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TEXAS EDUCATION CODE 1984



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Texas Education Code

WITH TABLE
AND INDEX

*As Amended through the 1983
Regular and First Called and
1984 Second Called Sessions
of the 68th Legislature*

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ST. PAUL, MINNESOTA

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PREFACE

This Pamphlet contains the text of the Education Code as amended through the 1983 Regular and First Called and 1984 Second Called Sessions of the 68th Legislature.

The Education Code constitutes a unit of the Texas Legislative Council's statutory revision program. The Code was originally enacted by Acts 1969, 61st Leg., ch. 889.

A Disposition Table is included preceding the Code, thus providing a means of tracing repealed subject matter into the Code.

A numerical table of special laws relating to education that were neither repealed by, nor incorporated into, the Education Code is included following the text of the Code.

A detailed descriptive word Index at the end of the Code is furnished to facilitate the search for specific textual provisions.

Comprehensive coverage of the judicial constructions and interpretations of the Code, together with cross references, references to law review commentaries discussing particular provisions, and other editorial features, is provided in the volumes of Vernon's Texas Statutes and Codes Annotated.

THE PUBLISHER

October, 1984

*

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EFFECTIVE DATES

The following table shows the date of adjournment and the effective date of ninety day bills enacted at sessions of the legislature beginning with the year 1945:

Year	Leg.	Session	Adjournment Date	Effective Date
1945	49	Regular	June 5, 1945	September 4, 1945
1947	50	Regular	June 6, 1947	September 5, 1947
1949	51	Regular	June 6, 1949	September 5, 1949
1951	52	Regular	June 8, 1951	September 7, 1951
1953	53	Regular	May 27, 1953	August 26, 1953
1954	53	1st C.S.	May 13, 1954	August 12, 1954
1955	54	Regular	June 7, 1955	September 6, 1955
1957	55	Regular	May 23, 1957	August 22, 1957
1957	55	1st C.S.	November 12, 1957	February 11, 1958
1957	55	2nd C.S.	December 3, 1957	March 4, 1958
1959	56	Regular	May 12, 1959	August 11, 1959
1959	56	1st C.S.	June 16, 1959	September 15, 1959
1959	56	2nd C.S.	July 16, 1959	October 15, 1959
1959	56	3rd C.S.	August 6, 1959	November 5, 1959
1961	57	Regular	May 29, 1961	August 28, 1961
1961	57	1st C.S.	August 8, 1961	November 7, 1961
1961	57	2nd C.S.	August 14, 1961	November 13, 1961
1962	57	3rd C.S.	February 1, 1962	May 3, 1962
1963	58	Regular	May 24, 1963	August 23, 1963
1965	59	Regular	May 31, 1965	August 30, 1965
1966	59	1st C.S.	February 23, 1966	*
1967	60	Regular	May 29, 1967	August 28, 1967
1968	60	1st C.S.	July 3, 1968	*
1969	61	Regular	June 2, 1969	September 1, 1969
1969	61	1st C.S.	August 26, 1969	*
1969	61	2nd C.S.	September 9, 1969	December 9, 1969
1971	62	Regular	May 31, 1971	August 30, 1971
1971	62	1st C.S.	June 4, 1971	September 3, 1971
1972	62	2nd C.S.	March 30, 1972	June 29, 1972
1972	62	3rd C.S.	July 7, 1972	*
1972	62	4th C.S.	October 17, 1972	January 16, 1973
1973	63	Regular	May 28, 1973	August 27, 1973
1973	63	1st C.S.	December 20, 1973	*
1975	64	Regular	June 2, 1975	September 1, 1975
1977	65	Regular	May 30, 1977	August 29, 1977
1977	65	1st C.S.	July 21, 1977	*
1978	65	2nd C.S.	August 8, 1978	November 7, 1978
1979	66	Regular	May 28, 1979	August 27, 1979
1981	67	Regular	June 1, 1981	August 31, 1981
1981	67	1st C.S.	August 11, 1981	November 10, 1981
1982	67	2nd C.S.	May 28, 1982	*
1982	67	3rd C.S.	September 9, 1982	*
1983	68	Regular	May 30, 1983	August 29, 1983
1983	68	1st C.S.	June 25, 1983	September 23, 1983
1984	68	2nd C.S.	July 3, 1984	October 2, 1984

* No legislation for which the ninety day effective date is applicable.

DISPOSITION TABLE

Showing where provisions of former articles of the Civil Statutes and Penal Code of 1925 are covered in the Education Code.

CIVIL STATUTES

Civ.St. Article	Education Code Section	Civ.St. Article	Education Code Section
136	88.201	689a—19a § 2	17.58
	88.205	§ 3	11.63(b)
137	88.202	§ 4	4.03(a)
	88.203		4.03(b)
138	88.203		4.03(e)
139	88.203	§ 5	11.63(b)
140	88.204	695i	17.91
141	—		17.92
142	88.206	1109c	23.31
143	88.206	1269j—101 § 1	53.01
144	88.208		53.31
145	88.207	§ 2	53.02
146	88.209	§ 3	53.11
147	88.210		53.12
148	88.211		53.13
149	88.212	§ 4	53.14
149a to 149k	—	§ 5	53.15
634(B)	21.161	§ 6	53.33
	21.162	§ 7	53.34
	21.164	§ 8	53.35
	21.165	§ 9	53.36
	21.166	§ 10	53.37
	21.167	§ 11	53.38
	21.168	§ 12	53.39
	21.169	§ 13	53.40
634(C)	21.163	§ 14	53.44
689a—17a § 1	23.41	§ 15	53.43
	23.42	§ 16	53.46
	23.43	§ 17	53.32
	23.45		53.45
	23.46	§ 18	53.41
	23.47	§ 19	53.42
§ 2	23.44	1415a	—
	23.48	2543c	51.008
§ 3	23.49	2584	65.11
§ 4	4.03(c)		65.13
	4.03(d)		65.15
	4.03(e)	2584a	65.11
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§ 2(c)	67.61	§ 8(b)—2	66.69
§ 2(d)	74.151	§ 8(c)	66.71
§ 2(e)	73.201	§ 9	66.72
§ 2(f)	73.301	§ 10	66.73
§ 2(g)	73.301	§ 11	66.74
§ 2(h)	68.02	§ 12	66.75
§ 2(i)	69.02	§ 13	66.76
2585d § 3(a)	67.51	§ 14	66.77
	67.61		66.78
§ 3(b)	74.001	§ 15	—
§ 3(c)	73.301	§ 16	66.80
§ 3(d)	73.001	§ 18	66.62
2585e § 1	65.31		66.66
§ 2	68.03		66.79
§ 3	67.62	2603a—1	66.70
§ 4	67.52	2603b	66.43
2586	65.32	2603b—1	65.39
2588	—		66.41
2589	65.14	2603b—3	69.21
2589a	—	2603c	—
2589b	—	2603d	—
2589c	67.21	2603e § 1	73.101
2589d	67.21	§ 2	73.103
2589e	67.21	§ 3	73.104
2589f	67.23	§ 4	73.105
2590	—	§ 5	73.102
2591	—	§ 6	73.106
2591a	66.04	§ 7	73.107
2591b	66.05		73.108
2592	66.03	§ 8	73.108
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	66.41	§ 10	73.109
2593	65.34	§ 11	—
2593a	—	§ 12	73.110
2594	65.35	2603f § 1	73.101
2594a	65.37		73.111
2595	65.36		73.201
2595a	—	§ 2	73.202
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2597	66.44	§ 2	73.152
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2601	—	§ 6	73.156
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2603f—4	65.40	2606c—3.1 § 4	70.06
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2603h	74.002	2606c—4 § 1	72.01
2604	65.38	§ 2	72.02
2606	—		72.03
2606b § 1	74.101		72.04
§ 1a	74.101	§ 3	72.05
§ 2	74.102	§ 4	72.06
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2692	17.73		18.12
2693	17.59	2725	18.08
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2729	—		23.03
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2730	17.01		23.05
2731	17.08		23.10(a)
2732	—	2746b	22.02
2733	—	2746c	21.401
2734	—		21.402
2735	—		21.403
2736	—		21.404
2737	—		21.405
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2739	—	2748	22.07
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2742	19.031	2749	22.08(d)
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2742j	19.206	2756c	11.28(i)
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§ 2	19.035		23.08
§ 3	19.036		23.19
2745	22.02	2759	19.162(a)
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2745c	17.03		19.162(h)
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2767	19.361 19.362 19.363 19.364	§ 8	19.166(k)(7)
2767a	19.368(f)	§ 9	19.166(k)(8)
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2768	19.367	2784g—2	20.51
2769	19.365	2785	20.04
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2770	—	2786b	—
2771	—	2786c	20.41
2772	24.05	2786d	20.42
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2774	24.04	2787a	15.05
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2775	23.08	2789	20.05
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	130.037	2826	17.81
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	130.039	2827a	17.73
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2817	14.04 Rep.	2842	12.29
2817a	14.04 Rep.		12.34
2818	14.06 Rep.	2843	12.14
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2850	12.28	2879	13.033
2851	12.26	2880	13.034
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2860	12.29	2887a	—
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2866	12.01	§ 2	13.032
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2922-24	—	4528d	54.102
2922-25a	16.711	4590g	51.901
2922-26 § 1	16.91 Rep.	5416	15.01
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§ 3	16.93 Rep.	5891A-1	51.212
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§ 5	16.95 Rep.	6203b-2 § 1	29.01
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295c	4.33		4.08
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296	4.09	424	4.04(b)
297	21.032	666—25b	4.22
298	21.033	994	4.10
299	4.25(a)	1152	4.19(a), (b)
300	4.25(b)	1153	4.19(c)
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TEXAS EDUCATION CODE

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Enactment

Titles 1 and 2 of the Texas Education Code and the chapter on public junior colleges in Title 3 were enacted by Acts 1969, 61st Leg., p. 2735, ch. 889, effective September 1, 1969.

The laws relating to higher education were included in the Code by Acts 1971, 62nd Leg., p. 3072, ch. 1024, Article 1, § 1, effective September 1, 1971, which amended and reenacted Title 3. Article 1, § 2, thereof provided:

"Sec. 2. LEGISLATIVE INTENT. This is intended as a recodification only and no substantive changes are intended by this legislation."

Article 2 of the 1971 Act, which by sections 1 to 44 incorporated the provisions of certain acts passed during the 62nd legislative session into the Code, provided in sections 45 to 48:

"Section 45. Each section of this article takes effect only if and when the legislation on which it is based takes effect, but not earlier than September 1, 1971.

"Section 46. All provisions of the Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes) apply to this article.

"Section 47. This article is intended as a codification only, and nothing in this article is intended to effect any substantive change in the law.

"Section 48. As each section of this article takes effect, the Act on which it is based is repealed."

Acts 1971, 62nd Leg., p. 1449, ch. 405, which by sections 1 to 53 incorporated the provisions of certain acts passed during the regular and second called sessions of the 61st Legislature into the Code, and which by section 54 repealed the acts so incorporated, provided in sections 55 and 56:

"Sec. 55. Nothing in this Act is intended to make any change in the substantive law; but this Act is merely intended to be a recodification of the present law.

"Sec. 56. If any other Act passed at the same session of the Legislature conflicts with any provision of this Act, the other Act prevails."

Acts 1971, 62nd Leg., p. 3007, ch. 994, which codified various omitted civil and penal statutes and repealed said statutes, provided in section 18:

"Sec. 18. If any other Act passed at the same session of the Legislature conflicts with any provision of this Act, the other Act prevails."

Conversion Table

A conversion table is provided preceding Code to enable the user to trace the disposition in the Texas Education Code of the subject matter of repealed articles of the Civil Statutes and Penal Code.

TITLE 1. GENERAL PROVISIONS

CHAPTER 1. TITLE, ORGANIZATION, AND PURPOSE

- Sec.**
- 1.01. Short Title.
 - 1.02. Organization.
 - 1.03. Purpose and Objectives.
 - 1.04. Applicability.

§ 1.01. Short Title

This code shall be known and may be cited as the "Education Code."

[Acts 1969, 61st Leg., p. 2736, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 999, ch. 235, art. 2, § 2, eff. Sept. 1, 1983.]

§ 1.02. Organization

(a) The division of this code into titles, subtitles, chapters, subchapters, sections, subsections and subdivisions, and the use of captions in connection therewith, are solely for convenience and shall have no legal effect in construing the provisions of the code.

(b) This code has been organized and subdivided in the following manner:

- (1) the code is divided into titles, containing groups of related chapters;
- (2) the code is also divided into chapters, which are numbered consecutively throughout the code;
- (3) chapters are divided into sections, each of which carries the initial arabic numeral of the chapter in which it is found, and the arrangement of sections within chapters is determined by the numbers following the decimal;
- (4) sections are divided into subsections, and the subsections are numbered consecutively with lowercase letters enclosed in parentheses;
- (5) subsections are divided into subdivisions, and subdivisions are numbered consecutively with arabic numerals enclosed in parentheses;
- (6) subdivisions are divided into paragraphs, and paragraphs are numbered consecutively with capital letters enclosed in parentheses; and
- (7) paragraphs are divided into subparagraphs, and subparagraphs are numbered consecutively with lowercase Roman numerals enclosed in parentheses.

[Acts 1969, 61st Leg., p. 2736, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 1.03. Purpose and Objectives

The aim in adopting this code is to bring together in a unified and organized form the existing law relating to tax-supported educational institutions and to simplify, clarify, and harmonize existing law relating both to the public school system and to the state-supported institutions of higher education.

[Acts 1969, 61st Leg., p. 2737, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 1.04. Applicability

(a) This code shall apply to all educational institutions supported either wholly or in part by state tax funds unless specifically excluded.

(b) This code shall not apply to those facilities and institutions under the control and direction of the Texas Department of Mental Health and Mental Retardation or to the institutions for delinquent, dependent and neglected children under the control and direction of the Texas Youth Council except as specifically provided in Subchapter E of Chapter 30 of this code¹ and in Section 16.104 of this code.

(c) Any educational institution supported either wholly or in part by state tax funds shall, if undertaking to provide educational services to any individual within the jurisdiction or geographical boundaries of the educational institution, provide equal educational opportunities to all individuals within its jurisdiction or geographical boundaries pursuant to the provisions of this code and pursuant to the provisions of regulations promulgated by the State Board of Education to give effect to the intent of the legislature in its enactment of this code. No individual otherwise eligible for educational services

through an educational institution supported either wholly or in part by state tax funds may deny services to any handicapped student as defined in Section 21.503 of this code, but the educational institution shall instead be obligated to provide handicapped individuals such special educational services as might from time to time be authorized by law or, where expressly authorized, to assist in and contribute toward the provision of appropriate special educational services in cooperation with other educational institutions and other appropriate agencies, institutions, or departments.

(d) Notwithstanding the other provisions of this section, employees of the Texas Youth Council in academic or vocational programs shall be members of the Teacher Retirement System of Texas under Chapter 3 of this code.

[Acts 1969, 61st Leg., p. 2737, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 2377, ch. 734, § 1, eff. June 21, 1975; Acts 1977, 65th Leg., p. 369, ch. 181, § 1, eff. May 20, 1977; Acts 1977, 65th Leg., p. 1962, ch. 782, § 1, eff. June 16, 1977; Acts 1979, 66th Leg., p. 1323, ch. 602, § 25, eff. Aug. 27, 1979; Acts 1984, 68th Leg., 2nd C.S., p. 286, ch. 28, art. I, part C, § 1, eff. Sept. 1, 1984.]

¹ Section 30.81 et seq.

Article IX, § 2, of the 1984 amendatory act provided that, unless otherwise specifically provided, it applied beginning with the 1984-1985 school year which, under the provisions of § 21.001(a), began on September 1, 1984.

CHAPTER 2. GENERAL PROVISIONS

Sec.	
2.01.	Public Education in General.
2.02.	The Flying of the State Flag.
2.03.	Dedication to the People of Texas.
2.04.	Protection of Land in Use by Schools.
2.05.	Motor Vehicles Owned and Used by State-Supported Educational Institutions.
2.06.	Oath of Office and Allegiance.
2.07.	Assignment, Transfer, or Pledge of Compensation.
2.08.	Forfeiture of Position.
2.09.	Immunization; Requirements; Exceptions.
2.09a.	Immunization Records; Reporting.
2.10.	Maintenance of Existing Institutions.
2.11.	Frivolous Suit.
2.12.	Average Daily Attendance.

§ 2.01. Public Education in General

The objective of state support and maintenance of a system of public education is education for citizenship and is grounded upon conviction that a general diffusion of knowledge is essential for the welfare of Texas and for the preservation of the liberties and rights of citizens.

[Acts 1969, 61st Leg., p. 2737, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 2.02. The Flying of the State Flag

On all regular school days, every school and other educational institution covered by this code shall fly

the Texas flag in accordance with the general rules governing its use.

[Acts 1969, 61st Leg., p. 2737, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 2.03. Dedication to the People of Texas

The educational institutions covered by this code are designed for and are open to the people of the State of Texas, subject only to such rules and regulations as the governing boards of such institutions may be authorized in this code to make and enforce for the welfare of the various institutions under their control.

[Acts 1969, 61st Leg., p. 2737, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 2.04. Protection of Land in Use by Schools

No public road shall be opened across land owned and used by any school district or other educational institution covered by this code without the consent of the regents, directors, or trustees of that institution and approval of the governor, unless the land is subject to sale under the general laws of Texas. The roads already opened across such land may be closed by the authorities in charge whenever they deem it necessary to protect the interest of the institution and on repayment with eight percent interest of the amount actually paid out as appears on the records of the commissioners court, by the situs county for the land's condemnation.

[Acts 1969, 61st Leg., p. 2738, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 2.05. Motor Vehicles Owned and Used by State-Supported Educational Institutions

(a) Motor vehicles, trailers, and semitrailers which are the property of and used exclusively by any school district, institution of higher education, or agency in charge, or branch are exempt from the payment of state registration fee. Nevertheless, the owners of such vehicles must comply with the general statutes relating to motor vehicle registration.

(b) Application for license plates, identification of vehicles and transfer of ownership are governed by the general statutes relating to motor vehicles and such special provisions of those statutes that relate to the particular type of vehicle concerned.

[Acts 1969, 61st Leg., p. 2738, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 2.06. Oath of Office and Allegiance

(a) No public funds shall be paid to any person as a teacher, instructor, visiting instructor, or other employee connected with any tax-supported educational institution in Texas unless he takes the oath of office required of members of the legislature and all other state officers, as provided in Article XVI, Section 1, of the Texas Constitution.

(b) Foreign visiting instructors, refugees, and political refugees from conquered countries are exempted from the requirements in Subsection (a) of this section if they file an affidavit, on a form prescribed by the attorney general of Texas, stating, among other things, that they are not members of the Communist, Fascist, or Nazi parties, nor of any bund, or affiliated organization, and that they will not engage in any un-American activities, nor teach any doctrines contrary to the constitution and laws of the United States of America or of the State of Texas.

(c) Any teacher or instructor of any tax-supported educational institution in Texas who shall be found guilty of openly advocating doctrines which seek to undermine or overthrow by force or violence the republican and democratic forms of government in the United States or which in any way seek to establish a government that does not rest upon the fundamental principle of consent of the governed, shall after a full adjudicative hearing by his employing or appointing authority be dismissed.

[Acts 1969, 61st Leg., p. 2738, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 2.07. Assignment, Transfer, or Pledge of Compensation

(a) The terms "teacher" and "school employee" used in this section include:

(1) any person employed by any public school district, in an executive, administrative, or clerical capacity, or as a superintendent, principal, teacher, or instructor; and

(2) any person employed by a university, college, or other educational institution in an executive, administrative, or clerical capacity, or as a professor, instructor, or in any similar capacity.

(b) Any teacher's or school employee's assignment, pledge, or transfer of his salary or wages as security for indebtedness—or any interest or part of his salary or wages—then due or which may become due under an existing contract of employment shall be enforceable only under the following conditions:

(1) Before or at the time of execution, delivery, or acceptance of an assignment, pledge, or transfer, written approval must be obtained from the employing authority or officer, and if the teacher or school employee executing the instrument is employed by:

(A) a common school district, approval of his assignment, pledge, or transfer must be obtained from either the secretary or chairman of the district board of trustees and also from the county superintendent of the county in which the district is located;

(B) an independent school district, approval of his assignment, pledge, or transfer must be obtained either from the president or secretary of the board of trustees or from the superintendent or business manager of the independent school district; and

(C) a college, university, or any other educational institution, approval of his assignment, pledge, or transfer must be obtained from the salary disbursement officer of the college, university, or other educational institution;

(2) Any assignment, pledge, or transfer must be in writing and acknowledged as required for the acknowledgment of deeds or other recorded instruments, and if executed by a married person, it must also be executed and acknowledged in a like manner by his or her spouse; however, the employer approving an assignment, pledge, or transfer need not acknowledge it; and

(3) An assignment, pledge, or transfer shall be enforceable only to the extent that the indebtedness it secures is a valid and enforceable obligation.

(c) Any school district, college, university, or other educational institution, or county superintendent—or disbursing agent—shall honor an assignment, pledge, or transfer fulfilling the conditions of Subsection (b) of this section without incurring any liability to the teacher or school employee executing the assignment, pledge, or transfer. Payment to any assignee, pledgee, or transferee in accordance with the terms of the instrument shall constitute payment to or for the account of the assignor, pledgor, or transferor. However, an assignment, pledge, or transfer shall be enforceable only to the extent of salary due or which may become due during continuation of the assignor's employment as a teacher or school employee.

(d) Venue for any suit against the employer of a teacher or school employee to enforce an assignment, pledge, or transfer of salary shall be in the county where the employing school or educational institution is located.

[Acts 1969, 61st Leg., p. 2738, ch. 889, § 1, eff. Sept. 1, 1969.]

Saved from Repeal

Acts 1955, 54th Leg., p. 595, ch. 203, relating to actions on assignment of wages, and classified as Vernon's Ann. Civ.St. art. 5159c, provided, in part, in § 3 that "nothing in this Act shall in any manner affect or repeal any part of Acts, 1939, Forty-sixth Legislature, page 282, Chapter 13, as amended (codified as Vernon's Article 2883a) [now, this section].

§ 2.08. Transferred and renumbered as § 12.36 by Acts 1983, 68th Leg., p. 91, ch. 13, § 13, eff. April 13, 1983

§ 2.09. Immunization; Requirements; Exceptions

(a) No person may be admitted to any elementary or secondary school or institution of higher education unless he has been immunized against diphtheria, rubeola, rubella, tetanus, and poliomyelitis, except as provided in Subsection (c).

(b) Subject to the provisions of Subsection (c), the Texas Board of Health may modify or delete any of the immunizations in Subsection (a) or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school or institution of higher education.

(c) No form of immunization is required for a person's admission to any elementary or secondary school or institution of higher education when the person applying for admission:

(1) submits to the admitting official either of the following:

(A) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine within the United States, in which it is stated that, in the physician's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of his family or household; or

(B) an affidavit signed by the applicant or, if a minor, by his parent or guardian stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member; provided, however, that this exemption does not apply in times of emergency or epidemic declared by the Commissioner of Health; or

(2) is a member of the armed forces of the United States and is on active duty.

(d) The Texas Department of Health shall provide the required immunizations to children in areas where no local provision exists to provide these services.

(e) A person may be provisionally admitted to an elementary or secondary school or institution of higher education if he has begun the required immunizations and if he continues to receive the necessary immunizations as rapidly as is medically feasible. The Texas Department of Health shall promulgate rules and regulations relating to the provisional admission of persons to an elementary or secondary school or institution of higher education.

[Acts 1969, 61st Leg., p. 2740, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 702, ch. 67, § 1, eff. April 26, 1971; Acts 1971, 62nd Leg., p. 1441, ch. 398, §§ 1, 2, eff. May 26, 1971; Acts 1973, 63rd Leg., p. 599, ch. 253, § 1, eff. June 11, 1973; Acts 1979, 66th Leg., p. 771, ch. 337, § 1, eff. June 6, 1979; Acts 1981, 67th Leg., p. 926, ch. 341, § 1, eff. Aug. 31, 1981.]

§ 2.09a. Immunization Records; Reporting

(a) Each school or institution of higher education covered by this Act shall keep an individual immunization record during the period of attendance for each student admitted, and the records shall be open for inspection at all reasonable times by the Central Education Agency or by representatives of local health departments or the Texas Department of Health.

(b) Each school or institution of higher education covered by this Act shall cooperate in transferring students' immunization records between other schools and institutions of higher education. Specific approval from students, parents, or guardians is not required prior to making such record transfers.

(c) The Central Education Agency and the Texas Department of Health shall develop the form for a required annual report of the immunization status of students, and such annual report shall be submitted by all Texas schools at such time and in such manner as is indicated in the instructions printed on such form.

[Acts 1979, 66th Leg., p. 772, ch. 337, § 2, eff. June 6, 1979.]

§ 2.10. Maintenance of Existing Institutions

No law establishing or providing for the maintenance of any public educational institution shall be affected or impaired by the repealing clause of this code unless expressly altered or repealed in some preceding or subsequent section herein.

[Acts 1969, 61st Leg., p. 2740, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 2.11. Frivolous Suit

(a) In a civil suit, except as provided by Subsection (b) of this section, against a school district or against an employee or officer of a school district acting under color of the office or employment, the court may award costs and reasonable attorneys' fees if:

- (1) the court finds that the suit is frivolous, unreasonable, and without foundation; and
- (2) the suit is dismissed or judgment is for the defendant.

(b) This section applies only to suits brought under state law. This section does not apply to suits under the workers' compensation law, suits based on civil rights violations, personal injury or death actions, or suits challenging the validity of school district policies.

