapter. *Approval of technical-vocational programs* ~~[set forth in this subsection]~~ does not apply to McLennan, Cameron, and Potter counties.

“(c) Where a local government located in a county or a portion of a county that is not operating a public junior college district requests that the institute offer a program, the institute may offer the program provided approval is secured from the *Coordinating Board, Texas College and University System* ~~[State Board of Vocational Education]~~.”

SECTION 9. Subsections (c) and (e), Section 135.06, Education Code, are amended to read as follows:

“(c) The institute may operate the extension program by the use of federal grants as well as ~~[such] state funds [that may be required for matching funds].~~”

“(e) *The extension program shall be limited to the needs for Vocational-Technical Training in the area being served and shall be subject to the provisions of Subsection (j) of Section 61.051 of this code. No existing extension program at Texas State Technical Institute shall be discontinued as long as a need for the program can be demonstrated to exist in the area being served.*”

SECTION 10. Section 135.51, Education Code, is amended to read as follows:

“Section 135.51. **CERTIFICATES, [AND] DIPLOMAS, AND ASSOCIATE DEGREES.** The board shall prescribe and award *associate of applied arts or applied science degrees, certificates, and diplomas* limited to those common to technical education.”

SECTION 11. Section 135.52, Education Code, is amended to read as follows:

“Section 135.52. **FEES AND TUITION.** The board shall ~~[may]~~ collect tuition *at the rates provided by law* and registration fees ~~[authorized by law].~~”

SECTION 12. The Select Committee on Higher Education, established by H.C.R. 105, Acts of the 69th Legislature, Regular Session, 1985, may include in its comprehensive study of higher education in Texas a study of issues relating to postsecondary technical-vocational education.

SECTION 13. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 18, 1985, by the following vote: Yeas 28, Nays 0; Senate concurred in House amendments on May 27, 1985, by a viva-voce vote; passed the House, with amendments, on May 25, 1985, by a non-record vote.

Approved: June 13, 1985

Effective: August 26, 1985