[Acts 1984, 68th Leg., 2nd C.S., p. 408, ch. 28, art. V, part E, § 1, eff. Sept. 1, 1984.]

§ 2.12. Average Daily Attendance

In this code, average daily attendance is determined in the manner provided by Section 16.006 of this code.

[Acts 1984, 68th Leg., 2nd C.S., p. 341, ch. 28, art. II, § 17, eff. Sept. 1, 1984.]

CHAPTER 3. TEACHER RETIREMENT SYSTEM [REPEALED]

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3.01 to 3.07. Repealed.

SUBCHAPTER B. CREDITABLE SERVICE

3.21 to 3.29. Repealed.

SUBCHAPTER C. BENEFITS

Sec. 3.31 to 3.40. Repealed.

SUBCHAPTER D. ADMINISTRATION AND ORGANIZATION

3.51 to 3.63. Repealed.

Chapter 3 of the Education Code, formerly consisting of a Section 3.01 which provided that 1969 H.B.No.241 (hereinafter cited) governed the Teacher Retirement System, was amended by Acts 1971, 62nd Leg., p. 1449, ch. 405, § 1, effective May 26, 1971, to consist of Subchapters A to D containing Sections 3.01 to 3.62. These sections incorporate the provisions of Civil Statutes Arts. 2922-1.01 to 2922-4.11, enacted by Acts 1969, 61st Leg., p. 109, (H.B.241) ch. 41 which was repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(2).

The 1971 Act, which by sections 1 to 53 incorporated the provisions of certain acts passed during the regular and second called sessions of the 61st Legislature into the Code, and which by section 54 repealed the acts so incorporated, provided in sections 55 and 56:

"Sec. 55. Nothing in this Act is intended to make any change in the substantive law, but this Act is merely intended to be a recodification of the present law.

"Sec. 56. If any other Act passed at the same session of the Legislature conflicts with any provision of this Act, the other Act prevails."

SUBCHAPTER A. GENERAL PROVISIONS

§§ 3.01 to 3.07. Repealed by Acts 1981, 67th Leg., p. 2063, ch. 453, § 3(1), eff. Sept. 1, 1981

Acts 1981, 67th Leg., ch. 453, repealing these sections, enacted Title 110B of the Revised Civil Statutes, Public Retirement Systems.

For disposition of the subject matter of the repealed sections, see Disposition Table following Title 110B.

Acts 1981, 67th Leg., p. 830, ch. 296, § 9, which is repealed by Acts 1981, 67th Leg., 1st C.S., p. 236, ch. 18, § 110(c)(1), effective Sept. 1, 1982, provides:

"Sections 2 through 6 of this Act [amending §§ 3.02(a)(17), (18), 3.02(c), 3.25(b), (c), 3.26(b), (d)] shall become effective September 1, 1982. The remainder of this Act [amending § 3.02(a)(12), 3.31(f), 3.32] shall become effective September 1, 1981. However, persons who have retired on or after May 31, 1981, but before September 1, 1982, may elect to receive, beginning September 1, 1981, or after their retirement, whichever is later, a benefit based upon a best-three-years-average compensation, provided that the highest year's compensation included in the average compensation factor must be adjusted to conform to the definition of 'annual compensation' adopted in this Act for school years beginning with 1981-82. Persons retiring in the 1981-82 school year with a benefit based upon their best-five-years-average compensation may make deposits and receive credit for actual compensation received in that year for service resulting in a year of membership credit."

SUBCHAPTER B. CREDITABLE SERVICE

§§ 3.21 to 3.27. Repealed by Acts 1981, 67th Leg., p. 2063, ch. 453, § 3(1), eff. Sept. 1, 1981

For disposition of the subject matter of the repealed sections, see Disposition Table following Title 110B.

Acts 1981, 67th Leg., ch. 453, repealing these sections, enacted Title 110B of the Revised Civil Statutes, Public Retirement Systems.

Acts 1981, 67th Leg., p. 830, ch. 296, § 9, which is repealed by Acts 1981, 67th Leg., 1st C.S., p. 236, ch. 18, § 110(c)(1), effective Sept. 1, 1982, provides:

"Sections 2 through 6 of this Act [amending §§ 3.02(a)(17), (18), 3.02(c), 3.25(b), (c), 3.26(b), (d)] shall become effective September 1, 1982. The remainder of this Act [amending §§ 3.02(a)(12), 3.31(f), 3.32] shall become effective September 1, 1981. However, persons who have retired on or after May 31, 1981, but before September 1, 1982, may elect to receive, beginning September 1, 1981, or after their retirement, whichever is later, a benefit based upon a best-three-years-average compensation, provided that the highest year's compensation included in the average compensation factor must be adjusted to conform to the definition of 'annual compensation' adopted in this Act for school years beginning with 1981-82. Persons retiring in the 1981-82 school year with a benefit based upon their best-five-years-average compensation may make deposits and receive credit for actual compensation received in that year for service resulting in a year of membership credit."

§ 3.28. Repealed by Acts 1979, 66th Leg., p. 1175, ch. 570, § 3, eff. Aug. 27, 1979**§ 3.29. Repealed by Acts 1981, 67th Leg., p. 2063, ch. 453, § 3(1), eff. Sept. 1, 1981**

Acts 1981, 67th Leg., ch. 453, repealing this section, enacted Title 110B of the Revised Civil Statutes, Public Retirement Systems.

For disposition of the subject matter of the repealed section, see Disposition Table following Title 110B.

SUBCHAPTER C. BENEFITS

§§ 3.31 to 3.40. Repealed by Acts 1981, 67th Leg., p. 2063, ch. 453, § 3(1), eff. Sept. 1, 1981

Acts 1981, 67th Leg., ch. 453, repealing these sections, enacted Title 110B of the Revised Civil Statutes, Public Retirement Systems.

For disposition of the subject matter of the repealed section, see Disposition Table following Title 110B.

Acts 1981, 67th Leg., p. 830, ch. 296, § 9, which is repealed by Acts 1981, 67th Leg., 1st C.S., p. 236, ch. 18, § 110(c)(1), effective Sept. 1, 1982, provides:

"Sections 2 through 6 of this Act [amending §§ 3.02(a)(17), (18), 3.02(c), 3.25(b), (c), 3.26(b), (d)] shall become effective September 1, 1982. The remainder of this Act [amending § 3.02(a)(12), 3.31(f), 3.32] shall become effective September 1, 1981. However, persons who have retired on or after May 31, 1981, but before September 1, 1982, may elect to receive, beginning September 1, 1981, or after their retirement, whichever is later, a benefit based upon a best-three-years-average compensation, provided that the highest year's compensation included in the average compensation factor must be adjusted to conform to the definition of 'annual compensation' adopted in this Act for school years beginning with 1981-82. Persons retiring in the 1981-82 school year with a benefit based upon their best-five-years-average compensation may make deposits and receive credit for actual compensation received in that year for service resulting in a year of membership credit."

Acts 1981, 67th Leg., p. 265, ch. 109, § 1, without reference to the repeal of § 3.38 by Acts 1981, 67th Leg., p. 2063, ch. 453, § 3(1), added a subsec: (j) to § 3.38. As so added, subsec. (j) reads:

"(j) Effective September 1, 1981, the monthly benefits paid to annuitants of the Teacher Retirement System of Texas, except for minimum disability benefits being paid to persons with less than 10 years credit and monthly survivor benefits, shall be increased by

21 percent if the date of retirement, or date of death for death benefits, occurred before September 1, 1963, by 16 percent if the date of retirement, or date of death for death benefits occurred on or after September 1, 1963, but before May 31, 1971, by 14 percent if the date of retirement, or date of death for death benefits, occurred on or after May 31, 1971, but before May 31, 1977, by 2 percent if the date of retirement, or date of death for death benefits, occurred on or after May 31, 1977, but before August 31, 1979, or by 7 percent if the date of retirement, or date of death for death benefits, occurred on August 31, 1979, and if the amount of the benefit was not affected by the amendment of Subdivision (18) of Subsection (a) of Section 3.02 of the Texas Education Code by Chapter 570, Acts of the 66th Legislature, Regular Session, 1979. In lieu of all other increases provided by this subsection and previous laws, an annuitant under rules adopted by the retirement system may elect to receive, effective September 1, 1981, a monthly benefit calculated, without subsequent increases, as if the retirement law being administered on August 31, 1979, had been in effect on the date of retirement, or on the date of death for death benefits. The increases provided in this subsection shall be funded by and are conditioned upon the restoration to the retired reserve account of the assets released from that account by the increase in the assumed rate of earnings adopted by the State Board of Trustees on September 12, 1980, and the appropriation of additional amounts actuarially determined to be necessary to fund the increases completely."

Section 2 of Acts 1981, 67th Leg., p. 266, ch. 109, provides:

"There is appropriated from the General Revenue Fund to the Teacher Retirement System of Texas the sum of \$95,000,000 to fund the benefit increases provided by this Act. On the effective date of this Act, the state comptroller of public accounts shall transfer the appropriated sum for deposit in the benefit increase reserve account of the Teacher Retirement System of Texas. Should the amount that is appropriated be less than the amount required to fund the increases provided by this Act, the State Board of Trustees shall adjust the rates of increases accordingly to rates which the actual amount appropriated will fund with the increases being allocated among the retirees in the same ratio as set forth in Subsection (j) of Section 1 of this Act."

Acts 1981, 67th Leg., p. 6, ch. 4, §§ 1, 2, eff. Feb. 13, 1981, provide:

"Sec. 1. (a) Monthly benefits payable to an annuitant of the Teacher Retirement System of Texas, except for minimum disability benefits payable to a person with less than 10 years of service credit and except for survivor benefits, are increased by 5.1 percent if the date of retirement on which the benefits are based or the date of death for death benefits occurred before August 31, 1979.

"(b) The initial payment of the increase in benefits provided by this Act is for the calendar month in which this Act takes effect.

"Sec. 2. There is appropriated from the General Revenue Fund to the Teacher Retirement System of Texas the sum of \$93,750,000 which sum has been actuarially determined to be the amount necessary to fund the benefit increases provided by this Act. On the effective date of this Act, the state comptroller of public accounts shall transfer the appropriated sum for deposit in the benefit increase reserve account of the Teacher Retirement System of Texas."

SUBCHAPTER D. ADMINISTRATION AND ORGANIZATION

§§ 3.51 to 3.63. Repealed by Acts 1981, 67th Leg., p. 2063, ch. 453, § 3(1), eff. Sept. 1, 1981

Acts 1981, 67th Leg., ch. 453, repealing these sections, enacted Title 110B of the Revised Civil Statutes, Public Retirement Systems.

For disposition of the subject matter of the repealed sections, see Disposition Table following Title 110B.

CHAPTER 4. PENAL PROVISIONS

Sec.

4.01. Repealed.

- Sec.
- 4.02. Interference with Operation of Foundation School Program.
- 4.03. Failure to Comply with Budget Requirements.
- 4.04. Violations by Treasurer or Depository.
- 4.05. Improper Payment of Salaries.
- 4.06. [Blank].
- 4.07. Unlawful Inquiry Into Religious Affiliation of Applicants for Positions.
- 4.08. Unlawful Inquiry Into Religious Affiliation.
- 4.09. Failure to Transfer Pupils and Funds.
- 4.10. Alteration of Teacher's Certificate.
- 4.11. Approving Voucher Without Certificate.
- 4.12. Traffic in Certificate Examinations.
- 4.13. Preventing Use of Adopted Textbooks.
- 4.14. Accepting Rebate on Textbooks.
- 4.15 to 4.17. Repealed.
- 4.18. Operation of School Buses.
- 4.19. Hazing.
- 4.20. Fraternities, Sororities, Secret Societies.
- 4.21. Soliciting Pupils to Join Secret Societies.
- 4.22. Possession of Intoxicants on Public School Grounds.
- 4.23. Loitering on School Property.
- 4.24. Violation of Free Textbook Law.
- 4.25. Thwarting Compulsory Attendance Law.
- 4.26. Refusal to Answer Census Trustee.
- 4.27. Unlawful Campaign Contributions.
- 4.28. Interference with the Peaceful Operation of the Public Schools.
- 4.29. Falsifying Documents.
- 4.30. Disruptive Activities.
- 4.31. Exhibition of Firearms.
- 4.32. [Blank].
- 4.33. Disruption of Classes.
- 4.34. Disruption of Transportation.

§ 4.01. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(1), eff. May 26, 1971

§ 4.02. Interference with Operation of Foundation School Program

(a) Any person who shall confiscate, misappropriate, or convert money appropriated to the Foundation School Fund to carry out the purposes of that program as set out in Chapter 16 of this code¹ after such money is received by the school district or board of county school trustees in accordance with the terms of Chapter 16, shall be guilty of a felony and upon conviction shall be punished by confinement in the state penitentiary for not less than one year nor more than five years.

(b) Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified, any record, form, report, or budget required under the provisions of Chapter 16 of this code, or the rules of the state officials charged with the enforcement of the Foundation School Program, in any attempt to defraud the state or its school system as a result of such act, shall be guilty of a felony and upon conviction shall be punished by confinement in the state penitentiary for not less than one year nor more than five years. Such proceedings shall be instituted by the proper district or county attorney in accordance with Article 339, Revised Civil Statutes, 1925, or any other law appertaining thereto.

(c) Should any change or error in the records, forms, reports, or budgets result in any school district receiving from the Foundation School Fund more or less than it would have been entitled to receive had said records been correct, the commissioner of education shall correct such error, and so far as practicable shall adjust the payment in such a manner that the amount to which such district was correctly eligible shall be paid.

(d) Any person, including any county superintendent or ex officio county superintendent, school bus driver, school trustee, or any district superintendent, principal or other administrative personnel, or teacher of a school district, or its treasurer or proper disbursing officer, who violates any of the provisions of Chapter 16 of this code other than those to which subsections (a) and (b) of this section apply, shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$1000. Proceedings shall be instituted by the proper district or county attorney upon receipt of information from the state commissioner of education.

(e) If any person shall knowingly submit incorrect information to the Central Education Agency in any report required by Chapter 16 of this code or by the rules of the agency or by the commissioner of education for the honest administration of the Foundation School Program, such offenses shall constitute a felony, and any person upon conviction shall be punished by confinement in the state penitentiary for not less than two nor more than five years. [Acts 1969, 61st Leg., p. 2742, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Section 16.01 et seq.

§ 4.03. Failure to Comply with Budget Requirements

(a) Whoever fails to comply with the duties assigned him with regard to the preparation or the following of a county school budget or who violates any provision of Section 17.56 of this code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$100.

(b) Any county superintendent approving any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100.

(c) Whoever fails to comply with the duties assigned him with regard to the preparation or the following of a budget of an independent school district or who violates any provision of Section 23.42 of this code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$100.

(d) Each and any trustee of an independent school district who votes to approve any expenditure of school funds in excess of the item or items appropri-

ated in the adopted budget or a supplementary or amended budget shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$100.

(e) Charges of the violation of this section may be instituted by the proper county or district attorney or by the attorney general.

[Acts 1969, 61st Leg., p. 2743, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.04. Violations by Treasurer or Depository

(a) If any person who is by law a treasurer of any school district in this state, or if any officer, director, stockholder, agent, or employee of any corporation that is by law the treasurer or depository of any school district in this state shall fraudulently take, misapply, or convert to his own use any money, property, or other thing of value belonging to such district that may have come into his possession by virtue of his being treasurer of such district or that may have come into his possession by virtue of the corporation of which he is officer, director, stockholder, agent, or employee being the treasurer or depository of such district, or shall secrete the same with intent to take, misapply, or convert it to his own use or shall pay or deliver the same to any person knowing that he is not entitled to receive it, he shall be guilty of a felony and upon conviction shall be confined in the state penitentiary not less than 2 nor more than 10 years.

(b) Any county or city treasurer or treasurer of the school board of each city or town having exclusive control of its schools who fails to make and transmit any report and certified copy thereof, or either, required by law, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50 nor more than \$500.

[Acts 1969, 61st Leg., p. 2744, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.05. Improper Payment of Salaries

Any employee of the state or of any district, county, city, town, or school, who may be responsible for the payment of the salary of any county judge acting as ex officio county superintendent of public schools, or of any county, district, or town superintendent or principal, or other school officer, or any teacher, librarian, assessor, county treasurer, treasurer of county school depository, or treasurer of school district depository, after notice by the commissioner of education that the person has failed to comply with the provisions of Sec. 21.254 of this code shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50 nor more than \$500.

[Acts 1969, 61st Leg., p. 2744, ch. 889, § 1, eff. Sept. 1, 1971.]

§ 4.06. [Blank]

§ 4.07. Unlawful Inquiry Into Religious Affiliation of Applicants for Positions

(a) No board of education, trustee of a school district, superintendent, principal, or teacher of a public school, or other official or employee of a board of education shall directly or indirectly ask, indicate, or transmit orally or in writing the religion or religious affiliation of any person seeking employment or official position in the public schools of the State of Texas, except to inquire of the applicant whether or not he or she believes in the existence of a Supreme Being.

(b) No department, agency, or commission or any agent or employee of the state shall have the right to inquire, request, or in any manner directly or indirectly indicate, require, or request the religious affiliation of any applicant for any position in the public education system of this state.

(c) Any person who shall violate any provision of this section, or who shall aid or incite the violation of any provision of this section, shall for each and every violation thereof be liable to a penalty of not less than \$100 nor more than \$500, to be recovered by the person aggrieved thereby or by any resident of this state, to whom such person shall assign his cause of action, in any court of competent jurisdiction in the county in which the plaintiff or the defendant shall reside; and such person shall also for every such offense be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100 nor more than \$500 or shall be imprisoned not less than 30 days nor more than 90 days, or both.

[Acts 1969, 61st Leg., p. 2744, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.08. Unlawful Inquiry Into Religious Affiliation

(a) No person or organization employed or maintained to obtain or aid in obtaining positions for public school employees shall directly or indirectly ask or communicate orally or in writing, the religion or religious affiliation of anyone applying for employment in the public schools of this state, except to inquire whether or not he believes in the existence of a Supreme Being.

(b) Violation of Section (a) above shall subject the violator for each offense to:

(1) a civil penalty of not less than \$100 nor more than \$500, recoverable by the aggrieved applicant or his assignee in any court of competent jurisdiction located in the county of plaintiff's or defendant's residence; and

(2) a criminal punishment, of misdemeanor status, consisting of a fine of not less than \$100 nor more than \$500 or a jail term of not less than 30 days nor more than 90 days, or both.

[Acts 1969, 61st Leg., p. 2745, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.09. Failure to Transfer Pupils and Funds

Any county judge serving as ex officio county superintendent or any county superintendent, district, city or town superintendent or any school officer, who refuses to transfer pupils and funds as provided in Subchapter C of Chapter 21 of this code¹ shall be fined not less than \$50 nor more than \$500 or be confined in jail not more than 60 days, or both.

[Acts 1969, 61st Leg., p. 2745, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Section 21.061 et seq.

§ 4.10. Alteration of Teacher's Certificate

Whoever shall wilfully raise, change, or alter any teacher's certificate or diploma, or other instrument having the force of a teacher's certificate, shall be deemed guilty of a felony and upon conviction shall be confined in the penitentiary not less than two nor more than seven years.

[Acts 1969, 61st Leg., p. 2745, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.11. Approving Voucher Without Certificate

Any county or city superintendent or school trustee who approves any teacher's contract or voucher before the person has presented a valid teacher's certificate shall be fined not less than \$25 nor more than \$100.

[Acts 1969, 61st Leg., p. 2745, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.12. Traffic in Certificate Examinations

Whoever shall sell, barter, or give away, prior to any forthcoming examination, to applicants for teachers' certificates, or to any person, the questions to be used by any board of examiners in the examination of teachers at any forthcoming examination; or any person who shall accept or otherwise obtain possession of such questions, or the answers thereto, prior to any such examination; or whoever shall use the same fraudulently at the time of said examination, or thereafter; or who shall permit or aid in the substitution of examination papers fraudulently prepared to be substituted for examination papers prepared during the examination; or who accepts remuneration for the granting of certificates or for aiding others to obtain certificates, except as provided for by law, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500 and imprisoned in jail for not less than 20 days nor more than 60 days.

[Acts 1969, 61st Leg., p. 2745, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.13. Preventing Use of Adopted Textbooks

Any school trustee who shall prevent or aid in preventing the use in any public school in this state of the books or any of them as adopted under the provisions of Chapter 12 of this code,¹ or any teach-

er in any public school in this state who shall wilfully fail or refuse to use the books adopted shall be guilty of a misdemeanor and upon conviction shall be fined a sum of not less than \$5 and not more than \$50 for each offense, and each day of such wilful failure or refusal by a teacher or wilful prevention of the use of the books by a trustee shall constitute a separate offense.

[Acts 1969, 61st Leg., p. 2746, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Section 12.01 et seq.

§ 4.14. Accepting Rebate on Textbooks

Any school trustee or teacher who shall ever receive any commission or rebate on any books used in the schools with which he is concerned as trustee or teacher shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50 and not more than \$100.

[Acts 1969, 61st Leg., p. 2746, ch. 889, § 1, eff. Sept. 1, 1969.]

§§ 4.15, 4.16. Repealed by Acts 1981, 67th Leg., p. 728, ch. 274, § 2, eff. Aug. 31, 1981

§ 4.17. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(1), eff. May 26, 1971

§ 4.18. Operation of School Buses

(a) All vehicles used for the transportation of pupils to and/or from any school or college shall have a sign on the front and rear and on each side of the vehicle, showing the words "School Bus" and such words shall be plainly readable in letters not less than eight inches in height. It shall be the duty of the operator of any school bus to see that the signs are displayed, but if a school bus is being operated on a highway for any purpose other than the transportation of pupils, the markings indicating "School Bus" shall be covered or concealed.

(b) Any person who violates the provisions of this section shall be guilty of a misdemeanor unless such violation is by other law of this state declared to be a felony. Every person convicted of a misdemeanor for violation of this section shall be fined not less than \$1 nor more than \$200 or confined in the county jail not to exceed 90 days or both; provided, however, that if death results to any person, caused either actually or remotely by a noncompliance or violation of this section, then and in that event, the party or parties so offending shall be punished as is now provided by law.

[Acts 1969, 61st Leg., p. 2747, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.19. Hazing

(a) No student of the University of Texas, or Texas A & M University, or any state school of Texas, or any other state-supported institution of higher education, shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.

(b) "Hazing" is defined as follows:

(1) any wilful act by one student alone or acting with others, directed against any other student of such educational institution, done for the purpose of submitting the student made the subject of the attack committed, to indignity or humiliation, without his consent;

(2) any wilful act of any one student alone, or acting with others, directed against any other student of such educational institution, done for the purpose of intimidating the student attacked by threatening such student with social or other ostracism, or of submitting such student to ignominy, shame, or disgrace among his fellow students, and acts calculated to produce such results;

(3) any wilful act of any one student alone, or acting with others, directed against any other student of such educational institution, done for the purpose of humbling, or that is reasonably calculated to humble the pride, stifle the ambition, or blight the courage of the student attacked, or to discourage any such student from longer remaining in such educational institution or reasonably to cause him to leave the institution rather than submit to such acts; or

(4) any wilful act by any one student alone, or acting with others, in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(c) No teacher, instructor, member of any faculty, or any officer or director, or a member of any governing board of any state-supported educational institution shall knowingly permit, encourage, aid, or assist any student in committing the offense of hazing, or wilfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in the institution in which he may be serving to the executive head or governing board of such institution. Any act of omission or commission shall be deemed "hazing" under the provisions of this section.

(d) Any student of any state-supported educational institution of this state who shall commit the offense of hazing shall be fined not less than \$25 nor more than \$250 or shall be confined in jail not less than 10 days nor more than three months, or both.

(e) Any teacher, instructor, or member of any faculty, or officer or director of any state-supported educational institution who shall commit the offense of hazing shall be fined not less than \$50 or not more than \$500 or shall be imprisoned in jail not less than 30 days or not more than six months, or both, and in addition thereto shall be immediately

discharged and removed from his then position or office in the institution, and shall thereafter be ineligible to reinstatement or reemployment as teacher, instructor, member of faculty, officer, or director in any state-supported educational institution for a period of three years.

(f) Nothing in this section shall be construed as in any manner affecting or repealing any law of this state respecting homicide, or murder, manslaughter, assault with intent to murder, or aggravated assault.

[Acts 1969, 61st Leg., p. 2747, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 3007, ch. 994, § 1, eff. Aug. 30, 1971.]

§ 4.20. Fraternities, Sororities, Secret Societies

(a) In all counties of this state, public school fraternities, sororities, and secret societies are prohibited in all the public schools of this state supported in whole or in part from public funds, which schools are below the rank or grade of colleges, and including within said provisions all high schools and junior high schools and all public schools of lower grades.

(b) A public school fraternity, sorority, or secret society as used in this section is hereby defined to be any organization composed wholly or in part of pupils of public schools below the rank of college or junior college as herein provided, which seeks to perpetuate itself by taking in additional members from the pupils enrolled in such school on the basis of the decision of its membership rather than upon the free choice of any pupil in the school who is qualified by the rules of the school to fill the special aims of the organization.

(c) Any public school fraternity, sorority, or secret society as defined in this section is hereby declared to be an organization inimical to the public good.

(d) It shall be the duty of school directors, boards of education, school instructors, and other corporate authority managing and controlling any of the public schools of this state within the provisions of this section to recommend placing in an alternative education program any pupil of a school under their control who shall be or remain a member of, or who shall join or promise to join, or who shall become pledged to become a member of, or who shall solicit any other person to join, promise to join, or be pledged to become a member of any such public school fraternity, or sorority, or secret society. The above restrictions shall not be construed to apply to agencies for public welfare, viz.: Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, and other kindred educational organizations sponsored by the state or national education authorities.

(e) Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$200 for each offense.

(f) The provisions of this section shall not apply to any universities, colleges, or schools organized for higher education beyond the high school and junior high school level, but the same shall apply to high schools, junior high schools, and all schools of lower grades.

[Acts 1969, 61st Leg., p. 2748, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 448, ch. 28, art. VI, part G, § 4, eff. Sept. 1, 1984.]

§ 4.21. Soliciting Pupils to Join Secret Societies

(a) It shall be unlawful for any person not enrolled in a public school to solicit any student enrolled in any public school to join or pledge any public school fraternity, sorority, or secret society, or to solicit any such student to attend a meeting thereof, or any meeting where membership therein is encouraged.

(b) A public school fraternity, sorority, or secret society is any organization composed wholly or partially of students of public schools below the rank of college or junior college which seeks to perpetuate itself by taking in additional members from the student body of the school on the basis of its members' decision rather than on the free choice of any student qualified by the rules of the school to fulfill the special aims of the organization. This definition, however, does not apply to agencies or organized for the public welfare including the Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or any other kindred education organization sponsored by state or national education authorities.

(c) Universities, colleges, or other schools organized for education beyond the high school level are exempted from all provisions of this section.

(d) Any person convicted of violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction for each offense shall be fined not less than \$25 nor more than \$200.

[Acts 1969, 61st Leg., p. 2749, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.22. Possession of Intoxicants on Public School Grounds

(a) The possession of any intoxicating beverage for consumption, sale, or distribution while on the grounds or in a building of a public elementary, junior high, or senior high school or while entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public elementary, junior high, or senior high school of this state is being held is unlawful.

(b) If any officer of this state sees any person violating this section, he shall immediately seize the intoxicating beverage and within a reasonable time deliver it to the county or district attorney to be held as evidence until the trial of the accused possessor and then dispose of same.

(c) Any person violating the provisions of this section shall be guilty of a Class C misdemeanor.

[Acts 1969, 61st Leg., p. 2749, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 493, ch. 224, § 1, eff. Aug. 27, 1979.]

§ 4.23. Loitering on School Property

(a) Any person loitering upon school property after being warned to leave by the person in charge shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$200.00.

(b) School property for the purposes of this Act shall include the grounds of any public school and any grounds or buildings used for school sponsored assemblies or for activities.

[Acts 1969, 61st Leg., p. 2749, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 706, ch. 71, § 1, eff. April 26, 1971.]

§ 4.24. Violation of Free Textbook Law

Any person convicted of wilfully violating any law providing for the purchase and distribution of free textbooks for the public schools shall be fined not less than \$5 nor more than \$100.

[Acts 1969, 61st Leg., p. 2750, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.25. Thwarting Compulsory Attendance Law

(a) If any parent or person standing in parental relation to a child, within the compulsory school attendance ages and not lawfully exempt or properly excused from school attendance, fails to require such child to attend school for such periods as required by law, it shall be the duty of the proper attendance officer to warn, in writing, the parent or person standing in parental relation that attendance must be immediately required. If after this warning the parent or person standing in parental relation intentionally, knowingly, recklessly, or with criminal negligence fails to require the child to attend school as required by law, the parent or person standing in parental relation commits an offense. The attendance officer shall file a complaint against him in the county court, in the justice court of his resident precinct, or in the municipal court of the municipality in which he resides. An offense under this section is punishable by a fine of not less than \$5 nor more than \$25 for the first offense, not less than \$10 nor more than \$50 for the second offense, and not less than \$25 nor more than \$100 for a subsequent offense. Each day the child remains out of school after the warning has been given or the child ordered to school by the juvenile court may constitute a separate offense.

(b) If any parent or person standing in parental relation can prove that he is unable to compel his child to attend school, he shall be exempt from the penalties provided in this section and his child may be proceeded against as a habitual truant and committed to a state juvenile training school or any

other suitable school agreed upon between his parent or person standing in parental relation and the judge of the juvenile court.

(c) At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

[Acts 1969, 61st Leg., p. 2750, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1484, ch. 405, §§ 3, 4, eff. May 26, 1971; Acts 1975, 64th Leg., p. 1356, ch. 513, § 1, eff. Sept. 1, 1975; Acts 1981, 67th Leg., p. 3081, ch. 813, § 1, eff. Sept. 1, 1981.]

Section 2 of the 1981 amendatory act provides:

"(a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

"(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose."

§ 4.26. Refusal to Answer Census Trustee

Any person who is in a position of control over a child who will be over six but under 17 years of age on the next September 1 and who, although requested by the census trustee, refuses to comply with the requirements in Section 14.03 of this code¹ shall be fined not less than \$5 nor more than \$10.

[Acts 1969, 61st Leg., p. 2750, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Repealed.

§ 4.27. Unlawful Campaign Contributions

(a) It shall be unlawful for any person, group of persons, organization, or corporation engaged in manufacturing, shipping, selling, storing, or advertising textbooks or in any other manner connected with the textbook business to make a financial contribution to or take part in, directly or indirectly, the campaign of any person seeking election to the State Board of Education.

(b) It shall be unlawful for anyone interested in selling bonds of any type whatsoever to make a financial contribution to or take part in, directly or indirectly, the campaign of any person seeking election to the State Board of Education.

(c) Any person convicted of violating any provision of this section shall be fined not less than \$500 nor more than \$1,000 or sentenced to serve a jail term of not less than 90 days nor more than 180 days, or both.

[Acts 1969, 61st Leg., p. 2750, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.28. Interference with the Peaceful Operation of the Public Schools

(a) In order to maintain law, peace, and order in the operation of the public schools without the use of military force, the county judge of each county in this state is authorized to require any organization,

operating or functioning within the county and engaged in activities designed to hinder, harass, or interfere with the powers and duties of the State of Texas in controlling and operating its public schools to file with the county clerk, within seven days after such request is made, the following information, subscribed under oath before a notary public:

(1) the official name of the organization and list of members;

(2) the office, place of business, headquarters, or usual meeting place of the organization;

(3) the officers, agents, servants, employees, or representatives of the organization;

(4) the purpose or purposes of the organization; and

(5) a statement disclosing whether the organization is subordinate to a parent organization and, if so, the name of the parent organization.

(b) The term "organization" as used in this section means any group of persons, whether incorporated or unincorporated, and includes any civic, fraternal, political, mutual benefit, legal, medical, trade, or other kind of organization.

(c) The information filed pursuant to Subsection (a) of this section is hereby declared public and subject to the inspection of any interested party.

(d) Any person having custody or control of the records of an organization who fails to furnish the information requested or any other person or organization who shall violate any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50 nor more than \$200, and each day of violation shall constitute a separate offense.

[Acts 1969, 61st Leg., p. 2750, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 4.29. Falsifying Documents

(a) No person may buy, sell, create, duplicate, alter, give, or obtain, or attempt to buy, sell, create, duplicate, alter, give, or obtain a diploma, certificate, academic record, certificate of enrollment, or other instrument which purports to signify merit or achievement conferred by an institution of education in this state with the intent to use fraudulently that document or to allow the fraudulent use of the document.

(b) A person who violates this section or who aids another in violating this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, and/or confinement in the county jail for a period not to exceed one year.

[Acts 1971, 62nd Leg., p. 1484, ch. 405, § 5, eff. May 26, 1971.]

§ 4.30. Disruptive Activities

(a) No person or group of persons acting in concert may wilfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any private or public school or institution of

higher education or public vocational and technical school or institute.

(b) For the purposes of this section, disruptive activity means:

(1) obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;

(2) seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity;

(3) preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the school administration;

(4) disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or

(5) obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.

(c) For the purposes of this section, a lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

(d) A person who violates any provision of this section, is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed \$200 or by confinement in jail for not less than 10 days nor more than 6 months, or both.

(e) Any person who is convicted the third time of violating this section shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction.

(f) Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitutions of the United States or the State of Texas.

[Acts 1971, 62nd Leg., p. 1484, ch. 405, § 6, eff. May 26, 1971.]

§ 4.31. Exhibition of Firearms

(a) It shall be unlawful to interfere with the normal activities, the normal occupancy, or normal use of any building or portion of a campus of any private or public school or institution of higher education or public vocational and technical school or institute by exhibiting or using or threatening to exhibit or use a firearm.

(b) A person who violates this section is guilty of a felony and upon conviction is punishable by a fine of up to \$1,000 or by imprisonment in jail for a

period not to exceed six months, or by both fine and imprisonment, or by imprisonment in the state penitentiary for a period not to exceed five years.

[Acts 1971, 62nd Leg., p. 1485, ch. 405, § 7, eff. May 26, 1971.]

§ 4.32. [Blank]

§ 4.33. Disruption of Classes

(a) Any person who, on school property or on public property within 500 feet of school property, shall alone or in concert with others willfully disrupt the conduct of classes or other school activities shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine not to exceed \$200.

(b) In this section:

(1) "School property" shall include public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by a school for assemblies or other school-sponsored activities.

(2) "Public property" shall include any street, highway, alley, public park, or sidewalk.

(3) Conduct which disrupts the educational activities of a school includes:

(A) emission by any means of noise of an intensity which prevents or hinders classroom instruction;

(B) enticement or attempted enticement of students away from classes or other school activities which students are required to attend;

(C) prevention or attempted prevention of students from attending classes or other school activities which students are required to attend; and

(D) entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

(c) The provisions of this section shall be cumulative of existing law, and should any portion hereof be found to be in conflict with any provision of existing law, the provisions hereof shall prevail.

[Acts 1971, 62nd Leg., p. 3341, ch. 1024, art. 2, § 11, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 4499, ch. 729, § 1, eff. Aug. 29, 1983.]

§ 4.34. Disruption of Transportation

Any person who intentionally disrupts, prevents, or interferes with the lawful transportation of children to and from school or activities sponsored by a school on a vehicle owned and/or operated by a county or independent school district shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$200.

[Acts 1983, 68th Leg., p. 4500, ch. 729, § 2, eff. Aug. 29, 1983.]

TITLE 2. PUBLIC SCHOOLS

CHAPTER 11. CENTRAL EDUCATION AGENCY

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SUBCHAPTER A. GENERAL PROVISIONS

§ 11.01. Composition and Purpose

The State Board of Education, the State Board for Vocational Education, the state commissioner of education, and the State Department of Education shall comprise the Central Education Agency. It shall carry out such educational functions as may be assigned to it by the legislature, but all educational functions not specifically delegated to the Central Education Agency shall be performed by county boards of education or district boards of trustees.

[Acts 1969, 61st Leg., p. 2752, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1977, 65th Leg., 1st C.S., p. 35, ch. 1, § 18, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1320, ch. 602, § 15, eff. Aug. 27, 1979; Acts 1979, 66th Leg., p. 2317, ch. 841, § 4(k), eff. Jan. 1, 1982.]

§ 11.011. Application of Sunset Act

The Central Education Agency is subject to the Texas Sunset Act¹; and unless continued in exist-

ence as provided by that Act the agency is abolished effective September 1, 1989.

[Acts 1977, 65th Leg., p. 1853, ch. 735, § 2.149, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 11.02. General Powers and Duties

(a) The Central Education Agency shall exercise general control of the system of public education at the state level in accordance with the provisions of this code.

(b) Any activity with persons under 21 years of age which is carried on in the state by other state or federal agencies, except higher education in approved colleges, shall be subject in its education aspects to the rules and regulations of the Central Education Agency.

(c) Except for agreements entered into by the governing board of a state university or college, the Central Education Agency shall be the sole agency of the State of Texas empowered to enter into agreements with respect to education undertakings, including provision of school lunches and the construction of school buildings, with an agency of the federal government. No county board of education or board of trustees of a school district shall enter into contracts with, or accept money from, an agency of the federal government except under rules and regulations prescribed by the Central Education Agency.

[Acts 1969, 61st Leg., p. 2753, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.03. Supervision of the Texas School for the Deaf

(a) The Texas School for the Deaf is governed by a nine-member board appointed by the governor in accordance with this section and confirmed by the senate. Three of the members must be deaf persons, three must each be a parent of a deaf person, and three must be experienced in working with deaf persons. A person may not serve simultaneously on the board and the Texas Commission for the Deaf.

(b) Members of the board serve for terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year.

(c) Members of the board serve without salary but are entitled to reimbursement for actual and necessary expenses incurred in carrying out official duties.

(d) The board shall organize and conduct itself in the same manner as an independent school district board of trustees.

(e) The board shall prepare and present the annual budget for the school to the legislature.

(f) Actions of the board may be appealed in writing to the commissioner of education, who, after due notice to the parties interested, shall hold a

hearing and render a decision without cost to the parties involved, but nothing contained in this section shall deprive any party of any legal remedy. The decision of the commissioner may be appealed to a district court in Travis County.

(g) The board has exclusive jurisdiction over the physical assets of the school and shall administer and expend appropriations made for the benefit of the school.

(h) The superintendent of the school is appointed by and serves at the pleasure of the governing board of the school.

(i) The Texas School for the Deaf shall:

(1) provide educational services on a day or residential basis to deaf students for whom adequate educational opportunities are unavailable in their local or regional programs;

(2) provide short-term services to deaf students so that they may be better able to benefit from educational services available in their local communities;

(3) provide services for multiply handicapped deaf students who cannot be effectively assisted through community programs but whose developmental capacities are such that they should not be admitted to residential institutions operated by the Texas Department of Mental Health and Mental Retardation;

(4) be a primary resource to school districts for promoting excellence in educational services for hearing-impaired students;

(5) be a training and staff development resource for those at the community level who are involved in providing educational and related services to hearing-impaired students; and

(6) be a research and demonstration facility to improve methods of providing educational services to meet the current and future needs of hearing-impaired students.

(j) The state auditor shall audit the Texas School for the Deaf at least biennially and shall audit the school annually if requested by resolution of the board.

(k) The board shall prepare and disseminate to interested persons an annual report describing the programmatic and fiscal aspects of the school.

(l) The executive director of the Texas Commission for the Deaf or his representative serves as a voting member of any policy and planning committee or task force of the Texas School for the Deaf.

[Acts 1969, 61st Leg., p. 2753, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1652, ch. 691, § 1, eff. Aug. 27, 1979; Acts 1979, 66th Leg., p. 2162, ch. 827, § 1, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2308, ch. 567, § 1, eff. Sept. 1, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 300, ch. 28, art. I, part D, § 1, eff. Sept. 1, 1984.]

Section 4 of Acts 1979, 66th Leg., p. 2165, ch. 827, provided:

"The State Board of Education shall nominate and the governor shall appoint members to the governing board for the Texas School for the Deaf and for the Texas School for the Blind immediately after the effective date of this Act."

§ 11.031. Allocations of Certain Revenue to Texas School for the Deaf and Texas School for the Blind

The commissioner of education, with the assistance of the comptroller of public accounts, shall determine the amount that the Texas School for the Blind and the Texas School for the Deaf would have received from the available school fund if H.B. No. 72,¹ Acts of the 68th Legislature, 2nd Called Session, 1984, had not transferred statutorily dedicated taxes from the available school fund to the foundation school fund. That amount, minus any amount the schools do receive from the available school fund, shall be set apart as a separate account in the foundation school fund and appropriated to those schools for educational purposes.

[Acts 1984, 68th Leg., 2nd C.S., p. 352, ch. 28, art. II, part B, § 16, eff. Sept. 1, 1984.]

¹ Chapter 28.

A former § 11.031 was repealed by Acts 1981, 67th Leg., p. 2310, ch. 567, § 4.

§ 11.032. Admission to School for the Deaf

(a) The Texas School for the Deaf shall provide the services listed in Subdivisions (1) through (3) of Subsection (i) of Section 11.03 of this code to any student who is an eligible handicapped student referred by a state agency or by the governing board of a school district through the agency's or district's admission, review, and dismissal committee and for whom the school is the appropriate placement.

(b) The governing board of the Texas School for the Deaf, with approval of the commissioner of education, shall establish a policy that sets a period of time within which the school will normally process referrals for a school year.

(c) In addition to the students admitted under Subsection (a) of this section, the Texas School for the Deaf may provide educational services on a day or residential basis to a deaf student who has not been referred as provided by Subsection (a) of this section and for whom appropriate educational opportunities are available in the student's local or regional programs if:

- (1) the student's parent or legal guardian requests the services;
- (2) sufficient resources remain after accepting referral students during the enrollment period; and

(3) sufficient resources, as determined by the governing board of the Texas School for the Deaf with the approval of the commissioner of education, are maintained for emergency referrals from state agencies and school districts after the enrollment period.

(d) The State Board of Education with the advice of the governing board of the Texas School for the Deaf shall adopt rules necessary to carry out this section. The rules may include rules establishing the respective responsibilities of the student's par-

ent or legal guardian, the state agency, the school district, and the Texas School for the Deaf for students referred or admitted under this section.

[Acts 1983, 68th Leg., p. 886, ch. 206, § 1, eff. May 24, 1983.]

§ 11.04. Superintendent of the Texas School for the Deaf

(a) The superintendent of the Texas School for the Deaf shall be a graduate of an accredited university or college, shall have a minimum of one school year of full-time classroom teaching, shall have at least a total of five years' experience in educating the deaf with at least two of those years acquired in some supervisory capacity in training the deaf, and shall have special training in the education of the deaf in a duly certified school granting such special training.

(b) The superintendent may reside at the school and shall devote his time exclusively to the duties of his office.

(c) Repealed by Acts 1979, 66th Leg., p. 2165, ch. 827, § 5, eff. Aug. 27, 1979.

[Acts 1969, 61st Leg., p. 2753, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1653, ch. 691, § 2, eff. Aug. 29, 1979; Acts 1979, 66th Leg., p. 2165, ch. 827, § 5, eff. Aug. 29, 1979.]

§ 11.041. Repealed by Acts 1981, 67th Leg., p. 2310, ch. 567, § 4, eff. Sept. 1, 1981

§ 11.05. Printing at the Texas School for the Deaf

(a) The art of printing, in all its branches, shall be among the subjects of study offered at the Texas School for the Deaf.

(b) A competent, practical printer shall be employed as instructor.

(c) Any public printing for the state may be performed at the Texas School for the Deaf without regard to any contract with an individual, firm, or corporation for public printing.

[Acts 1969, 61st Leg., p. 2753, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.051. Travel and Clothing Expenses for Certain Deaf Students

(a) In this section, "economically deprived children" means children having parents or guardians whose financial condition is such that it would work a hardship upon them to pay the travel or clothing expenses of their children.

(b) The travel expenses of economically deprived children attending the Texas School for the Deaf shall be paid by the state out of funds appropriated by the legislature. The superintendent of the school shall, subject to the requirements of Subsection (c) of this section, make the determination in his sole discretion of which children are entitled to have their travel expenses paid.

(c) No money appropriated for travel expenses may be expended except in compliance with the following rules:

(1) The travel expenses shall be paid only when it is necessary for the student to travel to his home, and only for trips to and returning from his home.

(2) The superintendent of the school shall plan the travel of students so as to achieve maximum economy and efficiency.

(3) A student traveling by rented or public conveyance is entitled to a travel allowance equal to the actual cost of necessary transportation, meals, and lodging.

(d) The expenses of purchasing clothes for economically deprived children attending the Texas School for the Deaf shall be paid out of funds appropriated by the legislature. The superintendent of the school shall make the determination in his sole discretion of which children are entitled to have clothes purchased for them.

[Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 21, eff. Sept. 1, 1971.]

§ 11.052. Education for the Visually Handicapped

(a) The Central Education Agency shall develop and administer a comprehensive statewide plan for the education of visually handicapped children under 21 years of age which will ensure that the children have an opportunity for achievement equal to the opportunities afforded their peers with normal vision.

(b) The Central Education Agency shall be responsible for:

(1) the development of standards and guidelines for all special education services for the visually handicapped which it is authorized to provide or support pursuant to the provisions of this code, including matters related to standards and accreditation;

(2) the supervision of such field offices as might from time to time be established to assist local school districts in serving visually handicapped children more effectively;

(3) the development and administration of special programs for children handicapped by both serious visual loss and serious hearing loss;

(4) the evaluation of special education services provided for visually handicapped children by local school districts and the approval or disapproval of state funding of such services; and

(5) the maintenance of effective liaison between special education programs provided for the visually handicapped by local school districts and related initiatives exerted by the State Commission for the Blind, the Department of Mental Health and Mental Retardation, the School for the Blind, and other related programs, agencies, or facilities as appropriate.

(c) The minimum components of the comprehensive statewide plan for the education of the visually handicapped shall include but not be limited to the following:

(1) adequate provision for comprehensive diagnosis and evaluation of each school-age child having a serious visual impairment;

(2) procedures, format, and content of the individualized written service plan for each such visually handicapped child;

(3) emphasis on providing educational services to visually handicapped children in their home communities whenever possible;

(4) methods to assure that visually handicapped children receiving special education services in local school systems receive, prior to being placed in a classroom setting or within a reasonable time thereafter, the compensatory skills training, communicative skills, orientation and mobility training, social adjustment skills, and vocational or career counseling required in order for such students to succeed in classroom settings and to derive lasting benefits of a practical nature from the education obtained in local school systems;

(5) flexibility on the part of the local school systems to meet the special needs of visually handicapped children through:

(A) specialty staff and resources provided by the local school district;

(B) contractual arrangements with other qualified agencies, either public or private;

(C) supportive assistance from regional service centers, field offices of the Central Education Agency, or adjacent school districts;

(D) short-term or long-term services through the Texas School for the Blind or related types of facilities or programs;

(E) other instructional and service arrangements approved by the agency; or

(F) any combination of the foregoing;

(6) a statewide admission, review, and dismissal process;

(7) provision for effective interreaction between the visually handicapped child's classroom setting and his home environment, including provision for parental training and counseling either by local school personnel or by representatives of other organizations directly involved in the development and implementation of the individualized written service plan for the child;

(8) a requirement for the continuing education and professional development of local school district staff providing special education services to the visually handicapped;

(9) adequate monitoring and precise evaluation of special education services provided to visually handicapped children through local school districts; and

(10) a requirement that local school districts providing special education services to visually handicapped children develop procedures for as-

sure that staff assigned to work with the visually handicapped children have prompt and effective access directly to resources available through cooperating agencies in the area, through the Texas School for the Blind, through the Central Media Depository, the Comprehensive Diagnostic and Evaluation Center, sheltered workshops participating in the state program of purchases of blind-made goods and services, and related types of resources.

(d) In developing, administering, and coordinating the statewide plan for the education of the visually handicapped, the agency shall encourage the use of all pertinent resources, whether such resources exist in special education programs or in closely related programs operated by other public or private agencies, through encouraging the development of cooperative working relationships and by assisting in the development of contractual arrangements between local school districts and other organizations, and it shall be the duty of the agency to discourage interagency competition, overlap, and duplication in the development of specialized resources and the delivery of services.

(e) Every eligible blind or visually handicapped student shall receive the educational programs according to an individualized written service plan which:

(1) shall be developed following adequate diagnosis and evaluation of all pertinent medical, psychological, social, cultural, environmental, and related factors which bear on the individual's ability to benefit from educational programs;

(2) shall be jointly developed by a representative of an educational program who is qualified and experienced in working with individuals handicapped by serious visual loss, by the blind or handicapped individual and his parent or guardian, and by representatives of other public or private organizations providing or capable of providing specialized services which tend to assure greater effectiveness of the educational effort exerted in behalf of the blind or visually handicapped individual;

(3) specifies in measurable terms the goals and objectives to be accomplished as a result of the educational and specialized services to be provided by the various organizations working with the blind or visually handicapped individual;

(4) specifies the time by which each service is to be initiated, the anticipated duration of each service, and the time within which the objectives and goals of the services might be achieved;

(5) contains a procedure and schedule for periodic review and evaluation of progress toward established objectives and goals based on objective criteria and contains a record of the reviews and evaluations;

(6) summarizes the views of the blind or visually handicapped individual, or as appropriate, his parent or guardian or other representative con-

cerning his goals and objectives and the special services being provided;

(7) outlines the obligations undertaken by the individual's family in connection with the individualized written service plan, including family commitments regarding physical restoration services, procurement of optical aids, and related services;

(8) reflects that the individual has been provided a detailed explanation of the various service resources available to him within the community and throughout the state;

(9) reflects that the individualized written service plan has been reviewed as frequently as necessary, but in no event less than once annually, by competent educational authorities, representatives of cooperating organizations, the individual, and his parent or guardian and that the plan has been modified, refined, or redeveloped in a manner consistent with determinations made through such review;

(10) describes in detail the arrangements made to provide the blind or visually handicapped individual with orientation and mobility training, instruction in braille or use of large print, other training to compensate for serious visual loss, access to special media, and special tools, appliances, aids, or devices commonly utilized by individuals with serious visual losses; and

(11) sets forth the plans and arrangements made for contacts with and continuing services to the blind or visually handicapped individual during periods in which he might not be involved in school programs.

[Acts 1975, 64th Leg., p. 2397, ch. 734, § 23, eff. June 21, 1975. Amended by Acts 1977, 65th Leg., 1st C.S., p. 36, ch. 1, § 20, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 677, ch. 301, §§ 5, 6, eff. May 31, 1979; Acts 1981, 67th Leg., p. 2334, ch. 572, art. II, § 2, eff. Sept. 1, 1981.]

§ 11.06. Functions and Purposes of Texas School for the Blind

The Texas School for the Blind is constituted, funded, and operated for the following functions and purposes:

(1) to provide educational services on a residential basis to blind children and youth who, for whatever reasons, are unable to obtain adequate educational opportunities in their local communities;

(2) to provide short-term services to blind children and youth for the purpose of equipping such blind children and youth to be able to benefit from educational services available in their local communities;

(3) to serve multiply handicapped blind children and youth who cannot be effectively assisted through community programs, but whose developmental capacities are such that it may not be convincingly demonstrated that the children and youth should appropriately be admitted to residential institutions operated by the State Department of Mental Health and Mental Retardation;

(4) to serve as the primary catalyst within the State of Texas for promoting greater excellence and relevance in educational services for blind individuals;

(5) to serve as a resource to local school programs throughout the state in connection with the efforts of local school programs to serve blind and visually handicapped individuals effectively;

(6) to serve as a mechanism for training and ongoing staff development for those who are involved in providing educational and closely related services to blind or visually handicapped children and youth in local communities throughout the state;

(7) to serve as a research and demonstration facility through which new and improved methods of providing educational services are developed to meet the current and future educational needs of blind and visually handicapped children and youth and through which are developed new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve the educational problems of blind and visually handicapped children or youth; and

(8) to cooperate with any and all other public or private organizations, as appropriate, in more effectively carrying out, through effective interagency coordination and vigorous interagency communication, those provisions of this code which relate to the education of the blind and visually handicapped, as well as those provisions of closely related state statutes.

[Acts 1969, 61st Leg., p. 2754, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 2393, ch. 734, § 19, eff. June 19, 1975.]

§ 11.061. Management and Supervision of the Texas School for the Blind

(a) The Texas School for the Blind is governed by a nine-member board appointed by the governor in accordance with this section and confirmed by the senate. Three of the members must be blind persons; three must each be a parent of a blind person, and three must be experienced in working with blind persons. A person may not serve simultaneously on the board and the State Commission for the Blind.

(b) Members of the board serve for terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year.

(c) Members of the board serve without salary but are entitled to reimbursement for actual and necessary expenses incurred in carrying out official duties.

(d) The board shall organize and conduct itself in the same manner as an independent school district board of trustees.

(e) The board shall prepare and present the annual budget for the school to the legislature.

(f) Actions of the board may be appealed in writing to the commissioner of education, who, after due notice to the parties interested, shall hold a hearing and render a decision without cost to the parties involved, but nothing contained in this section shall deprive any party of any legal remedy. The decision of the commissioner may be appealed to a district court in Travis County.

(g) The chief administrative officer of the Texas School for the Blind shall be its superintendent, who is empowered to take all necessary and appropriate action to carry out the functions and purposes of the Texas School for the Blind, pursuant to such general policies as the Board of the Texas School for the Blind might from time to time prescribe, and subject only to a requirement of reporting not less than quarterly to the Board of the Texas School for the Blind as to his activities, progress in the implementation of general policies prescribed by the board, matters of programmatic exceptionality, general statistical summaries of services provided by the Texas School for the Blind during the period covered by the report, budget matters of major consequence or concern, and such additional matters as the Board of the Texas School for the Blind might from time to time request to be specifically covered in the superintendent's reports.

(h) The Board of the Texas School for the Blind shall establish and not less than semi-annually meet with two advisory committees, the nature and composition of which shall be as hereinafter indicated, and both of which shall be available to the superintendent for consultation and assistance on request at any time.

(i) There shall be an educational advisory committee consisting of two teachers employed in classroom settings at the Texas School for the Blind, two teachers working primarily with blind and visually handicapped students in public school settings, and two staff of the Texas School for the Blind not employed in classroom settings.

(j) There shall be a consumers advisory committee, consisting of the parents of two students attending the Texas School for the Blind, the parents of two blind children enrolled in public school programs, one former graduate of the Texas School for the Blind employed in a profession other than education, and one former student of the Texas School for the Blind successfully engaged in a vocation not normally requiring college training.

(k) Members of the two advisory committees shall serve two-year terms, and shall be appointed by the Board of the Texas School for the Blind following consideration of such recommendations as might be made by the Superintendent of the Texas School for the Blind.

(l) Members of the advisory committees to the superintendent and Board of the Texas School for the Blind shall receive no salary for their services but shall be entitled to reimbursement for the actu-

al and necessary expenses of their travel in providing services for the Texas School for the Blind.

(m) The board has exclusive jurisdiction over the physical assets of the school and shall administer and expend appropriations made for the benefit of the school.

[Acts 1975, 64th Leg., p. 2394, ch. 734, § 20, eff. June 21, 1975. Amended by Acts 1979, 66th Leg., p. 2163, ch. 827, § 2, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2309, ch. 567, § 2, eff. Sept. 1, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 301, ch. 28, art. I, part D, § 2, eff. Sept. 1, 1984.]

Section 4 of the 1979 amendatory act provided:

"The State Board of Education shall nominate and the governor shall appoint members to the governing board for the Texas School for the Deaf and for the Texas School for the Blind immediately after the effective date of this Act."

§ 11.062. Repealed by Acts 1977, 65th Leg., 1st C.S., p. 48, ch. 1, § 35, eff. Sept. 1, 1977

§ 11.063. Staffing and Funding of School for the Blind

(a) With the concurrence of the Board of the Texas School for the Blind, the superintendent is authorized to adopt a salary structure for the Texas School for the Blind with maximum levels not to exceed an amount equivalent to the maximum salary levels of the five local independent school districts offering the highest salaries, and not less than those of the Austin Independent School District, including consideration of employee benefits, being paid to staff employed for the special education of children with severely disabling handicaps.

(b) The funding of the Texas School for the Blind shall consist of:

(1) such amounts as might be specifically appropriated to the Texas School for the Blind by the legislature;

(2) such sums as which the Central Education Agency might make available to the Texas School for the Blind pursuant to other provisions of this code;

(3) budgets developed through contracts and agreements;

(4) amounts received through gifts and bequests; and

(5) payments from local school districts in an amount equivalent to the amount of ad valorem tax collections which would have been expended on each child sent to the Texas School for the Blind from within its geographical boundaries had the child been enrolled in a program of special education offered by the local independent school district.

(c) All amounts whatsoever and howsoever received by the Texas School for the Blind are hereby appropriated for expenditure in relation to the functions and purposes of the Texas School for the Blind as set forth in Section 11.06 of this code.

[Acts 1975, 64th Leg., p. 2394, ch. 734, § 20, eff. June 21, 1975.]

§ 11.07. Superintendent of the Texas School for the Blind

(a) The superintendent of the Texas School for the Blind shall be a graduate of an accredited university or college and shall have a minimum of four years of educational administrative experience, at least two years of which shall have been in the education or supervisory training of the blind.

(b) The superintendent shall reside at the school and shall devote his time exclusively to the duties of his office.

(c) The superintendent is appointed by and serves at the pleasure of the governing board of the school.

[Acts 1969, 61st Leg., p. 2754, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2165, ch. 827, § 5, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2310, ch. 567, § 3, eff. Sept. 1, 1981.]

§ 11.071. Travel and Clothing Expenses for Certain Blind Students

Economically deprived children attending the Texas School for the Blind shall be entitled to the same clothing and travel benefits as are allowed under Section 11.051 of this code for economically deprived children attending the Texas School for the Deaf.

[Acts 1975, 64th Leg., p. 2397, ch. 734, § 22, eff. June 21, 1975.]

§ 11.08. Medical Services for the Texas School for the Blind

Appropriate ophthalmological or optometric services shall be provided to examine and treat all students at the Texas School for the Blind in relation to their ophthalmic needs. Other specialty medical and psychological services shall be provided as needed.

[Acts 1969, 61st Leg., p. 2754, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 2397, ch. 734, § 21, eff. June 21, 1975.]

§ 11.09. Repealed by Acts 1979, 66th Leg., p. 679, ch. 301, § 8(a), eff. May 31, 1979; Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979

See, now, § 16.104.

§ 11.091. Diagnostic and Evaluation Center

(a) The Texas School for the Blind shall establish a comprehensive diagnostic and evaluation center and program in Austin for multiply handicapped blind children and youth. The center shall be operated on a cooperative, interagency basis under the general coordination of the Texas School for the Blind.

(b) To the maximum extent feasible and practicable, the diagnostic and evaluation center shall utilize resources available in the Austin area through the State Commission for the Blind, the Texas School for the Blind, the Criss Cole Rehabilitation Center,

the State Department of Mental Health and Mental Retardation, the University of Texas, and other public or private organizations in the area.

(c) The purposes and functions of the diagnostic and evaluation center are:

(1) to provide thorough diagnostic studies of multiply handicapped blind children and youth, to determine the nature and scope of special education and related services needed by the individuals, which studies shall at the minimum consist of a comprehensive evaluation of pertinent medical, psychological, social, cultural, environmental, and related factors which bear on the individual's ability to benefit from educational programs and which bear on the types of special services the individual needs in order to obtain maximum benefits from educational services;

(2) to develop scientifically valid instruments, methodologies, and procedures for measuring in a useful and meaningful manner the total developmental assets and deficiencies that relate to the capacity of a multiply handicapped blind child or youth to benefit from educational programs and to prepare for a full and useful life as an independent, contributing member of society;

(3) to test, develop, demonstrate, and help implement concepts, formats, and processes for establishing, executing, periodically reviewing, and from time to time modifying individualized written service plans for all blind or visually handicapped children or youth participating in educational programs within the State of Texas;

(4) to stimulate and assist in the development of more adequate diagnostic and evaluative resources in other communities for blind and visually handicapped children and youth throughout the state, experimenting with a variety of new and innovative methods for providing such diagnostic and evaluative services at the community level with a view toward ultimately assuring timely and convenient access to the diagnostic and evaluative resources required for developing and carrying out individualized service plans with optimum effectiveness; and

(5) to develop new and innovative methods for applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve the educational problems of blind and visually handicapped children or youth.

(d) The costs of the comprehensive diagnostic and evaluation center and program, including initial costs of establishment and recurrent costs of operation, shall be defrayed through such sums as the legislature might appropriate for these purposes, through such grants, gifts, bequests, and donations as the cooperating agencies might receive for the establishment and support of the center and program, through reasonable fees charged to organizations requesting diagnostic and evaluative services for multiply handicapped blind children and youth, and through such budgets as might be developed by

the cooperating agencies with interagency contracts.

(e), (f) Repealed by Acts 1979, 66th Leg., p. 679, ch. 301, § 8(a), eff. May 31, 1979.

[Acts 1975, 64th Leg., p. 2383, ch. 734, § 13, eff. June 21, 1975. Amended by Acts 1979, 66th Leg., p. 679, ch. 301, §§ 7, 8(a), eff. May 31, 1979.]

§ 11.092. Early Childhood Intervention Programs

(a) A public or private entity may apply for funds to provide an intervention program for eligible developmentally delayed children by submitting a grant request to the Central Education Agency.

(b) "Developmentally delayed child" means a child who exhibits:

(1) a significant delay, beyond acceptable variations in normal development, in one or more of the following areas:

- (A) cognitive;
- (B) gross or fine motor;
- (C) language or speech;
- (D) social or emotional;
- (E) self-help skills; or

(2) an organic defect or condition that is very likely to result in such a delay.

(c) A developmentally delayed child is eligible for services under this section if the child is under three years of age or until reaching the age of eligibility for entry into the comprehensive special education program for handicapped children under Section 16.104 of the Texas Education Code.

(d) The agency shall allocate appropriated funds to local intervention programs on a competitive basis giving consideration to the following:

- (1) the extent to which the program would meet identified needs;
- (2) the cost of initiating a program, if applicable;
- (3) the need for funds from the agency if other funding sources are available;
- (4) the proposed cost to the parents for the services; and
- (5) the assurance of quality services.

(e) After approval of a grant request, the agency shall execute a contract with the service provider that requires the provider to agree to meet the following program standards:

- (1) the program must be maintained within the guidelines established by the agency;
- (2) the provider must ensure that for each child served an individualized developmental plan is developed and is based on a comprehensive developmental evaluation performed by an interdisciplinary team with parent participation and periodic review and reevaluation;
- (3) the provider must provide services to meet the unique needs of each child as indicated by the child's individualized developmental plan;

(4) the provider must demonstrate a capability to obtain or provide an array of services that must include:

(A) training, counseling, case management services, and home visits for the parents of each child served;

(B) individualized instruction or treatment in these areas of development: cognitive, gross or fine motor, language or speech, social or emotional, and self-help skills; and

(C) related services, including occupational therapy, physical therapy, speech and language therapy, adaptive equipment, and transportation;

(5) the provider must maintain a plan for in-service personnel training;

(6) the provider must cooperate with the Texas Department of Health's monitoring and case management efforts; and

(7) the provider must cooperate with the periodic evaluation efforts of the agency.

(f) The contract must specify the minimum and maximum number of eligible developmentally delayed children to be served. The program must serve at least the minimum number and may not be required to serve more than the maximum number specified. If the number of eligible children applying for admission to an approved program exceeds the maximum number specified, the service provider may apply for supplemental funding.

(g) The service provider may charge a fee for intervention services, based on the parent's ability to pay, to be used to offset the cost of providing or securing the service. A determination of the parent's ability to pay must include a consideration of the availability of financial assistance or other benefits for which the child may be eligible. If a fee is charged, a separate charge shall be made for each type of service.

(h) The agency shall develop specific program guidelines in the following areas:

(1) instructional or treatment options;

(2) frequency and duration of service;

(3) staff-child ratios;

(4) staff composition and qualifications; and

(5) other program aspects designed to ensure the provision of quality services.

The agency may modify the standards established by Subsection (e) of this section if the agency considers the modifications necessary for a particular program.

(i) The agency shall periodically evaluate an approved program to determine whether the service provider is meeting the conditions of the contract. If the agency determines that a program is not meeting a requirement that was agreed on as a condition for funding, the agency shall withhold further funding for the program.

(j) The agency shall develop a method of response to individual complaints regarding services provided by a program funded under this section.

(k) Eligible children as authorized under this section also shall include those children authorized under Section 11.052(a) and Section 11.10(o), Texas Education Code.

(l) If a fee for intervention services provided pursuant to this section is charged to parents of an eligible developmentally delayed child who was receiving free services under Section 16.161 of this code¹ before the effective date of this section, the agency shall reimburse the parents of that child for the amount of the fee if the parents are not eligible for reimbursement from another source.

[Acts 1981, 67th Leg., p. 2332, ch. 572, art. II, § 1, eff. Sept. 1, 1981.]

¹ Repealed.

§ 11.10. Regional Day Schools for the Deaf

(a) to (m) Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979.

(n) The legislature by the addition of this and the following subsections to this Section 11.10, Texas Education Code, intends to continue a process of providing better education available to deaf children on a statewide basis in Texas, and to afford all deaf children an opportunity for achievement more equal to their peers with normal hearing.

(o) To carry out legislative intent and the objectives of Subsection (n) and the following subsections of this Section 11.10, the Central Education Agency shall employ a director and assistant director of services to the deaf. The director of services to the deaf shall develop and administer a comprehensive statewide plan for deaf education services including continuing diagnosis and evaluation, counseling and teaching, and designed to accomplish the following objectives:

(1) Assisting and counseling parents of children of any age whose hearing is determined by professionally acceptable evaluation to be nonfunctional for education purposes, such assistance and counseling to be provided in each of the regional day school programs for the deaf hereinbelow authorized, and admitting all children under 21 years of age whose hearing is determined by professionally acceptable evaluation to be nonfunctional for educational purposes to the regional day school programs for the deaf; and

(2) Enabling a majority or as many as may be practicable of deaf children to reside with their parents or guardians and be afforded compensatory education in their home school districts or in facilities of regional day school programs for the deaf; and

(3) Enabling deaf children who are unable to attend schools at their place of residence and whose parents or guardians live too far from facilities of regional day school programs for the deaf for daily commuting or to be accommodated

five nights a week in foster homes or other residential school facilities provided for by the Central Education Agency in order that such children may attend a regional day school program for the deaf; and

(4) Enrolling in the Texas School for the Deaf at Austin or any other educational facility for the deaf as determined by the parents of deaf children only those children whose needs can best be met in that institution, designating the Texas School for the Deaf as the statewide educational resource for students to whom adequate educational opportunities are unavailable in local or regional programs; and

(5) Encouraging children enrolled in regional day school programs for the deaf who have demonstrated ability to do so to return to regular school classes on a part-time, full-time or trial basis. Supplemental aid from the regional day school program for the deaf shall be made available to such children; and

(6) Recognizing the need for development of oral communications abilities in deaf children and the ability of many to achieve high educational excellence through that method, but also recognizing the inability of some to gain their education successfully by this means, the comprehensive plan developed by the director of services to the deaf will call for the use of methods of communication which will best meet the needs of each individual deaf child in this state, with each child to be examined thoroughly so as to ascertain his potential for communications through oral means. The director of services to the deaf may establish separate programs to accommodate diverse communication methodologies.

(p) The State Board of Education shall apportion the state into not more than eight nor less than five areas each furnishing a regional day school program for the deaf. Geographic areas of each regional day school program for the deaf may be revised by the State Board of Education for betterment of education for the deaf. Activities of a regional day school program for the deaf may be conducted on more than one site.

(q) It is the intent of the legislature that local resources be utilized to the fullest practicable extent in the establishment and operation of the regional day school programs for the deaf. The Central Education Agency is authorized and expected to contract with any qualified public or private organization or qualified individuals for diagnostic, evaluation and instructional services or any other services incidental to the education of deaf children, including transportation and/or maintenance.

The Central Education Agency shall employ educational and other personnel, may purchase or lease real or personal property, may accept gifts or grants of real or personal property or services from any source, public or private, including independent school districts and any institution of higher learning in this state, for the purpose of establishing and

operating regional day school programs for the deaf.

The State Board of Education may provide by rule or regulation that upon establishment of each regional school the countywide school(s) in that region shall become a part of the regional school operation and that all equipment, classroom supplies, and other personal property owned by the countywide schools shall become the property of the regional day school. When any such programs are combined, the directors and employees of the former countywide schools shall be employed in appropriate, substantially similar capacities within the regional day school program for that region.

(r) Except for certain transportation costs, costs of operation of the regional day school programs for the deaf shall be borne by the state and paid from the Foundation School Program Fund. Such costs shall be considered and included by the Foundation School Fund Budget Committee in estimating the needs for purposes of the Foundation School Program and the regional day school programs for the deaf. However, funds allocated to countywide schools shall remain so allocated except in those regions in which the countywide program has been made a part of the appropriate region, as aforesaid. While the principal cost of educating deaf children shall be borne by the state, independent school districts and all institutions of higher learning in the state are hereby authorized and encouraged to make available real or personal property or services in cooperation with the regional day school programs for the deaf for any activities related to education and betterment of education of deaf children including but not limited to research and personnel training and development. The school district in which a regional day school is located shall bear the costs of transporting students in the program who live within the district and is entitled to have those students counted in its allotment of transportation funds from the state. The regional day school program shall bear the costs of transporting children who live outside the district to the regional day school. It is the intent of the legislature in enacting this subsection that the use of all of the educational resources of this state be maximized to carry out the intent and objectives of this Act.

(s) Operating costs for the program in each regional day school program for the deaf shall be determined and paid on the following basis:

(1) An estimated allocation of \$2,700 for each student enrolled in the program of the regional day school program for the deaf in any current year.

(2) Teachers, principals, supervisors, counselors, para-professional and supporting personnel shall be employed in such numbers as the Central Education Agency finds to be necessary to establish and operate the regional day school programs for the deaf, and such numbers shall not be less than student-professional ratios known to be requisite for success in education of deaf children.

Salaries of all personnel employed in the regional day school programs for the deaf shall be determined in accordance with policies established by the State Board of Education.

(3) Local districts may receive allocations for transportation of students participating in the regional day school programs on the same basis as that provided for in Section 16.206 of this code.

(t) To assure effective implementation of this Act the Central Education Agency shall upon the passage of this Act institute planning and research designed to accomplish the intent and objectives set forth herein including employment of personnel considered essential to meet the operational date specified for this Act.

(u) The regional day school programs for the deaf shall commence operation to the fullest extent possible on September 1, 1974.

[Acts 1969, 61st Leg., p. 2755, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1485, ch. 405, § 7a to 9, eff. May 26, 1971; Acts 1971, 62nd Leg., p. 1650, ch. 464, § 1, eff. May 27, 1971; Acts 1973, 63rd Leg., p. 733, ch. 317, § 1, eff. Aug. 27, 1973; Acts 1973, 63rd Leg., p. 1591, ch. 574, § 1, eff. Aug. 27, 1973; Acts 1975, 64th Leg., p. 1401, ch. 542, § 1, eff. June 19, 1975; Acts 1977, 65th Leg., 1st C.S., p. 38, ch. 1, § 21, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1323, ch. 602, §§ 24, 35(a), eff. Aug. 27, 1979; Acts 1979, 66th Leg., p. 1653, ch. 691, §§ 4, 5, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2334, ch. 572, art. II, § 3, eff. Sept. 1, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 286, ch. 28, art. I, part C, § 2, eff. Sept. 1, 1984.]

For subject matter of former subsecs. (a) to (m), see, now, § 21.501 et seq.

§ 11.101. Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979

See, now, § 16.104.

§ 11.102. Supplemental Allowances for Exceptional Expenses of Blind Education

From the Foundation School Fund there shall be made available a special supplemental allowance for each blind student or for each student with a serious visual handicap and another medically diagnosed handicap of a significantly limiting nature, who is receiving special education services through any approved program whatsoever. The amount of the special supplemental allowance for each blind student or for each such multiply handicapped student shall be equivalent to the special allocation for deaf students enrolled in regional day school programs, as authorized by Paragraph (1), Subsection (s), Section 11.10 of this code. The supplemental allowances may be expended only for special services uniquely required by the nature of the student's handicap and may not be used in lieu of educational funds otherwise available under this code and through state or local appropriations.

[Acts 1975, 64th Leg., p. 2382, ch. 734, § 10, eff. June 21, 1975.]

§ 11.103. Coordination of Services to Handicapped Children

(a) In this section "handicapped children" has the meaning defined in Section 16.104(b) of this code.

(b) The commissioner of education, with the approval of the State Board of Education, shall develop and implement a plan for the coordination of services to handicapped children within each geographical area served by a regional education service center. The plan shall include, but may not be limited to, procedures for:

(1) identifying existing public or private educational and related services for handicapped children in each region;

(2) identifying and referring handicapped children who cannot be appropriately served by the school district in which they reside to other appropriate programs;

(3) assisting school districts individually and cooperatively to develop programs to identify and provide appropriate services for handicapped children;

(4) expanding and coordinating services provided by regional education service centers which are related to programs for handicapped children; and

(5) providing for special services such as special seats, books, instructional media, and other supplemental supplies and services required for quality instruction.

(c) The commissioner may allocate appropriated funds to regional education service centers and may otherwise expend those funds, as necessary, to implement the provisions of this section.

[Acts 1977, 65th Leg., 1st C.S., p. 36, ch. 1, § 19, eff. Sept. 1, 1977.]

§ 11.104. Repealed by Acts 1981, 67th Leg., p. 288, ch. 113, § 2, eff. May 13, 1981

Subsection (c) of this section was also repealed by Acts 1981, 67th Leg., p. 917, ch. 333, § 1(1), eff. Aug. 31, 1981.

See, now, Human Resources Code, § 81.013.

§ 11.11. Repealed by Acts 1981, 67th Leg., p. 917, ch. 333, § 1(2), eff. Aug. 31, 1981

§ 11.12. Involvement With School Bus Regulations

The State Board of Education and the State Purchasing and General Services Commission, by and with the advice of the director of the Department of Public Safety, shall have joint and complete responsibility to adopt and enforce regulations governing the design, color, lighting and other equipment, construction, and operation of all school buses for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and the regulations shall by reference be made a part of any such contract with a school district. The State Purchasing and General Services Commission shall coordinate and correlate

all specification data and finalize and issue the specification so adopted as provided for by Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes). In the regulations, emphasis shall be placed on safety features and long-range, maintenance-free factors, and requiring that all school buses shall be purchased on competitive bids as provided by Section 21.165 of this code. Every school district, its officers, employees, and every person employed under contract by a school district shall be subject to these regulations. The State Purchasing and General Services Commission shall purchase equipment to conform to these standards.

[Acts 1969, 61st Leg., p. 2757, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 289, ch. 28, art. I, part C, § 3, eff. Sept. 1, 1984.]

§ 11.13. Appeals

(a) Persons having any matter of dispute among them arising under the school laws of Texas or any person aggrieved by the school laws of Texas or by actions or decisions of any board of trustees or board of education may appeal in writing to the commissioner of education, who, after due notice to the parties interested, shall hold a hearing and render a decision without cost to the parties involved, but nothing contained in this section shall deprive any party of any legal remedy.

(b) Appeals by or on behalf of a student against a local school district shall be reviewed by the commissioner of education under a substantial evidence standard of review.

(c) Any person, county, or school district aggrieved by any action of the Central Education Agency or decision of the commissioner of education may appeal to a district court in Travis County, Texas. Appeals shall be made by serving the commissioner of education with citation issued and served in the manner provided by law for civil suits. The petition shall state the action or decision from which the appeal is taken. Upon trial the court shall determine all issues of law and fact.

[Acts 1969, 61st Leg., p. 2757, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 301, ch. 28, art. I, part D, § 3, eff. Sept. 1, 1984.]

Article I, part D, § 11, of the 1984 amendatory act provides:

"This part applies to a decision rendered by the commissioner of education on or after the effective date of this part. A decision rendered before the effective date of this part may be appealed to the State Board of Education in the manner provided by prior law, and the prior law is continued in effect for that purpose."

Article VII, § 5, of the 1984 amendatory act provides:

"Part D, Article I, of this Act, relating to appeals of decisions of the commissioner of education, takes effect September 1, 1984, and applies to a decision rendered by the commissioner of education or a local school district board of trustees rendered on or after that date."

§ 11.14. Right Denied to Close or Consolidate Any Public School District

(a) The provisions of this chapter shall not be construed to give the State Board of Education, the commissioner of education, the State Department of Education, or anyone whomsoever, the power to close, to consolidate, or cause by regulation or rule to be closed or consolidated, any public school district in this state.

(b) The provisions of this code regarding and applicable to the consolidating, annexing, or otherwise closing of school districts of this state shall govern in all such matters.

[Acts 1969, 61st Leg., p. 2757, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.15. Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979

See, now, § 16.104.

§ 11.16. Educational Program for Deaf Adults

(a) to (d) Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979.

(e) The legislature may appropriate money from the general revenue fund for the support of the program. The Central Education Agency shall allocate to each qualifying school district the sum of \$500 per year for each student enrolled in the district's educational program for deaf adults.

[Acts 1971, 62nd Leg., p. 1644, ch. 460, § 1, eff. May 27, 1971. Amended by Acts 1979, 66th Leg., p. 1655, ch. 691, § 6, eff. Aug. 27, 1979.]

Repeal

This section was repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979, without reference to the amendment of subsection (e) by Acts 1979, 66th Leg., p. 1655, ch. 691, § 6, eff. Aug. 27, 1979.

§ 11.161. Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979

§ 11.17. Bilingual Education Training Institutes

Text as added by Acts 1973, 63rd Leg., p. 863, ch. 392, § 2, and amended by Acts 1984, 68th Leg., 2nd C.S., p. 289, ch. 28, art. I, part C, § 4

(a) The Central Education Agency shall conduct bilingual education training institutes.

(b) The State Board of Education shall adopt rules governing the conduct of and participation in the institutes.

(c) Professional and paraprofessional public school personnel who participate in the bilingual education training institutes shall be reimbursed for expenses incurred as a result of their participation

in accordance with rules adopted by the State Board of Education.

[Acts 1973, 63rd Leg., p. 863, ch. 392, § 2, eff. Aug. 27, 1973. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 289, ch. 28, art. 1, part C, § 4, eff. Sept. 1, 1984.]

For text as added by Acts 1973, 63rd Leg., p. 1760, ch. 642, § 1, see § 11.17, post

§ 11.17. Advisory Council on Early Childhood Education

Text as added by Acts 1973, 63rd Leg., p. 1760, ch. 642, § 1

(a) The Advisory Council on Early Childhood Education is created and shall assist the State Board of Education in formulating minimum standards for quality educational experiences in all public programs at the kindergarten grade level.

(b) The council is composed of 24 members appointed by the governor;

(1) one specialist from the State Department of Education from the kindergarten area;

(2) one specialist from Vocational Homemaking Education in the State Department of Education;

(3) one specialist in early childhood education from the faculty of a college or university department of education;

(4) one specialist in child development from the faculty of a college or university department of home economics;

(5) one specialist from the State Department of Public Welfare in early childhood development;

(6) one representative of the Texas Association for the Education of Young Children;

(7) one certified kindergarten teacher;

(8) one nursery school teacher;

(9) one representative of the Texas-Elementary-Kindergarten-Nursery Educators Association;

(10) one director of a private nursery school;

(11) one director of a day care facility;

(12) one child psychologist;

(13) one pediatrician;

(14) one representative of the State Department of Health;

(15) one representative of the State Department of Mental Health and Mental Retardation;

(16) one representative of the Texas Elementary Principals and Supervisors Association;

(17) one representative of the Texas State Teachers Association;

(18) one representative from the Texas Association of Childhood Education;

(19) one representative of the Texas Classroom Teachers Association;

(20) one optometrist;

(21) one representative from Vocational Homemaking Teachers Association of Texas;

(22) one ophthalmologist;

(23) one child psychiatrist; and

(24) one parent of a child enrolled in a prekindergarten or kindergarten grade level program at the time of appointment.

(c) All appointments shall be for terms of two years, but membership of a representative of a specific agency or group shall terminate if the representative terminates his association with the agency or group. No person may be appointed to serve on the commission for more than two full terms. Vacancies shall be filled for the unexpired portion of the term, and an appointment for a portion of a term shall not disqualify the appointee for appointment for two additional full terms. If a member is absent from any four regularly scheduled meetings in any calendar year, his membership on the council shall terminate, and the chairman of the council shall notify the governor that the vacancy exists and the governor shall make a new appointment within 30 days.

(d) The council by majority vote of all its members shall elect a chairman from its membership. The council shall meet regularly with a minimum of six meetings each year. Additional meetings may be held at the call of the chairman. Members of the council serve without compensation, but are entitled to reimbursement for necessary and actual travel expenses incurred in the performance of their duties.

(e) The Central Education Agency, with the advice of the council, shall:

(1) develop minimum standards for kindergarten education;

(2) formulate minimum standards for the certification of teachers at the kindergarten grade level including:

(A) issuance of a kindergarten teaching certificate upon the completion of the bachelor's degree in child development through home economics or early childhood education departments from an accredited college or university which requires a multidisciplinary preparation and includes student teaching or one year of teaching experience;

(B) issuance of a preliminary teaching certificate upon the completion of the associate of arts degree in child development from an accredited junior college or other institution authorized to issue such degree;

(C) issuance of an emergency teaching certificate for those who do not qualify under Paragraph (A) or (B) of this subdivision but present evidence of commitment to a definite approved plan of study which upon completion would result in a regular certification;

(D) issuance of a paraprofessional teaching certificate for those who have completed training through a Home Economics Gainful Employment Program at a high school or through other programs approved by the State Board of Education;

(E) develop the curriculum and course of studies for the kindergarten grade level, to be revised each year as deemed necessary.

(f) The Central Education Agency, with the advice of the council, shall develop standards for the certification of professional and paraprofessional personnel and for the accreditation of public kindergartens.

(g) Not less than six months prior to each regular session of the legislature the Commissioner of Education shall recommend to the Governor desirable programs for public kindergartens and the administrative and legislative changes necessary to accomplish them.

[Acts 1973, 63rd Leg., p. 1760, ch. 642, § 1, eff. June 16, 1973.]

For text as added by Acts 1973, 63rd Leg., p. 863, ch. 392, § 2, and amended by Acts 1984, 68th Leg., 2nd C.S., p. 289, ch. 28, art. I, part C, § 4, see § 11.17, ante

Section 2 of the 1973 Act provided:

"The duration of the Advisory Council on Early Childhood Education shall not exceed four (4) years in length."

§ 11.18. Adult Education

(a) As used in this section, the following words and phrases shall have the indicated meanings:

(1) "Adult education" means services and instruction provided by public local education agencies below the college credit level for adults.

(2) "Adult" means any individual who is over the age of compulsory school attendance as set forth in Section 21.032 of this code.

(3) "Community education" means the concept which involves the people of the community in a program designed to fulfill their educational needs, while promoting more effective use of public education facilities and other public facilities for the purpose of providing recreational, cultural, and other related community services.

(b) The Central Education Agency shall:

(1) manage this program with adequate staffing to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs for education and training of adults;

(2) develop, implement, and regulate a comprehensive statewide program for community level education services to meet the special needs of adults;

(3) develop the mechanism and guidelines for coordination of comprehensive adult education and related skill training services for adults with other agencies, both public and private, in planning, developing, and implementing related programs, including community education programs;

(4) administer all state and federal funds for adult education and related skill training in Texas;

(5) prescribe and administer standards and accrediting policies for adult education;

(6) prescribe and administer rules and regulations for teacher certification for adult education; and

(7) accept and administer grants, gifts, services, and funds from available sources for use in adult education.

(c) Adult education programs shall be provided by public school districts, public junior colleges, and public universities approved in accordance with state statute and the regulations and standards adopted by the State Board of Education. The programs shall be designed to meet the education and training needs of adults to the extent possible within available public and private resources. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development.

(d) The State Board of Education may establish or designate an adult education advisory committee composed of no more than 21 members representing public and private nonprofit education, business, labor, minority groups, and the general public for the purpose of advising the board on needs, priorities, and standards of adult education programs conducted in accordance with this section of the Texas Education Code.

(e) Funds shall be appropriated to implement statewide adult basic education, adult bilingual education, high school equivalency, and high school credit programs to eliminate illiteracy in Texas and to implement and support a statewide program to meet the total range of adult needs for adult education, related skill training, and pilot programs to demonstrate the effectiveness of the community education concept. An additional sum of money may be appropriated for the purpose of skill training in direct support of industrial expansion and start-up, in those locations, industries, and occupations designated by the Texas Industrial Commission, when such training is also in support of the basic purposes of this section.

[Acts 1973, 63rd Leg., p. 208, ch. 93, § 1, eff. Aug. 27, 1973. Amended by Acts 1975, 64th Leg., p. 466, ch. 200, § 1, eff. May 15, 1975; Acts 1979, 66th Leg., p. 1324, ch. 602, § 28, eff. Aug. 27, 1979; Acts 1984, 68th Leg., 2nd C.S., p. 290, ch. 28, art. I, part C, § 5, eff. Sept. 1, 1984.]

§ 11.19. Repealed by Acts 1979, 66th Leg., p. 1162, ch. 562, § 2, eff. Aug. 27, 1979

See, now, §§ 16.501 and 16.502.

§ 11.20. Pilot Programs for Physical Evaluations of School Children

(a) The Central Education Agency shall plan, institute, and supervise pilot programs in various school districts of this state for the purpose of screening children for health defects or problems.

(b) In each district selected for a pilot program, children shall be examined or evaluated in the manner prescribed by the Central Education Agency

and by nurses or other allied health personnel specifically authorized to do so by the agency.

(c) Prior notice of the examination shall be given to the parents or guardian of each child, and no child shall be examined or evaluated if his parents or guardian object because of religious convictions.

(d) Whenever an abnormal health condition or problem is found in any child, the school nurse shall:

- (1) advise the child's parent or guardian;
- (2) suggest what action should be taken;
- (3) if necessary, assist the family in obtaining access to appropriate health, rehabilitation, or treatment services; and
- (4) review the case as necessary to determine that corrective action is taken to the extent possible.

(e) The agency shall require a record to be kept of each examination and actions taken pursuant to each examination. The record shall be confidential and shall be kept separate from the other records of the child. The records may be used for statistical purposes as long as the identity of each child is kept confidential.

(f) The agency shall require periodic reports from each district participating in the program for the purpose of evaluating the results of the program. The agency shall report its findings and recommendations to the legislature biennially during the first month of the regular session.

(g) The legislature shall appropriate money to finance the cost of the program, including planning, compensation for personal services, and necessary equipment and supplies.

[Acts 1973, 63rd Leg., p. 1576, ch. 567, § 1, eff. Aug. 27, 1973.]

§ 11.201. Community Education Services

(a) Any school district of this state classified common, independent school district or rural high school district whose governing board elects to provide community education for all age groups may upon application and pursuant to regulations prescribed by the Central Education Agency be reimbursed for such costs from state funds to the extent herein authorized. Only those districts will be eligible which have in the previous or current year achieved a level of community education services prescribed by the Central Education Agency. The regulations shall contain specific provisions for eligibility and program operation.

(b) The cost to the state shall be paid from the Foundation School Fund, and this cost shall be considered by the Foundation School Fund Budget Committee in estimating the funds needed for Foundation School Program purposes.

(c) For purposes of this section, community education services are defined in accordance with the definition contained in Subdivision (3) of Subsection (a) of Section 11.18 of this code.

(d) The legislature in each General Appropriations Act shall set a limit on the amount of funds that may be expended under this section each year.

[Acts 1979, 66th Leg., p. 1324, ch. 602, § 27, eff. Aug. 27, 1979. Amended by Acts 1983, 68th Leg., p. 1237, ch. 265, § 1, eff. May 27, 1983.]

§ 11.202. School Volunteer Program

(a) It is the public policy of the State of Texas that citizen participation in the public schools as volunteers is desirable and a means of more effectively meeting the goals of public education.

(b) The commissioner of education, with the approval of the State Board of Education, shall develop and implement a program to supply volunteer assistance to the public schools of this state. The supply of volunteers shall be coordinated through the Regional Education Service Centers. School districts served by the service centers may either utilize or refuse the services provided under the program.

(c) Each Regional Education Service Center shall employ a person in the position of regional coordinator of school volunteers, and the Central Education Agency shall employ a person in the position of statewide coordinator of school volunteers. The commissioner of education shall establish the minimum qualifications for both positions and shall add the positions to the Texas Public Education Compensation Plan at pay grade 8 for 11 months of service. The regional coordinator of school volunteers shall develop materials, design recruitment procedures, and provide demonstration models and general assistance to school districts choosing to operate school volunteer programs. The statewide coordinator shall develop materials, provide demonstration models, and design recruitment procedures to assist the regional coordinators in recruiting volunteers.

(d) Volunteers may not be used to usurp, diminish, or replace the position or functions of salaried professionals or paraprofessionals.

(e) The costs of the program shall be paid from the foundation school fund.

[Acts 1981, 67th Leg., p. 2387, ch. 598, § 1, eff. Aug. 31, 1981.]

§ 11.203. Career Education

Text as added by Acts 1983, 68th Leg., p. 4516, ch. 736, § 1

(a) The State Board of Education shall develop and implement a statewide plan for career education in public schools. The plan shall provide the public schools with guidelines for helping students to develop knowledge, skill, competence, attitude, and awareness in relation to a broad range of career opportunities. The plan must include provisions relating to:

- (1) program and student goals and objectives;

(2) strategies, activities, and resources for use in implementing the goals and objectives of the program;

(3) evaluation and dissemination of program and resource information;

(4) adequate financing; and

(5) coordination of career objectives with post-secondary and adult education programs.

(b) Each school district may develop a program of career education for the district consistent with the statewide plan. A district shall submit the plan for the district to the Central Education Agency for approval and, if approved, the agency shall allocate funds to the district in accordance with Subsection (c) of this section.

(c) Each school year, a school district whose career education plan is approved is entitled to receive \$2,000 plus 50 cents for each student in average daily attendance in the district.

(d) A school district may join with one or more districts to provide cooperative programs in career education. The cooperating districts shall publicize the availability of the programs throughout each cooperating district.

(e) The total cost to the state under this section may not exceed an amount set in the General Appropriations Act.

(f) The Central Education Agency shall annually evaluate the career education program established under this section.

[Acts 1983, 68th Leg., p. 4516, ch. 736, § 1, eff. Aug. 29, 1983.]

For text as added by Acts 1983, 68th Leg., p. 5378, ch. 988, § 1, see § 11.203, post

§ 11.203. Pilot Projects for Year-Round School Programs

Text as added by Acts 1983, 68th Leg., p. 5378, ch. 988, § 1

(a) Notwithstanding general or special laws to the contrary, guidelines shall be developed by the Central Education Agency and approved by the State Board of Education to provide pilot projects for year-round school programs.

(b) Although contract days of employees and required days of operation may be revised by the agency, total funding must remain within the current Foundation School Program.

[Acts 1983, 68th Leg., p. 5378, ch. 988, § 1, eff. Aug. 29, 1983.]

For text as added by Acts 1983, 68th Leg., p. 4516, ch. 736, § 1, see § 11.203, ante

§ 11.204. [Blank]

§ 11.205. Dropout Reduction Program

(a) The Central Education Agency may develop a program to reduce the rate of students leaving the public school system before completing high school. The goal of the program shall be to reduce the statewide dropout rate to not more than five percent of the total student population.

(b) The agency may develop a system for school districts to collect data on student dropouts. The system must attempt to collect data regarding each student dropout, including the age, sex, ethnic origin, socioeconomic status, and highest completed grade level of the student dropout.

[Acts 1984, 68th Leg., 2nd C.S., p. 452, ch. 28, art. VI, part I, § 1, eff. Sept. 1, 1984.]

SUBCHAPTER B. STATE BOARD OF EDUCATION

§ 11.21. Composition of Board

(a) The State Board of Education is composed of 15 members elected from districts.

(b) Each district from which a board member is elected is composed as follows:

(1) District No. 1 is composed of Brewster, Brooks, Crockett, Culberson, Dimmit, Duval, Edwards, El Paso, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Kinney, Loving, Maverick, Pecos, Presidio, Reagan, Reeves, Schleicher, Starr, Sutton, Terrell, Upton, Uvalde, Val Verde, Ward, Webb, Winkler, Zapata, and Zavala counties; and that part of Hidalgo County included in census tracts 201, 202, 213, 241, and 242;

(2) District No. 2 is composed of Aransas, Calhoun, Cameron, Jackson, Kenedy, Kleberg, Matagorda, Nueces, Victoria, and Willacy counties; and that part of Hidalgo County included in census tracts 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, and 243;

(3) District No. 3 is composed of Atascosa, Bee, De Witt, Frio, Goliad, Karnes, La Salle, Live Oak, McMullen, Medina, Refugio, San Patricio, and Wilson counties; and that part of Bexar County included in census tracts 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1201, 1202, 1207, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614.01, 1614.02, 1615, 1616, 1617, 1618, 1619, 1620, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1801, 1802, 1803, 1804, 1805, 1806, 1808,

1809.01, 1809.02, 1816, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910.01, 1910.02, and 1911.02; and that part of census tract 1214 included in block groups 2 and 9;

(4) District No. 4 is composed of that part of Fort Bend County included in census tract 701.04; and that part of census tract 701.03 included in blocks 4 and 9; and that part of census tract 701.05 included in blocks 4 and 5; and that part of Harris County included in census tracts 121, 201.01, 201.02, 202, 202.99, 203.01, 203.02, 203.03, 204, 205.01, 205.02, 205.03, 206.01, 206.02, 207.01, 207.02, 207.03, 207.04, 208.01, 208.02, 208.03, 209, 210.01, 210.02, 211, 212, 213.01, 213.02, 214.01, 214.02, 215.01, 215.02, 215.03, 216.01, 216.02, 217.01, 217.02, 218.01, 218.02, 218.03, 218.04, 219, 220.01, 220.02, 221, 222.02, 223.01, 223.02, 223.03, 224.01, 224.02, 224.03, 224.04, 225.01, 225.02, 225.03, 225.04, 226.01, 226.02, 227, 239, 240.02, 300.22, 300.23, 300.24, 301.01, 301.02, 302, 303, 304.01, 304.02, 305.01, 305.02, 306, 307.01, 307.02, 308, 309.01, 309.02, 309.03, 310, 311, 311.99, 312, 312.99, 313.01, 313.02, 314.01, 314.02, 315, 316.01, 316.02, 317.01, 317.02, 317.03, 317.04, 318.01, 318.02, 318.03, 318.04, 319.01, 319.02, 320.01, 320.02, 320.03, 320.04, 321.01, 321.02, 321.03, 321.99, 322.01, 323.01, 323.02, 324.02, 325.01, 325.02, 327.01, 327.02, 328.01, 328.02, 328.03, 329.01, 329.02, 329.03, 330.01, 330.02, 331, 332, 333, 334, 335.01, 335.02, 335.03, 336, 337, 338, 339.01, 339.02, 339.03, 340, 341, 342, 343.01, 343.02, 348.01, 348.02, 350.01, 400.25, 400.26, 401.01, 401.02, 402.01, 402.02, 403, 404.01, 404.02, 405.01, 405.02, 414.02, 415.01, 415.02, 415.03, 415.04, 427.02, 430.02, 432, 501, 502, 503.01, 503.02, 504, 505.01, 505.02, 506.01, 506.02, 507.01, 507.02, 508, 509.01, 509.02, 509.03, 510, 511, 512, 513, 514.01, 514.02, 515.01, 515.02, 516.01, 516.02, 518.02, 518.03, 519.02, 520.01, 520.02, 520.03, 521.01, 521.02, 521.03, 523.01, 523.02, 523.03, 524, 525.02, 525.03, 525.04, 530.02, 531.01, and 531.03;

(5) District No. 5 is composed of Austin, Bandera, Brazoria, Colorado, Comal, Fayette, Gillespie, Gonzales, Guadalupe, Kendall, Kerr, Kimble, Lavaca, Mason, Real, Waller, Washington, and Wharton counties; and that part of Bexar County included in census tracts 1203, 1204, 1205.01, 1205.02, 1206, 1208, 1209.01, 1209.02, 1210, 1211.01, 1211.02, 1212.01, 1212.02, 1213, 1215, 1216.01, 1216.02, 1217, 1218, 1219, 1316.01, 1316.02, 1317, 1318, 1419, 1720, 1807, 1810.01, 1810.02, 1811, 1812, 1813, 1814, 1815, 1817.01, 1817.02, 1818, 1819, 1820, 1821, 1911.01, 1912, 1913, 1914, 1915, 1916, 1917, and 1918; and that part of census tract 1214 included in block groups 1 and 3; and that part of Fort Bend County included in census tracts 701.01, 701.02, 701.06, 701.07, 702.01, 702.02, 702.03, 702.04, 703.01, 703.02, 703.03, 704, 705, 706, 707.01, 707.02, 707.03, 708, 709.01, 709.02, 709.03, 710.01, 710.02, 711, 712, 713, and 714; and that part of census tract 701.03 included in block groups 1 and 3; and that part of census tract 701.05 included in block groups 6, 7, 8, and 9; and

that part of Harris County included in census tracts 370, 371.01, 371.02, 372, 373.01, 373.02, 373.03, 373.04, 374, and 375;

(6) District No. 6 is composed of that part of Harris County included in census tracts 222.01, 240.01, 240.03, 406, 407.01, 407.02, 408, 409, 410, 411, 412.01, 412.02, 413.01, 413.02, 413.03, 414.01, 416.01, 416.02, 416.03, 416.04, 416.05, 417.01, 417.02, 418.01, 418.02, 419.01, 419.02, 419.03, 419.04, 419.05, 419.06, 420.01, 420.02, 420.03, 421, 422.01, 422.02, 422.03, 422.04, 423.01, 423.02, 423.03, 423.04, 423.05, 423.06, 423.07, 424.01, 424.02, 424.03, 424.04, 425.01, 425.02, 425.03, 425.04, 426.01, 426.02, 427.01, 428.01, 428.02, 429, 430.01, 431, 433, 434.01, 434.02, 435.01, 435.02, 436.01, 436.02, 436.03, 437.01, 437.02, 438.01, 438.02, 438.03, 438.04, 438.05, 438.06, 439.01, 439.02, 440.01, 440.02, 440.03, 440.04, 440.05, 440.06, 441.01, 441.02, 442.01, 442.02, 442.03, 442.04, 443.01, 443.02, 443.03, 443.04, 443.05, 443.06, 444.01, 444.02, 444.03, 444.04, 445.01, 445.02, 446.01, 446.02, 446.03, 447.01, 447.02, 447.03, 448, 449, 450, 451.01, 451.02, 452.01, 452.02, 517.01, 517.02, 517.03, 517.04, 517.05, 518.01, 519.01, 519.03, 522.01, 522.02, 525.01, 526.01, 526.02, 526.03, 526.04, 527.01, 527.02, 527.03, 528, 529.01, 529.02, 530.01, 530.03, 531.02, 532.01, 532.02, 533.01, 533.02, 533.03, 534.01, 534.02, 536.01, 536.02, 537.01, 537.02, 538.01, 538.02, 539, 540.01, 540.02, 541, 542.01, 542.02, 543, 544, 545.01, 545.02, 546, 547, 548, 549, 550, 551.01, 551.02, 552, 553, 554, 555.01, 555.02, 556.01, 556.02, 557, and 558.02;

(7) District No. 7 is composed of Chambers, Galveston, Liberty, and Orange counties; and that part of Harris County included in census tracts 228.01, 228.02, 229, 230.01, 230.02, 230.03, 230.04, 231, 232, 232.99, 233, 233.99, 234, 235, 236, 237, 254, 255, 256, 257, 258, 259.01, 259.02, 260, 261, 262, 263, 264, 265, 266, 267.01, 267.02, 267.03, 268, 269.01, 269.02, 270, 271, 272, 273, 273.99, 274, 275, 322.02, 322.03, 322.04, 324.01, 324.03, 324.04, 326, 344, 345.01, 345.02, 346, 347.01, 347.02, 347.03, 347.04, 349.01, 349.02, 350.02, 350.03, 350.04, 351, 352, 353.01, 353.02, 354, 355.01, 355.02, 356.01, 356.02, 356.03, 356.04, 357.01, 357.02, 357.03, 358.01, 358.02, 359.01, 359.02, 360.01, 360.02, 360.03, 360.04, 361, 361.99, 362, 363, 364, 364.99, 365.01, 365.02, 365.03, 366.01, 366.02, 367, 367.99, 368.01, 368.02, and 369; and that part of Jefferson County included in census tracts 1.03, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.01, 13.02, 13.03, 14, 15, 16, 17, 18, 18.99, 19, 20, 21, 22, 23, 24, 25, 26, 51, 51.99, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 66.99, 67, 68, 69, 70, 71, 101, 102, 103, 104, 105, 106, 107, 108, 108.99, 109, 110.01, 110.02, 111.01, 111.02, 112, 112.99, 113, 115, 116, and 116.99; and that part of census tract 3.01 included in blocks 114, 115, 116, 117, 119, 120, 129, 130, and 131; and that part of census tract 3.02 included in block group 2; and that part of census tract 3.03 included in block groups 3 and 4; and that part of census tract 3.04 included in block group 5, and blocks 601, 602, 603, 604, 605, 606, 607, 608, 609,

610, 611, 612, 613, 865, and 866; and that part of census tract 114 included in enumeration district 452, and blocks 927, 928, 929, 930, 931, 932, 935, 936, 937, 938, 941, 942, 946, 947, 948, and 949;

(8) District No. 8 is composed of Angelina, Bowie, Camp, Cass, Franklin, Gregg, Hardin, Harrison, Jasper, Marion, Morris, Nacogdoches, Newton, Panola, Polk, Red River, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Titus, Trinity, Tyler, and Walker counties; and that part of Harris County included in census tracts 238, 241.01, 241.02, 241.03, 242, 243, 244.01, 244.02, 245.01, 245.02, 246, 247, 248, 249.01, 249.02, 249.03, 250, 251, 252, 253, 535, 553.01, 559.01, and 559.02; and that part of Jefferson County included in census tracts 1.01, 1.02, and 2; and that part of census tract 3.01 included in block group 9, and blocks 101, 103, 104, 106, 107, 108, 109, 110, 111, 112, and 113; and that part of census tract 3.02 included in block group 9; and that part of census tract 3.03 included in block group 8; and that part of census tract 3.04 included in block group 7, and blocks 615, 616, 617, 618, 619, 802, 803, 804, 805, 806, 807, 808, 810, 812, and 835; and that part of census tract 114 included in enumeration districts 450, 451, and 454, and block group 1, and blocks 901, 902, 903, 904, 905, 906, 907, 908, 911, 912, 913, 914, 915, 916, 918, 919, 920, 921, and 923; and that part of Montgomery County included in census tracts 901.01, 901.02, 901.03, 902.01, 902.02, 905, 906.01, 906.02, 906.03, 907.01, 907.02, 907.03, 908.01, 908.02, 908.03, 909, 910, 911.01, 911.02, and 912.02; and that part of census tract 902.03 included in block group 1, and blocks 202, 204, 206, 208, 209, and 210;

(9) District No. 9 is composed of Anderson, Cherokee, Delta, Ellis, Falls, Fannin, Freestone, Grimes, Henderson, Hopkins, Houston, Hunt, Kaufman, Lamar, Leon, Limestone, McLennan, Madison, Navarro, Rains, Rockwall, Smith, Upshur, Van Zandt, and Wood counties; and that part of Montgomery County included in census tracts 902.04, 902.05, 902.06, 902.07, 903.01, 903.02, 904, and 912.01; and that part of census tract 902.03 included in block group 3, and blocks 201, 203, 205, 207, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, and 230;

(10) District No. 10 is composed of Bastrop, Bell, Blanco, Brazos, Burleson, Burnet, Caldwell, Hays, Lampasas, Lee, Llano, Milam, Robertson, San Saba, Travis, and Williamson counties;

(11) District No. 11 is composed of Denton, Grayson, Parker, and Wise counties; and that part of Collin County included in census tracts 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, and 313.01; and that part of Tarrant County included in census tracts 1001.01, 1001.02, 1002.01, 1002.02, 1003, 1004, 1005.01, 1005.02, 1006.01, 1006.02, 1007, 1008, 1009, 1010, 1011, 1012.01, 1012.02, 1013.02, 1014.01, 1014.02, 1014.03, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022.01, 1022.02, 1023.01, 1023.02, 1024.01, 1024.02,

1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036.01, 1036.02, 1037.01, 1037.02, 1038, 1039, 1040, 1041, 1042.01, 1042.02, 1043, 1044, 1045.01, 1045.02, 1045.03, 1046.01, 1046.02, 1046.03, 1046.04, 1046.05, 1047, 1048.01, 1048.02, 1049, 1050.01, 1050.04, 1051, 1052, 1053, 1054.01, 1054.03, 1054.04, 1055.01, 1055.02, 1055.03, 1055.04, 1056, 1057.01, 1057.02, 1058, 1059, 1060.01, 1060.02, 1060.03, 1061.01, 1061.02, 1062.01, 1062.02, 1063, 1066, 1067, 1101.01, 1101.02, 1102.01, 1102.02, 1103, 1104.01, 1104.02, 1105, 1106.01, 1106.02, 1107.01, 1107.02, 1108.01, 1108.02, 1108.03, 1109.01, 1109.02, 1110.01, 1110.03, 1110.04, 1111.01, 1111.02, 1112.01, 1112.02, 1113.01, 1113.02, 1114, 1115.03, 1115.04, 1115.08, 1132.05, 1132.06, 1133.01, 1133.02, 1136.03, 1138.02, 1139, 1140.01, 1140.02, 1141, 1142.01, and 1142.02; and that part of census tract 1132.03 included in block groups 1, 2, 3, 4, 5, and 6; and that part of census tract 1137.01 included in block groups 1, 3, 4, 5, and 6; and that part of census tract 1138.01 included in block groups 3 and 4;

(12) District No. 12 is composed of that part of Collin County included in census tracts 313.02, 314, 315, 316.01, 316.02, 316.03, 316.04, 316.05, 316.06, 316.07, 317, 318.01, 318.02, 318.03, 319, 320.01, and 320.02; and that part of Dallas County included in census tracts 71.01, 73.01, 73.02, 74, 75.01, 75.02, 76.01, 76.02, 76.03, 76.04, 78.04, 78.05, 78.07, 79.05, 94, 95, 96.03, 96.04, 96.05, 96.06, 96.07, 96.08, 96.09, 97.01, 97.02, 98.01, 99, 126, 129, 130.02, 130.03, 130.04, 131.01, 131.02, 131.03, 132, 133, 134.01, 134.02, 135, 136.01, 136.04, 136.05, 136.06, 136.07, 136.08, 136.09, 136.10, 137.01, 137.02, 137.04, 137.05, 137.06, 137.07, 137.08, 138.01, 138.02, 139, 140.01, 140.02, 141.01, 141.02, 141.03, 141.04, 142, 143.01, 143.02, 143.03, 143.04, 144.01, 144.02, 145, 146, 147, 149, 150, 151, 152.01, 152.02, 181.05, 181.06, 181.07, 181.08, 181.09, 181.11, 181.12, 183, 184.01, 184.02, 184.03, 185.01, 185.02, 186, 188.01, 189, 190.03, 190.04, 190.06, 190.07, 190.08, 190.09, 190.10, 190.11, 190.12, 190.13, 190.14, 190.15, 191, 192.01, 192.02, 192.03, 192.04, 192.05, 192.06, 192.07, 193.01, 193.02, 194, 195.01, 195.02, 196, 197, and 198; and that part of census tract 78.06 included in block 1; and that part of census tract 128 included in blocks 1, 2, 5, 6, 7, and 8; and that part of Tarrant County included in census tracts 1013.01, 1064, 1065.01, 1065.02, 1065.03, 1065.04, 1065.05, 1115.05, 1115.06, 1115.07, 1115.09, 1115.10, 1130, 1131, 1132.04, 1134.03, 1134.04, 1134.05, 1134.06, 1135.03, 1135.04, 1135.05, 1135.06, 1136.04, 1136.05, 1136.06, 1136.07, 1136.08, 1137.02, 1216.01, 1216.04, 1216.05, 1216.06, 1216.07, 1217.01, 1217.02, 1218, 1219.01, 1219.02, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, and 1229; and that part of census tract 1132.03 included in block group 7; and that part of census tract 1137.01 included in block group 2; and that part of census tract 1138.01 included in block groups 1 and 2;

(13) District No. 13 is composed of that part of Dallas County included in census tracts 1, 2.01,

2.02, 3, 4.01, 4.02, 4.03, 5, 6.01, 6.03, 6.04, 7.01, 7.02, 8, 9, 10, 11.01, 11.02, 12, 13.01, 13.02, 14, 15.01, 15.02, 16, 17.01, 17.02, 18, 19, 20, 21, 22.01, 22.02, 23, 24, 25, 26, 27.01, 27.02, 28, 29, 30, 31.01, 31.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39.01, 39.02, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59.01, 59.02, 60.01, 60.02, 61, 62, 63.01, 63.02, 64, 65, 67, 68, 69, 71.02, 72, 77, 78.01, 78.08, 78.09, 79.02, 79.03, 79.04, 80, 81, 82, 83, 84, 85, 86.01, 86.02, 87.01, 87.03, 87.04, 87.05, 88.01, 88.02, 89, 90.01, 90.02, 91.01, 91.02, 92.01, 92.02, 93.01, 93.03, 93.04, 98.02, 100, 101, 102, 103, 104, 105, 106, 107, 108.01, 108.02, 108.03, 109, 110.01, 110.02, 111.01, 111.02, 112, 113, 114.01, 114.02, 115, 116.01, 116.02, 117, 118, 119, 120, 121, 122.02, 122.03, 122.04, 122.05, 123, 124, 125, 127, 148.01, 148.02, 153.01, 153.02, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165.01, 165.02, 165.03, 165.05, 165.06, 165.07, 166.01, 166.02, 166.03, 166.04, 167.01, 167.02, 168, 169.01, 169.02, 169.03, 169.04, 170, 171, 172, 173.01, 173.02, 174, 175, 176.01, 176.02, 177, 178.01, 178.03, 178.04, 178.05, 179, 180, 181.04, 181.10, 181.13, 181.14, 181.15, 182.01, 182.02, 187, 188.02, and 199; and that part of census tract 78.06 included in block 2; and that part of census tract 128 included in block groups 3 and 4;

(14) District No. 14 is composed of Archer, Baylor, Bosque, Brown, Callahan, Childress, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Cottle, Eastland, Erath, Fisher, Foard, Glascock, Hamilton, Hardeman, Haskell, Hill, Hood, Irion, Jack, Johnson, Jones, King, Knox, McCulloch, Menard, Midland, Mills, Montague, Nolan, Palo Pinto, Runnels, Shackelford, Somervell, Stephens, Sterling, Stonewall, Taylor, Throckmorton, Tom Green, Wichita, Wilbarger, and Young counties; and

(15) District No. 15 is composed of Andrews, Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Cochran, Collingsworth, Crane, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, Floyd, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Howard, Hutchinson, Kent, Lamb, Lipscomb, Lubbock, Lynn, Martin, Mitchell, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Swisher, Terry, Wheeler, and Yoakum counties.

(c) It is the intention of the Texas Legislature that if any county, census tract, block, or other geographic area has erroneously been left out of this section, any court reviewing this section should include that area in the appropriate district as accomplished by the Supreme Court of Texas in *Smith v. Patterson*, 111 Tex. 535, 242 S.W. 749 (1922).

[Acts 1969, 61st Leg., p. 2759, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., 1st C.S., p. 25, ch. 5, § 1, eff. June 15, 1971; Acts 1984, 68th Leg., 2nd C.S., p. 271, ch. 28, art. I, part B, § 1, eff. Sept. 1, 1984.]

Article I, part B, § 6 of the 1984 amendatory act provides:

"Notwithstanding any other sections to the contrary, should any provision of this part be declared unlawful or violative of 42 U.S.C.A. 1971, et seq., the legislature is hereby authorized to redraw the district lines to comply with the appropriate federal law in accordance with the Texas Constitution."

Article IX, § 1, of the 1984 amendatory act provides:

"Legislative Finding: Application Of Voting Rights Act. "The legislature finds that the only portion of this Act that is subject to review by the United States Department of Justice under the federal Voting Rights Act (42 U.S.C. Secs. 1971, 1973dd-5) is Part B, Article I. The secretary of state shall submit that portion of this Act for review by the justice department in accordance with federal law and that portion of the Act takes effect as provided by this Act as modified by the requirements of federal law. All other provisions of this Act take effect as provided by this Act."

§ 11.211. Application of Sunset Act

The State Board of Education is subject to the Texas Sunset Act,¹ but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and every 12th year after 1989 are reviewed.

[Acts 1977, 65th Leg., p. 1852, ch. 735, § 2.148, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 11.22. Membership

(a) Members of the State Board of Education shall be elected at biennial general elections held in compliance with the general election laws of this state.

(b) No person shall be eligible for election to or serve on the board if he holds an office with the State of Texas or any political subdivision thereof.

(c) No person shall be elected from or serve in a district who is not a bona fide resident thereof with one year's continuous residence prior to his election. No person shall be eligible for election or appointment to or service on the board unless he is a citizen of the United States, a qualified voter of his district, and is 30 years of age or older.

(d) Candidates shall be nominated and elected in the manner provided in the Texas Election Code for nomination and election of district officers generally, except as otherwise provided in the Election Code or in this code.

(e) It shall be unlawful for any person, group of persons, organization, or corporation engaged in manufacturing, shipping, selling, storing, advertising textbooks—or in any other manner connected with the textbook business—to make a financial contribution to, or take part in, directly or indirectly, the campaign of any person seeking election to the State Board of Education. It shall likewise be unlawful for anyone interested in selling bonds of any type whatsoever to make a financial contribution to or take part in, directly or indirectly, the campaign of any person seeking election to the board. Anyone convicted of violating the provisions

of this subsection shall be punished as prescribed by the penal laws of this state.

(f) At each general election immediately following a decennial reapportionment of districts, one member shall be elected to the board from each district. Except as provided in Subsection (g) of this section, members of the board serve staggered terms of four years with the terms of eight of the members expiring on January 1 of one odd-numbered year and the terms of seven of the members expiring on January 1 of the next odd-numbered year.

(g) Seven of the members of the board elected at each general election following a decennial reapportionment of districts shall serve for terms of two years, and eight shall serve for terms of four years. Members shall draw lots to determine which shall serve for terms of two and four years.

(h) Each member of the board shall take the official oath of office, and shall be bonded in the amount of \$10,000, in the manner prescribed in Chapter 383, Acts of the 56th Legislature, Regular Session, 1959 (Article 6003b, Vernon's Texas Civil Statutes).

(i) In case of resignation or death of a board member, or in a case a position on the board otherwise becomes vacant, the board shall fill such vacancy as soon as possible by appointment of a qualified person from the affected district. The appointee shall hold office only until his successor is duly elected for the remainder of the unexpired term at the next general election and has qualified by taking the required oath and filing the required bond or until expiration of the term of office to which he has been appointed, whichever occurs first.

(j) A vacancy that occurs at a time when it is impossible to place the name of a candidate for the unexpired term on the general election ballot shall be filled by appointment, as specified in Subsection (i) of this section.

(k) Members of the board shall receive no salary but shall be reimbursed for all expenses incurred in attending meetings of the board or incident to any judicial action taken because of appeal from a board order.

(l) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the board, may not serve as a member of the board or act as the general counsel to the board.

(m) Appointments to vacancies on the board shall be made without regard to the race, creed, sex, religion, and national origin of the appointees.

[Acts 1969, 61st Leg., p. 2759, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., 1st C.S., p. 25, ch. 5, § 2, eff. June 15, 1971; Acts 1973, 63rd Leg., p. 89, ch. 51, §§ 16, 17, 19, eff. Aug. 27, 1973; Acts 1981, 67th Leg., p. 2268, ch. 549, § 1, eff. June 12, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 279, ch. 28, art. 1, part B, § 2, eff. Sept. 1, 1984.]

Acts 1983, 68th Leg., p. 3096, ch. 531, art. III, § 1, classified as Civil Statutes, art. 197g, art. III, § 1, provides:

"Pursuant to Subsection (h) of Section 11.22 of the Texas Education Code, as amended, all members of the State Board of education were elected in 1982 at the general election immediately following the decennial reapportionment of congressional districts in Texas. Pursuant to Subsection (i) of Section 11.22 these officers drew lots to determine which members shall serve for six years, which members shall serve for four years, and which members shall serve for two years. Notwithstanding this Act changing the boundaries of certain congressional districts, the terms of office of the members of the State Board of Education shall not be affected by such change, and each member shall be entitled to serve for the remainder of the term to which he was elected and which was determined in accordance with Subsection (i) of Section 11.22 even though the change in boundaries may have placed his residence outside the district for which he was elected."

Article I, part B, § 4 of the 1984 amendatory act provides:

"(a) The current State Board of Education is abolished, and the governor shall appoint a transitional board in accordance with this section.

"(b) The Legislative Education Board shall submit to the governor the names of three persons from each of the 15 districts entitled to representation on the State Board of Education under Section 11.21, Education Code, as amended by this Act. Each nominee must have been a resident of the area encompassed by the district for which he or she is nominated for one year immediately preceding nomination. Section 11.22(b), Education Code, as amended by this Act, does not apply to a person appointed under this section. The governor, with the advice and consent of the senate, shall appoint one of the nominees from each district to the State Board of Education. The Legislative Education Board shall make those nominations and the governor shall make those appointments as soon as possible after this article takes effect. Nominations and appointments shall be made without regard to the race, creed, sex, religion, and national origin of the nominees or appointees.

"(c) The terms of the governor's appointees under this section expire January 1, 1989. Fifteen members shall be elected to the State Board of Education at the general election in 1988. Seven of the members elected at that election serve two-year terms expiring January 1, 1991, and eight members serve four-year terms expiring January 1, 1993. Members shall draw lots to determine which serve for terms of two and four years. Thereafter, members serve for terms as provided by Sections 11.22(f) and (g), Education Code, as amended by this Act.

"(d) The terms of office of members of the State Board of Education serving on the effective date of this article expire on the date of the first meeting of the appointed board provided for by this section. The chairman of the appointed board, designated by the governor, shall call that meeting as soon as possible after the governor has appointed all members of the board and the members have qualified.

"(e) The transitional State Board of Education appointed under this section has all the powers and duties given by law to the State Board of Education. The appointment of the transitional board does not affect the validity of any action taken by or pursuant to the direction of the prior board. Rules adopted by the prior board remain in effect until superseded by rules of the transitional board or a subsequent elected board.

"(f) For the 1984 elections, a state, local, or party official is not required to take any action (including issuing certificates of election, canvassing returns, or tabulating results) in regard to the election of a member of the State Board of Education if the terms of office of the elected board expire under this section before the official would otherwise take the action, and for that purpose, the elective office is considered to have not existed."

§ 11.23. Meetings and Organization

(a) The board shall hold regular meetings in Austin, Texas, on the second Saturday in January, March, May, July, September, and November. It may hold other meetings as scheduled by its formal sessions or as may be called by the chairman.

(b) At its next regular meeting following the election and qualification of new members, the State Board of Education shall organize, adopt rules of procedure, and elect a vice chairman and secretary.

(c) Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 282, ch. 28, art. I, part B, § 3, eff. Sept. 1, 1984.

(d) The governor appoints the chairman of the State Board of Education from among the membership of the State Board of Education. The chairman serves a term of two years.

(e) The board may not elect officers by slate, but must take a separate vote to fill each position. A person who serves two consecutive terms as chairman is ineligible to again serve as chairman until four years have elapsed since the expiration of the second term.

[Acts 1969, 61st Leg., p. 2760, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1581, ch. 428, § 1, eff. May 26, 1971; Acts 1984, 68th Leg., 2nd C.S., p. 270, ch. 28, art. I, part A, § 2, art. I, part B, § 3, art. I, part C, § 6, eff. Sept. 1, 1984.]

§ 11.24. General Powers and Duties

(a) The State Board of Education is the policy-forming and planning body for the public school system of the state. It shall also be the State Board for Vocational Education and as such, the board shall have all the powers and duties conferred on it by the various statutes relating to the State Board for Vocational Education. The State Board of Education (State Board for Vocational Education) may contract with the Coordinating Board, Texas College and University System, so that the coordinating board may assume the leadership role and administrative responsibility of the State Board for Vocational Education for state level administration of technical-vocational education programs in Texas public community colleges, public technical institutes, and other eligible public postsecondary institutions.

(b) As one part of the Central Education Agency, the State Board of Education shall have specific responsibility for adopting policies, enacting regulations, and establishing general rules for carrying out the duties placed on it or the Central Education Agency by the legislature.

[Acts 1969, 61st Leg., p. 2760, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 2057, ch. 676, § 4, eff. June 20, 1975.]

§ 11.25. Powers and Duties Related to Commissioner of Education

(a) The state commissioner of education shall be the executive officer through whom the State Board of Education shall carry out its policies and enforce its rules and regulations.

(b) The State Board of Education shall have power to review the commissioner's application of the board's rules and regulations.

(c) The State Board of Education shall appoint the state commissioner of education to serve at the will of the board.

(d) On recommendation of the commissioner of education, the State Board of Education may authorize the commissioner to appoint as many official commissions composed of citizens of the state as are necessary to advise the commissioner of education in the discharge of his duties. A member of such a commission shall not receive any pay for his services on a commission other than reimbursement for actual expenses incurred. Necessary expenses for the operation of such commissions shall be included in the appropriate operating budget of the Central Education Agency and shall be subject to the same budget controls applied to all other items in the budget.

[Acts 1969, 61st Leg., p. 2761, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 290, ch. 28, art. I, part C, § 7, eff. Sept. 1, 1984.]

§ 11.26. Powers and Duties Related to Educational Needs of the State

(a) The State Board of Education is the primary policy-making body for public education and directs the public school system in accordance with law.

(b) The board shall review periodically the educational needs of the state, establish goals for the public school system, and adopt and promote four-year plans for meeting these needs and goals. Prior to each regular legislative session, the board shall evaluate the achievements of the educational program in relationship to the current four-year plan and report that evaluation to the governor and the legislature.

(c) With the advice and assistance of the state commissioner of education, the State Board of Education shall:

(1) formulate and present to the governor and Legislative Budget Board the proposed budget or budgets for operating the Foundation School Program, the Central Education Agency, and the other programs for which it has responsibility;

(2) adopt operating budgets on the basis of appropriation by the legislature;

(3) establish procedures for budgetary control, expending, auditing, and reporting on expenditures within the budgets adopted;

(4) make to the legislature biennial reports covering all the activities and expenditures of the Central Education Agency;

(5) adopt rules for the accreditation of schools;

(6) execute contracts for the purchase of instructional aids, including textbooks, within the limits of authority granted by the legislature;

(7) execute contracts for the investment of the permanent school fund, within the limits of authority granted by Chapter 15 of this code;

(8) adopt rules consistent with Chapter 13 of this code for certification of teachers, administra-

tors, and other professional personnel customarily employed in public schools;

(9) consider the athletic necessities and activities of the public schools of Texas and in advance of each regular session of the legislature specifically report to the governor of Texas the proper and lawful division of time and money to be devoted to athletics, holidays, legal and otherwise, and to educational purposes; and

(10) on or before May 15 of each year, formulate and transmit to the Advisory Council on Technical-Vocational Education a list of evaluation topics that address developing and future concerns of the board in the field of technical-vocational education.

(d) The State Board of Education shall not adopt any policy, rule, regulation, or other plan which would require any school district within the state, as a prerequisite for accreditation or other approval, to hire any supervisor or any guidance counselor.

[Acts 1969, 61st Leg., p. 2761, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 2400, ch. 753, § 1, eff. June 8, 1971; Acts 1983, 68th Leg., p. 2727, ch. 466, § 16, eff. Sept. 1, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 292, ch. 28, art. I, part C, § 8, eff. Sept. 1, 1984.]

Article I, part C, § 25 of the 1984 amendatory act provides:

"This part does not affect rules adopted under prior law by the commissioner of education, and those rules remain in effect until superseded by rules of the State Board of Education adopted in accordance with the law as amended by this part."

Part G of the 1984 amendatory act provides:

"Sec. 1. (a) The State Board of Education shall develop a pilot program to provide a training course for school superintendents and principals in management techniques.

"(b) In planning the program, the board shall consult the business department or college of the accredited institution of higher education in this state that the board determines is the most appropriate for assisting with the program. The board shall also solicit comments and suggestions regarding the development and content of the program from:

"(1) each college of education of an accredited institution of higher education in this state; and

"(2) each association or organization that represents superintendents or principals that the board determines is interested in the program.

"(c) The business department or college consulted under Subsection (b) of this section shall present the training course not later than September 1, 1985. The course shall consist of two to four weeks of instruction involving at least 100 superintendents and principals selected from a cross-section of the state's school districts with respect to size, location, wealth, student population, and other factors that the board determines are relevant. The course must provide instruction in various areas of management skills and techniques essential to the effective administration of the schools, including:

"(1) organization;

"(2) personnel management; and

"(3) accounting.

"(d) This section expires June 1, 1987.

"Sec. 2. (a) The board shall report to the Regular Session of the 69th Legislature regarding the progress of developing the management training pilot program established under Section 1 of this part.

"(b) The board shall report to the Regular Session of the 70th Legislature following completion of the pilot program. The report must include the board's conclusions regarding the success of the program and necessity of implementing a similar program permanently.

"Sec. 3. The legislature may appropriate funds for the implementation of a management training pilot program established under Section 1 of this part in an amount not to exceed \$50,000."

§ 11.27. Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979

Subsection 35(c) of the 1979 repealing act provided:

"The repeal of Section 11.27, Texas Education Code, as amended, does not affect a contract entered into before the effective date of this Act if funds are available to the Central Education Agency for payment under the contract after the effective date of this Act."

See, now, § 16.104.

§ 11.28. Powers Related to Independent School Districts

(a) The power of the State Board of Education to create and establish independent school districts has been abolished, but the State Board of Education shall continue to exercise the powers as provided in this section in those independent school districts which were created by the board under its former authority.

(b) It shall grant to such districts the right to share in the state per capita apportionment and such other privileges as are granted to independent and common school districts.

(c) Except as otherwise provided by this subsection, the State Board of Education shall appoint for each district a board of three trustees, who shall not be required to be residents of the district. For each military reservation independent school district the State Board of Education may appoint a board of three or five trustees. Enlisted military personnel may be appointed to the school board; however, a majority of the trustees appointed for a military reservation district must be civilians and all may be civilians. The trustees shall be selected from a list of persons who are qualified under the general school laws of Texas and who live or are employed on the military reservation. The list shall be furnished by the commanding officer of the military reservation to the board. The trustees so appointed shall hold office for two years and until their successors are appointed and qualified.

(d) Each year the board of trustees shall take and certify the census of eligible children within the scholastic ages, and the children entitled to attend the reservation schools thus established shall be those of the officers, soldiers, and civilian employees residing or employed on the reservation.

(e) The board of trustees shall have the authority of transferring any school children who cannot be provided for by the district of their residence to any public school district maintaining adequate facilities and standards for elementary, junior, or senior high schools.

(f) The State Board of Education may make such special regulations and orders for the government of the district as it may deem expedient, but the laws pertaining to independent school districts where the district is not otherwise ordered, shall govern such district.

(g) On the written request signed by a majority of the board of trustees of the district, the State Board of Education may abolish the district, in which event the State Board of Education shall give written notice to the board of trustees of the district and to the board of county school trustees or county board of education of the county in which the district is located. The county governing board shall be required to add the territory of the abolished district to a school district contiguous to the territory and to add the school census taken for the district prior to its abolishment to the scholastic census of the district to which the territory is added.

(h) Any military reservation territory which is subject to the same post or base command as a military reservation used to house dependents of military and civilian personnel and which wholly contains an independent school district, whether or not such reservations are contiguous, may be annexed to that reservation independent school district by the State Board of Education pursuant to a petition by that post or base commander.

(i) When any military reservation territory has been annexed to an independent school district of the same post or base command under Subsection (h) of this section, and the territory is no longer used to house dependents of military and civilian personnel, the State Board of Education, on petition of the post or base command, or on petition of a majority of the trustees of the school district from which the territory was originally detached, shall be authorized to detach such territory from the military reservation constituting an independent school district and to annex it to the school district from which it was originally detached.

[Acts 1969, 61st Leg., p. 2762, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 808, ch. 192, § 1, eff. May 24, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 294, ch. 28, art. I, part C, § 9, eff. Sept. 1, 1984.]

§ 11.29. Adoption of Budget for the Central Education Agency

(a) The State Board of Education shall adopt annually a budget for the operation of the Central Education Agency. The budget shall be in accordance with the amounts appropriated by the general appropriations act and shall provide funds for the administration and operation of the Central Education Agency and any other necessary expense.

(b) Expenses eligible for payment in whole or in part from federal and special funds shall be designated in the budget.

(c) Expense items budgeted which are not eligible for payment from federal or special funds shall be paid from the foundation school program fund.

(d) Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979.

(e) The budget cost of operating the Central Education Agency which is paid from the foundation school program fund shall be included in the esti-

mated cost of the Foundation School Program which is computed by the State Board of Education in March of each year for the determination of the local fund assignment to be charged to each school district.

(f) On or before August 15 of each year, a copy of the approved operating budget for the Central Education Agency showing total funds budgeted by sources of funds shall be filed with the state comptroller of public accounts. Thereafter, vouchers submitted by the state commissioner of education shall be paid from the appropriate fund.

[Acts 1969, 61st Leg., p. 2763, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979.]

§ 11.30. Authority to Enter Into Contracts for Grants

For the maintenance and improvement of state educational programs and activities in the public schools, the State Board of Education may enter into contracts for grants from both public and private organizations and may expend such funds under the terms and for the specific purposes contracted.

[Acts 1969, 61st Leg., p. 2764, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.31. Teacher-Training Programs

(a) The State Board of Education shall develop and publicize a program specifically designed to encourage and facilitate the entry into public-school teaching and into teacher-training programs of a corps of intelligent, mature, and concerned persons who have received bachelor's degrees from accredited institutions of higher education.

(b) The State Board of Education and the institutions of higher learning in this state that are approved for teacher education shall cooperate to develop procedures for the individual evaluation and appraisal of the training and training needs of persons applying for teacher certification who have possessed a bachelor's degree from an accredited institution of higher learning for a period of three years or longer and who are eligible under the laws of Texas to be certified, and to provide to these persons teacher-training programs that are appropriate to their needs and that can be completed in a reasonable time.

(c) The president or chancellor of each college or university in this state approved for teacher training shall appoint a three-member evaluation team to perform the individual evaluation and determine the individual training needs referred to in Subsection (b) of this section. The evaluation team shall be comprised of two members of the faculty of the department or school of education and

(1) one member from the school or college of arts and sciences if the individual is applying for evaluation for elementary certification; or

(2) one member from the teaching field of the individual if the applicant is applying for evaluation for secondary certification.

(d) More than one team as described in Subsection (c) of this section may be appointed at an institution when needed.

(e) When an applicant meeting the requirements in Subsection (b) of this section seeks to become certified to teach in the public schools of Texas, he shall present his transcript and any information covering any work experience or additional qualifications to an institution of higher learning approved for teacher education. The institution's evaluation team shall evaluate the applicant's transcript and work experience and, when practicable, interview the applicant to determine any deficiencies in either professional or content preparation, in the area of teaching specialization chosen by the applicant. The evaluation team shall give due consideration to the applicant's work experience, as well as to his academic record, and to any other evidence bearing upon his qualification as a teacher. The evaluation team shall then recommend what additional course work or other preparation is needed by the applicant to qualify for certification under standards established by the State Board of Education. While the applicant is pursuing the study and preparation recommended by the evaluation team, he will remain under its general guidance. His training may be reevaluated by the team when necessary, as when any teaching experience is acquired by the applicant either in student teaching or under emergency permit. When the team finds the applicant has satisfactorily met the requirements for certification, the team shall recommend him for a provisional certificate.

(f) The State Board of Education, with the advice and assistance of the state commissioner of education, shall develop a pattern of minimum standards for the certification of persons under this section. The pattern shall recognize the role and responsibility of the evaluation teams. As far as the training of persons under this section is concerned, the board shall allow the waiver of any current requirements for the provisional certificate not stipulated or implied by the standards developed for the guidance of institutions for this particular program. However, nothing in this section shall be construed as permitting more requirements of an applicant under this section than would be made in an undergraduate program of teacher preparation; to the contrary, the legislative intent of this section is that, in recognition of the maturity, experience, and level of achievement of applicants in this program, course requirements would more likely be reduced, compressed, or combined, and would be more freely interchangeable with similar courses.

(g) The Central Education Agency is hereby authorized and directed to prepare, or have prepared, publicity materials, and to make these materials available for use to television and radio stations, newspapers and other periodicals, and any other

appropriate communications media, to encourage qualified persons to enter the teaching profession and to publicize the training program directed in this section, as well as other teacher-training programs. The Central Education Agency is hereby authorized to use for this purpose any funds that have been or may be appropriated to it, and to accept and spend for this purpose any gifts or donations of funds made for this purpose.

(h) When the commissioner of education shall so direct, in the case of applicants seeking to enter this program to qualify to teach in trade or industrial courses, the requirement herein for a bachelor's degree may be waived.

(i) The State Board of Education, with the advice and assistance of the state commissioner of education, is hereby authorized to establish such rules and regulations as are not inconsistent with the provisions of this section and which may be necessary to implement and carry out the legislative policy expressed herein.

[Acts 1969, 61st Leg., p. 2764, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.311. Local Cooperative Teacher Education Centers

(a) To provide college students facilities, additional instructional materials required for student teachers, and supervision for student teaching required by law as prerequisites to the issuance of a valid Texas certificate for the appropriate position, it is necessary that joint responsibility among the colleges and universities approved for teacher education by the Commission on Standards for the Teaching Profession of this state, the Texas public school districts, and the State of Texas be hereby established.

(b) The Commission on Standards for the Teaching Profession, with the assistance of colleges, universities, and public school personnel, subject to the approval of the State Board of Education, shall establish standards for the approval of local cooperative teacher education centers, and define the cooperative relationship between the college or university and the public school which serves the teacher education program.

(c) The approved public school district and the college or university using its facilities for student teaching shall jointly approve or select the supervisors of student teachers, who are employees of the district, to serve in the program and adopt an agreed continuing in-service improvement program for supervisors of student teachers or those preparing to become supervisors of student teachers.

(d) There shall be paid to the public school district which is a member of the local cooperative teacher education center and serves as a site for student teaching the sum of \$200 for each supervisor of student teachers, to be an additional increment for such additional services to the annual salary of each such serving supervisor of student teachers. In

addition there shall be paid to the district the sum of \$100 per each supervisor of student teachers of which \$50 shall be retained by the district usable to assist in meeting the costs incurred by the district in the cooperative teacher education center program, and of which \$50 shall be allocated to local cooperative teacher education centers and paid to their respective fiscal agents on the basis of the number of supervisors of student teachers in the district jointly approved or selected by the public school district and participating colleges and universities. This total, \$300 per supervisor of student teachers, shall be paid from the Foundation School Fund; this cost shall be considered by the Foundation School Fund Budget Committee in estimating the funds needed for Foundation School Program purposes. The total number of supervisors of student teachers to receive the additional increment herein provided shall never exceed 70 percent of the total number of student teachers enrolled in student teaching.

(e) Local cooperative teacher education centers shall use funds allocated in Subsection (d) of this section for meeting the costs incurred by such centers in providing joint responsibility in Subsection (a), the cooperative relationship in Subsection (b), the joint approval or selection of supervisors of student teachers and in-service improvement programs in Subsection (c).

[Acts 1971, 62nd Leg., p. 1488, ch. 405, § 13, eff. May 26, 1971. Amended by Acts 1981, 67th Leg., p. 692, ch. 266, § 1, eff. May 29, 1981.]

Repeal

Subsections (d) and (e) of this section are repealed effective September 1, 1985, by Acts 1984, 68th Leg., 2nd C.S., p. 347, ch. 28, art. II, § 22(a)(1).

§ 11.32. Regional Education Service Centers

(a) The State Board of Education shall provide, by rules and regulations, for the establishment and operation of Regional Education Service Centers to provide educational services to the school districts and to coordinate educational planning in the region.

(b) Regional centers shall be located throughout the state so that each school district has the opportunity to be served and to participate in an approved center, on a voluntary basis. No center shall be approved unless it serves an area having 50,000 or more eligible scholastics in average daily attendance for the next preceding school year, except that the State Board of Education may make an exception for sparsely populated areas.

(c) Each center shall be governed by a seven-member board. The State Board of Education shall adopt uniform rules and regulations to provide for the local selection, appointment, and continuity of membership for regional boards of directors. Vacancies shall be filled by appointment by the remain-

ing members of the regional board for the unexpired term. All members shall serve without compensation.

(d) The Regional Board of Directors is authorized to employ an executive director for its respective center and such other personnel, professional and clerical, as it deems necessary to carry out the functions of the center, and to do and perform all things which it deems proper for the successful operation thereof, and to pay for all operating expenses by warrants drawn on proper funds available for such purpose.

(e) The Regional Board of Directors of each Regional Education Service Center, under rules of the State Board of Education, may enter into contracts for grants from both public and private organizations and to expend such funds for the specific purposes in accordance with the terms of the contract with the contracting agency.

(f) Basic costs for the provision of regional educational services to school districts and coordination of educational planning in the region and for administrative costs necessary to support these services shall be paid from the Foundation School Fund. Each Regional Education Service Center shall receive an annual allotment of \$200,000, with the remainder of the funds available under the provisions of this subsection to be allocated to the Regional Education Service Centers on the basis of the average daily attendance within the area of operation for each Regional Education Service Center as determined for the next preceding school year. The allotment amounts here authorized to be granted by the State Board of Education shall not exceed in any year a sum equal to .45 percent multiplied by the following specified elements of cost contained in the Foundation School Program for the current school year: salaries, maintenance and operation, vocational operating costs, transportation-regular, transportation-special education, transportation-vocational education, agency administration, other special education programs, vocational contract services, bilingual education, preschool non-English speaking, preschool deaf, compensatory education, driver education, and minimum aid.

(g) Each Regional Education Service Center, within each five-year period shall:

- (1) perform a self-study of the effectiveness of its services to school districts;
- (2) invite a panel of distinguished personnel from other service centers, public school administrators, and other persons deemed appropriate by the service center board to evaluate the practices and services provided by the service center; and
- (3) be subject to a management and service audit conducted by the Central Education Agency.

[Acts 1969, 61st Leg., p. 2766, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 897, ch. 334, § 7, eff. Sept. 1, 1975; Acts 1977, 65th Leg., 1st C.S., p. 40, ch. 1, § 22, eff. Sept. 1, 1977.]

§ 11.33. General Powers and Duties of Regional Education Service Centers

(a)(1) Regional Education Media Centers shall be established and operated by Regional Education Service Centers under rules of the State Board of Education in order to furnish participating school districts with education media materials, equipment and maintenance, and educational services.

(2) Centers approved by the State Board of Education as meeting their requirements shall develop, provide, and make available to participating school districts education media services.

(3) A Regional Education Media Center is an area center, composed of one or more Texas school districts, that is approved to house, circulate, and service educational media for the public schools of the participating districts.

(4) Any school district which is a participant member of a Regional Education Media Center may elect to withdraw its membership in the center for a succeeding scholastic year, electing not to support nor to receive its services for any succeeding year. Title to and all educational media and property purchased by the center shall remain with and in the center.

(5) The cost incident to setting up the centers, their operation, and the purchase of education media supplies and equipment shall be borne by the state and each participating district to the extent and in the manner provided in this subsection.

(6) The state shall allot and pay to each approved center annually an amount determined on the basis of not to exceed \$1, or a greater amount provided by the General Appropriations Act, for each scholastic in average daily attendance for the next preceding school year in the district or districts that are participants in an approved center. The funds or amount provided by the state shall be used only to purchase, maintain, and service educational media or equipment for the center which have prior approval of its Regional Board of Directors and the State Board of Education through its budgetary system.

(7) School districts as participant members in the center shall provide and pay to the proper center a proportionate amount determined on the basis of the average daily student attendance for the next preceding school year matching the amount provided by the state. The matching funds provided by the participant districts, including any donated or other local funds, may be used to pay for costs of administration of or servicing by the center and to purchase supplemental educational media. A center shall not enter into obligations which shall exceed funds available or reasonably anticipated as receivable for the current school year.

(8) Annually, pursuant to such rules and procedure as may be prescribed by the State Board of Education, the governing board of each center shall determine the rate per pupil based on average daily

student attendance the next preceding school year, not to exceed the limit prescribed in this subsection, which shall constitute the basis for determination of total amount to be transmitted by participant districts to the center and as matching funds from the state's contribution to this program.

(9) The state's share of the cost in the regional media centers program shall be paid from the Foundation School Fund, and this cost will be considered by the Foundation Program Committee in estimating the funds needed for foundation program purposes. Nothing in this subsection shall be construed to prohibit a center from receiving and utilizing matching funds in any amount for which it may be eligible from federal sources.

(b)(1) A program of financial assistance for computer services to school districts of the state through Regional Education Service Centers shall be developed by the State Board of Education to encourage a planned statewide network or system of computer services designed to meet public school educational and informational needs. Toward achievement of maximum efficiency and to insure a practicable uniformity in services, the State Board of Education, by rules and regulations, shall adopt eligibility requirements for data processing computer services to receive the state financial assistance authorized herein.

(2) Only computer services that are provided by or through a Regional Education Service Center to make available computer services required to meet the needs of the school districts of one or more Education Service Center regions shall be eligible for financial assistance hereunder.

(3) The State Board of Education annually shall approve a state assistance allotment for computer services to be paid to eligible Regional Education Service Centers that qualify, and in an amount to be determined under rules and regulations adopted by the State Board of Education for that purpose; provided that the allotment amounts here authorized to be granted by the State Board of Education shall not exceed in any year a sum equal to \$1, or a greater amount provided by the General Appropriations Act, multiplied by the average daily attendance in the public schools of Texas as determined for the next preceding school year.

(4) The state's share of the cost of this program authorized by this subsection shall be paid from the Foundation School Fund, and this cost shall be considered by the Foundation School Fund Budget Committee in estimating the funds needed for Foundation School Program purposes.

(c)(1) The State Board of Education shall promulgate rules, in compliance with the approved statewide design for special education, to provide for a plan for the coordination of services to handicapped children within each geographical area served by a Regional Education Service Center. Regional Education Service Centers, under the procedures set

forth in this plan, may provide supplementary or technical assistance to school districts for:

(A) identification of existing public or private educational and related services for handicapped children in each region;

(B) identification and referral of handicapped children who cannot be appropriately served by the school district in which they reside to other appropriate programs;

(C) assistance to school districts individually and cooperatively to develop programs to identify and provide appropriate services for handicapped children;

(D) expansion and coordination of services provided by Regional Education Service Centers which are related to programs for handicapped children; and

(E) provision for special services such as special seats, books, instructional media, and other supplemental supplies and services required for quality instruction.

(2) The responsibility for carrying out the provisions of this subsection rests with the commissioner of education, who may allocate funds to regional service centers for the provision of support services for the functions described in this subsection.

(d) Regional Education Service Centers may provide other services to school districts under rules and regulations adopted by the State Board of Education.

[Acts 1969, 61st Leg., p. 2767, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1488, ch. 405, § 14, eff. May 26, 1971; Acts 1971, 62nd Leg., p. 2053, ch. 631, § 1, eff. Aug. 30, 1971; Acts 1973, 63rd Leg., p. 88, ch. 51, § 13, eff. Aug. 27, 1973; Acts 1975, 64th Leg., p. 897, ch. 334, § 8, eff. Sept. 1, 1975; Acts 1977, 65th Leg., 1st C.S., p. 41, ch. 1, § 23, eff. Sept. 1, 1977; Acts 1981, 67th Leg., p. 2540, ch. 675, §§ 7, 8, eff. Sept. 1, 1981.]

§ 11.34. Authority to Serve Also as the State Board for Vocational Education

The State Board of Education is also the State Board for Vocational Education. As such it shall have the powers and perform the duties assigned in this code and the laws relating to the State Board for Vocational Education.

[Acts 1969, 61st Leg., p. 2768, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.35. High School Equivalency Examinations

The State Board of Education shall provide for the administration of high school equivalency examinations. Any person over the age of 17 who does not have a high school diploma may take the examination in accordance with the rules and regulations promulgated by the board.

[Acts 1971, 62nd Leg., p. 2490, ch. 812, § 1, eff. June 8, 1971.]

§ 11.36. Library Standards

(a) The State Board of Education shall establish regulations for accreditation of schools which establish standards for library services and personnel. The standards shall include:

(1) minimum standards for employment of librarians and other library personnel;

(2) acquisition and maintenance of library materials; and

(3) the operation and development of learning resources programs for each school district in this state.

(b) The standards shall include rules for the expenditure of state funds. The local districts shall not be required to expend local funds for the implementation of this section.

[Acts 1979, 66th Leg., p. 1154, ch. 557, § 1, eff. Aug. 27, 1979.]

[Sections 11.37 to 11.40 reserved for expansion]

SUBCHAPTER C. THE STATE BOARD OF VOCATIONAL EDUCATION

§ 11.41. Composition and Executive Officer

(a) The State Board of Vocational Education is a unit of the Central Education Agency and is composed of those persons who are members of the State Board of Education as set forth in Section 11.22 of this code.

(b) The state commissioner of education shall be the executive officer through whom the state board for vocational education shall carry out its policies and enforce its rules and regulations.

[Acts 1969, 61st Leg., p. 2768, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.42. Vocational Rehabilitation Division of the Central Agency

(a) The vocational rehabilitation division of the Central Education Agency is designated and authorized to provide for the rehabilitation of severely physically disabled Texas citizens, except those who are visually handicapped as defined by laws relating to the State Commission for the Blind; provided that nothing herein contained shall affect or repeal the crippled children's restoration service authorized by Chapter 216, Acts of the 49th Legislature, 1945 (Article 4419c, Vernon's Texas Civil Statutes), administered by the crippled children's division of the State Department of Health, so far as that authority is consistent with laws relating to the State Commission for the Blind.

(b) Other functions and duties now or hereafter assigned to the supervision of the State Board for Vocational Education shall be carried out by appropriate divisions in the State Department of Education.

[Acts 1969, 61st Leg., p. 2768, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.43. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(1), eff. May 26, 1971

See, now, § 30.43.

[Sections 11.44 to 11.50 reserved for expansion]

SUBCHAPTER D. STATE COMMISSIONER OF EDUCATION

§ 11.51. Selection and Qualifications

(a) The Office of State Commissioner of Education is a unit of the Central Education Agency and shall be filled in accordance with the provisions of Section 11.25 of this code.

(b) The state commissioner of education shall be a person of broad and professional educational experience, with special and recognized abilities of the highest order in organization, direction, and coordination of education systems and programs, and in administration and management of public schools and public education generally. The commissioner of education shall be a citizen of the United States.

(c) The commissioner shall execute his official bond in a sum not to exceed \$50,000, conditioned on the faithful performance of his duties as required by the laws of Texas and the rules and regulations imposed by the State Board of Education, and pursuant to the provisions of Chapter 383, Acts of the 56th Legislature, Regular Session, 1959 (Article 6003b, Vernon's Texas Civil Statutes).

[Acts 1969, 61st Leg., p. 2769, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 294, ch. 28, art. I, part C, § 10, eff. Sept. 1, 1984.]

§ 11.52. Powers and Duties

(a) The commissioner of education shall serve as executive officer of the Central Education Agency and as executive secretary of the State Board of Education and of the State Board for Vocational Education.

(b) The commissioner of education shall be responsible for promoting efficiency and improvement in the public school system of the state and shall have the powers necessary to carry out the duties and responsibilities placed upon him by the legislature and by the State Board of Education.

(c) The commissioner of education shall recommend to the State Board of Education such policies, rules, and regulations as he considers necessary to promote educational progress and shall supply the State Board of Education with all necessary or pertinent information to guide it in its deliberations.

(d) The commissioner of education shall prescribe uniform systems of forms, reports, and records necessary to secure needed information from county school officers and local school districts.

(e) The commissioner of education shall require of county judges, county and district school superintendents, county and school district treasurers or depositories, and other school officers and teachers

such school reports relating to school funds and other school affairs as he may deem proper for collecting information and advancing the interests of the public schools. He shall furnish the necessary blanks, forms, and instructions for this purpose.

(f) The commissioner of education may delegate ministerial and executive functions to members of the State Department of Education and may employ division heads and all other employees and clerks to perform the duties of the Central Education Agency as may be authorized by appropriations therefor.

(g) The commissioner of education shall issue teaching certificates to public school teachers and administrators in compliance with the provisions of Chapter 13 of this code.

(h) The commissioner of education is authorized to issue vouchers for the expenditures of the Central Education Agency according to the rules and regulations prescribed by the State Board of Education.

(i) The commissioner of education shall examine and approve all accounts to be paid out of the school funds by the state treasurer, and upon such approval, the comptroller of public accounts shall be authorized to draw his warrant.

(j) The commissioner of education shall observe and execute the mandates, prohibitions, and regulations established by law or by the State Board of Education in accordance with law.

(k) The commissioner of education shall have a manual published at least once every two years that contains the text of this code and an appendix of all other state laws relating to education. The State Board of Education shall determine the distribution of the manual.

(l) The commissioner of education shall advise and counsel the school officers of the counties, cities, towns, and school districts on the best methods of conducting the public schools. He may issue instructions and opinions regarding rules and regulations which shall be binding for observance on all officers and teachers.

(m) The commissioner shall inform himself about the educational progress of the different parts of this state and of other states. Insofar as he may be able, he shall visit different sections of this state, address teachers' institutes, associations, and other educational gatherings, instruct teachers, and promote all aspects of education. The legislature shall make adequate appropriations for the commissioner's necessary travel expenses, or those of his representative, when in service of the state.

(n) The commissioner shall, one month before the meeting of each regular session of the legislature, and 10 days prior to any special session thereof, at which, under the governor's proclamation convening the same, any legislation may be had respecting the public schools, make a full report to the State Board

of Education on the condition of all the public schools. This report shall

(1) give all the information called for by the board and such other matters as the commissioner shall deem important; and

(2) be presented by the governor to the legislature, and 2,000 copies of it shall be printed in pamphlet form for use of the legislature and for distribution to the various school officers and libraries in this state and in other states and territories of the United States and Canada, and to the United States Office of Education in Washington.

[Acts 1969, 61st Leg., p. 2769, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 307, ch. 28, art. I, part F, § 1, eff. Sept. 1, 1984.]

[Sections 11.53 to 11.60 reserved for expansion]

SUBCHAPTER E. THE STATE DEPARTMENT OF EDUCATION

§ 11.61. Composition

The State Department of Education shall constitute the professional, technical, and clerical staff of the Central Education Agency.

[Acts 1969, 61st Leg., p. 2771, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.62. Organization and Regulations

(a) The State Department of Education shall be organized into divisions and subdivisions established by the commissioner of education subject to the approval of the State Board of Education.

(b) Directors of the major divisions of the State Department of Education, and all of its other employees, shall be appointed by the commissioner of education pursuant to general rules and regulations adopted by the State Board of Education.

(c) The rules and regulations pertaining to personnel administration shall include a comprehensive classification plan, including an appropriate title for each position, a description of duties and responsibilities, and the minimum requirements of training, experience, and other qualifications essential for adequate performance of the work. These rules and regulations shall likewise provide tenure safeguards, leave and retirement provisions, and establish hearing procedures.

[Acts 1969, 61st Leg., p. 2771, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 11.63. Functions

(a) The State Department of Education shall

(1) carry out the mandates, prohibitions, and regulations for which it is made responsible whether by statute, the State Board of Education, the State Board for Vocational Education, or the commissioner of education;

(2) make free and full use of advisory committees and commissions composed of professional educators and/or other citizens of the state; and

(3) seek to assist local school districts in developing effective and improved programs of education through research and experimentation, consultation, conferences, and evaluation, but shall have no power over local school districts except those specifically granted by statute.

(b) The budgets and fiscal reports filed with the Central Education Agency shall be reviewed and analyzed by the staff of the State Department of Education to determine whether or not all legal requirements have been met and to collect fiscal data needed in preparing school fiscal reports for the governor and legislature. The Central Education Agency may drop from the list of accredited schools any school district which fails to comply with the laws or the rules and regulations of the State Board of Education applicable to preparation and adoption of the local budget and/or fiscal accounting system of public school districts.

[Acts 1969, 61st Leg., p. 2771, ch. 889, § 1, eff. Sept. 1, 1969.]

SUBCHAPTER F. STATE PROPERTY TAX BOARD

Section 1 of Acts 1979, 66th Leg., p. 2217, ch. 841, enacted Title 1 of the Tax Code, the Property Tax Code. Section 8 of said Act provided:

“(a) The name of the School Tax Assessment Practices Board is changed to the State Property Tax Board, and its members serve as members of the State Property Tax Board for the terms to which each was appointed to serve on the School Tax Assessment Practices Board. A reference to the School Tax Assessment Practices Board by a statute means the State Property Tax Board. All books, records, property, and personnel of the School Tax Assessment Practices Board are transferred to the State Property Tax Board.

“(b) The repeal by this Act of the laws establishing the School Tax Assessment Practices Board and its powers and duties does not affect:

“(1) the prior operation of those laws or any prior action taken under them;

“(2) any right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred under them;

“(3) any violation of those laws or any penalty, forfeiture, or punishment imposed under them prior to the repeal; or

“(4) any investigation, proceeding, or remedy relating to any right, privilege, obligation, liability, penalty, forfeiture, or punishment under the prior laws, and

the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the laws had not been repealed, except that if a penalty, forfeiture, or punishment is reduced or is not replaced in this Act, it shall be imposed according to the terms of this Act.

“(c) For the purposes of Subsection (b) of this section, the State Property Tax Board assumes the powers, duties, rights, privileges, and obligations of the School Tax Assessment Practices Board.”

§ 11.71. Purpose

It is the policy of this state to ensure equity among taxpayers in the burden of school district taxes and among school districts in the payment of state financial aid to schools. The purpose of this subchapter is to promote that equity by providing for uniformity in the tax appraisal and assessment practices and procedures of school district tax offices, for improvement in the administration and operation of school district tax offices, and for greater competence among persons appraising and assessing school districts' taxes.

[Acts 1977, 65th Leg., 1st C.S., p. 29, ch. 1, § 16, eff. July 22, 1977.]

§ 11.72. Board Defined

In this subchapter, “board” means the State Property Tax Board.

[Acts 1977, 65th Leg., 1st C.S., p. 29, ch. 1, § 16, eff. July 22, 1977. Amended by Acts 1979, 66th Leg., p. 2329, ch. 841, § 5, eff. Jan. 1, 1980.]

§ 11.73. Repealed by Acts 1979, 66th Leg., p. 2330, ch. 841, § 6(e), eff. Jan. 1, 1980

Acts 1979, 66th Leg., ch. 841, repealing this section, enacts the Property Tax Code, constituting Title 1 of the Tax Code.

§§ 11.74 to 11.82. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing these sections, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 11.83. Repealed by Acts 1979, 66th Leg., p. 2330, ch. 841, § 6(e), eff. Jan. 1, 1980

Acts 1979, 66th Leg., ch. 841, repealing this section, enacts the Property Tax Code, constituting Title 1 of the Tax Code.

§§ 11.84, 11.85. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing these sections, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 11.86. Determination of School District Property Values

(a) The board shall conduct an annual study using comparable sales and other generally accepted techniques to determine the total value of all taxable property in each school district. The study shall determine the taxable value of all property and of each class of property within the district and the productivity value of all land that qualifies for appraisal on the basis of its productive capacity and for which the owner has applied for and received a productivity appraisal. In conducting the studies, the board shall use appropriate standard valuation, statistical compilation, and analysis techniques. For the purposes of this section, “taxable value” means market value less:

(1) the total dollar amount of any exemptions of part but not all of the value of taxable property required by the constitution or a statute that a district lawfully granted in the year that is the subject of the study;

(2) the total dollar amount of any exemptions granted within a reinvestment zone under agreements authorized by the Property Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas Civil Statutes);

(3) the total dollar amount of any captured appraised value of property that is located in a reinvestment zone and that is eligible for tax increment financing under the Texas Tax Increment Financing Act of 1981 (Article 1066e, Vernon's Texas Civil Statutes);

(4) the difference between the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value may not exceed the fair market value of the land;

(5) the portion of the appraised value of residence homesteads of the elderly on which school district taxes are not imposed in the year that is the subject of the study, calculated as provided by Section 11.26(e), Tax Code; and

(6) a portion of the market value of property not otherwise fully taxable by the district at market value that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at market value and the tax that the district is actually authorized to impose on the property.

Text of subsec. (a-1) effective until January 1, 1987

(a-1) Subsection (a)(6) of this section does not apply to a study conducted by the board under this section for a tax year prior to the 1985 tax year. This subsection expires January 1, 1987.

(b) The study shall determine the values as of January 1 of each year, beginning January 1, 1985.

(c) The board shall publish preliminary findings, listing values by district, before February 1 of the year following the year of the study. Preliminary findings shall be delivered to each school district and shall be certified to the commissioner of education.

(d) On request of the commissioner of education or a district, the board shall audit a school district to determine the total taxable value of property in the district, including the productivity values of land only if the land qualifies for appraisal on that basis and the owner of the land has applied for and received a productivity appraisal. The board shall certify its findings to the commissioner.

(e) A school district may protest the board's findings under Subsection (c) or (d) of this section within 30 days after the date on which the findings are certified to the commissioner by filing a petition with the board specifying the grounds for its objection. After receipt of a petition, the board shall hold a hearing. If after a hearing the board concludes that its findings should be changed, the board shall order the changes it finds appropriate and shall certify the changes to the commissioner of education. The board shall complete all protest hearings and certify all changes before the 120th day after the date on which the findings under Subsection (c) or (d) of this section are certified. Hearings conducted pursuant to this subsection are not contested cases as defined in Subsection (2) of Section 3, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes). The board shall adopt procedural rules governing the conduct of protest hearings. The rules shall provide each school district with the requirements for submitting a petition initiating a protest and shall provide each school district with adequate notice of a hearing, an opportunity to present evidence and oral argument, and notice of the board's decision on the hearing.

(f) A school district may appeal a determination of a protest by the board to the state district court within whose jurisdiction a majority of the area making up the school district is located. An appeal must be filed within 30 days after the date the district receives notification of a final decision on a protest. Review is conducted by the court sitting without a jury. The court shall remand the determination to the board if on review the court discovers that substantial rights of the school district have been prejudiced, and that:

- (1) the board has acted arbitrarily and without regard to the facts; or
- (2) the finding of the board is not reasonably supported by substantial evidence introduced before the court.

Text of subsec. (g) effective until January 1, 1986

(g) The board shall conduct a study of taxable values in each school district as of January 1, 1984, based upon its determinations of school district index value for 1983. In updating the findings of the

1983 study, the board shall apply historical or statistical data, econometric information, or other appropriate techniques. The board shall publish preliminary results and certify its findings to the commissioner of education before March 1, 1985. A school district may protest the board's findings according to the procedure set forth in Subsection (e) of this section. The board shall complete all protest hearings and certify all changes to the commissioner of education before July 1, 1985. This subsection expires January 1, 1986.

[Acts 1977, 65th Leg., 1st C.S., p. 29, ch. 1, § 16, eff. July 22, 1977. Amended by Acts 1979, 66th Leg., p. 1320, ch. 602, § 17, eff. Aug. 27, 1979; Acts 1981, 67th Leg., 1st C.S., p. 56, ch. 5, § 8; Acts 1984, 68th Leg., 2nd C.S., p. 337, ch. 28, art. II, § 15, eff. Sept. 1, 1984.]

Section 2 of art. 3 of Acts 1979, 66th Leg., p. 687, ch. 302, conditionally added a subsec. (f) to this section which read:

"(f) Notwithstanding the other provisions in this section and Section 16.252 of this code, the determinations of market and index values of property in each school district for the tax years 1977 and 1979 under this section and Section 16.252 of this code shall exclude the estimated values of any property exempted or authorized to be exempted by Articles 7150.6, 7150.2, 7150.3, and 7150.5, Revised Civil Statutes of Texas, 1925, as amended. If Section 16.252 of this code is modified by S.B. No. 350 [ch. 602], Acts of the 66th Legislature, Regular Session, 1979, this subsection shall not be in effect."

Chapter 602 did amend § 16.252.

Section 18 of Acts 1979, 66th Leg., p. 1321, ch. 602, provided:

"If any statutes enacted pursuant to Article VIII, Section 1-d-1, of the Texas Constitution do not apply to the 1979 tax year, the School Tax Assessment Practices Board, in making its study pursuant to Section 11.86, Texas Education Code, for the 1979 tax year, shall determine productivity values as provided by that section on the basis of estimates of the amount of land that will qualify under any statutes that are enacted under that constitutional provision. If those statutes apply to the 1980 tax year, the board shall adjust the productivity values when the information becomes available in 1980 to show the actual amount of land that qualifies."

Section 9 of the 1981 amendatory act provides:

"This Act takes effect on the adoption of the constitutional amendment proposed by S.J.R. No. 8, 67th Legislature, 1st Called Session, 1981."

Acts 1981, 67th Leg., 1st C.S., S.J.R. No. 8, was adopted at an election held November 3, 1981.

§ 11.87. Confidentiality

(a) All information the board obtains from a person, other than a government or governmental subdivision or agency, under an assurance that the information will be kept confidential, in the course of conducting a study of school district values is confidential and may not be disclosed except as provided in Subsection (b) of this section.

(b) Information made confidential by this section may be disclosed:

- (1) in a judicial or administrative proceeding pursuant to a lawful subpoena;
- (2) to the person who gave the information to the board; or
- (3) for statistical purposes if in a form that does not identify specific property or a specific property owner.

[Acts 1977, 65th Leg., 1st C.S., p. 29, ch. 1, § 16, eff. July 22, 1977.]

§ 11.88. Repealed by Acts 1979, 66th Leg., p. 2330, ch. 841, § 6(e), eff. Jan. 1, 1980

Acts 1979, 66th Leg., ch. 841, repealing this section, enacts the Property Tax Code, constituting Title 1 of the Tax Code.

CHAPTER 12. TEXTBOOKS

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SUBCHAPTER A. GENERAL PROVISIONS

§ 12.01. Free Textbooks

(a) Textbooks adopted by the State Board of Education for use in the public schools of Texas shall be furnished, under the plan as set out in this chapter, without cost to the pupils attending such schools.

(b) The adoption, purchase, distribution, and free use of such state-owned textbooks shall be carried out in accordance with the provisions of this chapter.

(c) Except as otherwise specifically defined in this chapter, "textbooks" or "books" as used herein shall mean books, systems of instructional materi-

als, or combinations of books and supplementary instructional materials which convey information to the pupil or otherwise contribute to the learning process.

(d) No provision of this chapter is intended to limit the selection of instructional materials purchased by a local board of education with local funds, provided such selection procedures are not in conflict with State Board of Education policies.

[Acts 1969, 61st Leg., p. 2773, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1977, 65th Leg., 1st C.S., p. 43, ch. 1, § 25, eff. Sept. 1, 1977.]

Section 30 of the 1977 amendatory act provided:

"The provisions of Sections 25, 26, 27, and 28 of this Act [amending this section and §§ 12.14, 12.15, and 12.18(e)] may not affect the selection of textbooks for the 1977-78 school year. For the 1978-79 school year, they may affect the selection of textbooks and other instructional materials only in the subject of reading. The provisions of these sections may be fully implemented beginning with materials selected for the 1979-80 school year."

§ 12.02. Textbook Fund

(a) The state textbook fund shall consist of the fund set aside by the State Board of Education from the available school fund as provided below, together with all funds accruing from the sale of disused books, all money derived from the purchase of books from boards of school trustees by private individuals or by other schools, and all amounts lawfully paid into the fund from any other source.

(b) The State Board of Education shall annually, at a meeting designated by them, set apart out of the available school fund of the state an amount sufficient to purchase and distribute the necessary school books for the use of the pupils of this state for the scholastic year ensuing.

(c) Funds transferred to the textbook fund shall remain permanently in this fund until expended and shall not lapse to the state at the close of the fiscal year.

(d) The transfer of funds set apart to the textbook fund shall be determined by the State Board of Education on the basis of a report of the commissioner of education submitted on July 1 of each year, stating:

(1) the amount of the textbook fund which is then unexpended; and

(2) his estimate as to the funds necessary for the purchase and distribution and other necessary expenses of textbooks for the school session of the following year.

(e) On the basis of the information furnished, the state board shall have the power to set apart from the available school fund the estimated amount needed with 25 percent additional, this additional sum to be used to meet emergencies or necessities caused by unusual increase in scholastic attendance or by unusual and unforeseen expenses and school conditions.

(f) All necessary expenses incurred by the operation of this law or incident to the enforcement of this law shall be paid from the state textbook fund

provided for in this chapter on bills approved by the commissioner of education.

[Acts 1969, 61st Leg., p. 2773, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.03. Special Textbooks

(a) The State Board of Education is authorized to acquire, purchase, and contract for free textbooks for the education of blind and visually handicapped public school students. The textbooks shall be acquired, purchased, or contracted for as provided by Subchapter B of this chapter¹ and by any applicable rule adopted by the State Board of Education. The board may also enter into agreements providing for the acceptance, requisition, and distribution of books and instructional aids pursuant to Public Law 922, 84th Congress, or as amended,² for use by students enrolled in public or private non-profit schools. The agreements may include the purchase of textbooks for blind and visually handicapped students attending private, non-profit schools if no state funds except for administrative cost are involved.

(b) For purposes of this section, a blind and/or visually handicapped scholastic means and includes any pupil whose visual acuity is impaired to the extent that he is unable to read the print in regularly adopted textbooks used in the subject class.

(c) For purposes of this section, "textbook" means and includes books in Braille, large type or any other medium or any apparatus which conveys information to the scholastic or otherwise contributes to the learning process.

(d) The State Board of Education shall solicit bids for and shall purchase or otherwise acquire textbooks and supporting media to be used free of charge by students in bilingual education classes in public schools. The textbooks shall be acquired as provided by Subchapter B of this chapter and by any applicable rule adopted by the State Board of Education.

[Acts 1969, 61st Leg., p. 2773, ch. 889, § 1, eff. June 14, 1973. Amended by Acts 1973, 63rd Leg., p. 1189, ch. 436, § 1, eff. June 14, 1973; Acts 1983, 68th Leg., p. 83, ch. 13, § 1, eff. April 13, 1983.]

¹ Section 12.11 et seq.

² 20 U.S.C.A. §§ 101, 102.

§ 12.04. Repealed by Acts 1983, 68th Leg., p. 92, ch. 13, § 15(1), (2), eff. April 13, 1983

A § 12.04, relating to bilingual education textbooks, was added by Acts 1973, 63rd Leg., p. 863, ch. 392, § 3, without reference to the addition of § 12.04 by Acts 1971, 62nd Leg., p. 1396, ch. 377, § 1. Both §§ 12.04 were repealed by the 1983 repealing act.

[Sections 12.05 to 12.10 reserved for expansion]

SUBCHAPTER B. STATE ADOPTION, PURCHASE, ACQUISITION, AND CUSTODY

§ 12.11. State Textbook Committee

(a) The commissioner of education, annually at a meeting of the State Board of Education held on a

date specified by the board shall recommend one person from each congressional district in this state for appointment to the textbook committee for a one-year term.

(b) Each of the persons so named shall be an experienced and active educator engaged in teaching in the public schools of Texas. At least a majority of the members of the committee shall be classroom teachers, and all members shall be appointed because of unusual backgrounds of training and recognized ability as teachers in the subject fields for which adoptions are to be made during the year of appointment. At least one member shall be knowledgeable in the field of special education.

(c) No person who has acted as an agent for any author or textbook publishing house or who has been an author or associate author of any textbook published by any publishing house, or who owns stock in any publishing house, or who has been or is directly or indirectly connected with any textbook publishing house, shall be eligible for appointment to the State Textbook Committee.

(d) The State Board of Education shall approve or reject the nominations: and if any name is rejected, the commissioner of education shall nominate others until one person has been selected from each congressional district in this state, who shall be named by the State Board of Education to membership on the textbook committee.

(e) It shall be the duty of the textbook committee to recommend to the State Board of Education a complete list of textbooks which it approves for adoption at the various grade levels and in the various school subjects. The committee shall examine carefully all books submitted for adoption and shall prepare and publish for free distribution a list of its recommendations to the board.

(f) The textbook committee shall hold its meetings where and when the State Board of Education shall determine; its members shall receive compensatory per diem and shall be reimbursed for expenses as provided by rules adopted by the State Board of Education.

(g) The State Textbook Committee is subject to the Texas Sunset Act;¹ and unless continued in existence as provided by that Act the committee is abolished effective September 1, 1989.

[Acts 1969, 61st Leg., p. 2774, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1977, 65th Leg., p. 1271, ch. 493, § 1, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 1853, ch. 735, § 2.153, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 769, ch. 335, § 1, eff. June 6, 1979; Acts 1979, 66th Leg., p. 1322, ch. 602, § 22, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 85, ch. 13, §§ 2 to 4, eff. April 13, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 306, ch. 28, art. I, part E, § 1, eff. Sept. 1, 1984.]

¹ Civil Statutes, art. 5429k.

§ 12.12. Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 307, ch. 28, art. I, part E, § 4, eff. Sept. 1, 1984

§ 12.13. Adoption by State Board of Education

By majority vote, the State Board of Education may remove books from the list submitted by the State Textbook Committee, but the board shall not place on the list any book not recommended by the committee, nor shall the board reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the committee.

[Acts 1969, 61st Leg., p. 2775, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 306, ch. 28, art. I, part E, § 2, eff. Sept. 1, 1984.]

§ 12.14. Multiple List

(a) The State Board of Education shall select and adopt a multiple list of textbooks for use in the elementary grades, including kindergarten, and the secondary grades of the public schools of Texas.

(b) The multiple list shall consist of not less than two nor more than five textbooks for each subject matter or course designated by the board to implement Section 21.101 of this code.

(c) No book adopted shall contain anything of a partisan or sectarian character.

[Acts 1969, 61st Leg., p. 2775, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1977, 65th Leg., 1st C.S., p. 43, ch. 1, § 26, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1325, ch. 602, §§ 30, 35(a), eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 86, ch. 13, § 5, eff. April 13, 1983.]

§ 12.15. Repealed by Acts 1983, 68th Leg., p. 92, ch. 13, § 15(3), eff. April 13, 1983

§ 12.16. Other Provisions

(a) In the event as many as two suitable textbooks are not offered for adoption on any one subject matter or course, the board may select one textbook.

(b) Specific rules as to the manner of selection for all books on the multiple lists provided for in this section shall be made by the State Board of Education.

(c) Textbooks adopted in accordance with the provisions of this section are adoptions for every public school in this state. The board shall prescribe rules under which such textbooks adopted and approved shall be introduced or used by or in the public schools of the state.

(d) Repealed by Acts 1983, 68th Leg., p. 92, ch. 13, § 15(4), eff. April 13, 1983.

[Acts 1969, 61st Leg., p. 2776, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 87, ch. 13, §§ 6, 7, 15(4), eff. April 13, 1983.]

§ 12.17. Public Notice of Adoptions to be Made

(a) When textbooks are to be selected and adopted under the provisions of this code, or where

a contract for a textbook then in use is about to expire, not less than two months in advance of the meeting of the State Board of Education at which the adoptions may be made, the chairman of the State Board of Education shall give public notice—

(1) by having printed in the public press a notice to the effect that the meeting will be held and that adoptions will be made; and

(2) by sending written notices to all persons, firms, or corporations in whose behalf the notices shall have been requested.

(b) The notices required by Subsection (a) of this section shall contain:

(1) the time and place of the meeting of the State Board of Education at which the adoptions may be made;

(2) the subjects on which textbooks may be adopted;

(3) the last date on which sample copies of books offered for textbook adoption may be submitted;

(4) the amount of cash deposit required;

(5) the time to be allowed for signing contract and filing bond after the award is made; and

(6) a statement that formal proposals will be received on the date of the meeting.

[Acts 1969, 61st Leg., p. 2776, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 87, ch. 13, § 8, eff. April 13, 1983.]

§ 12.18. Filing of Bids and Sample Copies

(a) At least 30 days prior to the date of the meeting of the State Board of Education at which adoptions are to be made, sample copies of each book on which a bid will be submitted shall be filed with the commissioner of education.

(b) Every person, firm, or corporation desiring to submit a bid on a book for adoption shall make the bid, by filing with the commissioner of education five copies of each book offered for consideration, and such additional copies as thereafter may be requested by the commissioner. Publisher's price information as required in this section and as may be requested on regular and special editions shall be printed, stamped, or pasted in each copy of each book filed with the commissioner of education.

(c) The bid shall state the prices at which the book is offered to Texas, f. o. b. the publisher's Texas depository and the terms and conditions upon which the book will be furnished. The terms and conditions shall not be in conflict with other provisions of this chapter.

(d) The bids shall be submitted in two forms, one in which is stated the allowance made for books then in use and the property of the state when offered in exchange for the new books to be adopted under this code; the other without stating the allowance for presently owned books, which would remain the property of the state. The allowance and condition for exchange, if agreed to and

accepted by the state, shall be enforced only during the two scholastic years following a change in books.

(e) Information which shall also be printed, stamped, or pasted in each copy of each book filed with the commissioner of education shall be:

(1) a statement of the price at which the book or special editions are sold in other places under state or county adoptions, and the minimum quantities in which it will be sold at such prices;

(2) a statement of the publisher's catalogue price of the book or special editions, together with trade discounts and the conditions under which, and the purchasers to whom, such discounts are allowed, and the place of delivery;

(3) a statement of the minimum wholesale price at which the book or special editions are sold f. o. b. the shipping point of the publisher and the name of the shipping point;

(4) to (6) Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979.

[Acts 1969, 61st Leg., p. 2777, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1977, 65th Leg., 1st C.S., p. 45, ch. 1, § 28, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979.]

§ 12.19. Deposits With the Treasurer of the State

(a) In compliance with the published notice of adoptions to be made, each person, firm, or corporation submitting a bid or bids on a book or books for adoption shall deposit with the treasurer of the State of Texas such sum of money as the State Board of Education may require, but not less than \$500 nor more than \$2,500 according to the value of the books each bidder may propose to supply.

(b) Such deposits shall be returned to the unsuccessful bidders on certificate of the commissioner of education that no contract has been awarded on the bid for which the sum was deposited.

(c) When any successful bidder has been awarded a contract and has filed his bond and contract with the State Board of Education and they have been approved, the State Board of Education shall make an order on the treasurer of the state reciting such facts, and the treasurer shall return the deposit of such bidder to him.

(d) If any successful bidder fails to make and execute the contract and bond as provided in this subchapter, the deposit made by the successful bidder shall be forfeited to the state absolutely and the treasurer shall place the deposit of the bidder in the state treasury to the credit of the available school fund, and the State Board of Education may advertise for other bids to supply the book or books.

[Acts 1969, 61st Leg., p. 2777, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.20. Affidavit of Eligibility and Antitrust Compliance

(a) Each person, firm, or corporation submitting a bid on any book or books for adoption shall file with the commissioner of education on the day that the State Board of Education meets or within the last five days just preceding the date on which the board meets, an affidavit executed by the individual bidder or a member of the firm or the president and secretary of the corporation bidding, setting forth all of the facts with reference to the eligibility of the bidder to make a proposal and to compliance by the bidder with antitrust regulations under Section 12.22 of this code.

(b) In relation to a bidder's eligibility, an affidavit filed must contain the following:

(1) the names of all persons employed to act for the bidder, directly or indirectly, in any way whatsoever in securing the contract or in the preparation of the bid or bids and supporting documents, together with the addresses of such individuals and the capacity in which each served;

(2) the names of any persons who may have at any time during the preceding year received, either directly or indirectly, any money or other thing of value from the bidder by way of emolument for services rendered in this state, either directly or indirectly, in securing or attempting to secure contracts for the sale of books of the publisher or in promoting the sale of such books to the State of Texas; and

(3) a statement that no member of the State Board of Education or of the State Textbook Committee is in any way interested, directly or indirectly, in the individual, firm, or corporation bidding.

(c) In relation to a bidder's compliance with antitrust regulations, an affidavit must contain the following:

(1) a statement that the person, firm, or corporation bidding is not a trust and is not connected either directly or indirectly with a trust;

(2) a provision stating whether or not the person, firm, or corporation or any member of the firm or stockholder of the corporation is acting as a director, trustee, or controlling stockholder in any other textbook publishing house, either directly or indirectly or through a third party; and

(3) if the bidder is a firm, a statement showing the names of all members of the firm and stating whether any other person, firm, or corporation has any financial interest in the firm and whether any member of the firm has any financial interest in any other textbook publishing house.

(d) In the event any publisher, after filing the affidavit, shall employ an attorney or other representative to assist in securing the award of a contract by the State Board of Education, such employment shall be disclosed to the board by filing a supplementary affidavit before any contract is awarded to the publisher.

(e) A publisher who cannot or does not comply with the provisions of this section shall not be eligible to bid.

[Acts 1969, 61st Leg., p. 2778, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 88, ch. 13, § 9, eff. April 13, 1983.]

§ 12.21. Affidavit as Warranty

The statements made in all affidavits filed by a publisher shall be considered warranties and, if found to be untrue, shall subject the contract to forfeiture and authorize a recovery on the bond to the full amount thereof, as liquidated damages, unless it is shown that such misstatement or nondisclosure of fact was unintentional or an oversight on the part of the publisher.

[Acts 1969, 61st Leg., p. 2778, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.22. Antitrust Regulations

(a) No book or books shall be purchased from any person, firm, or corporation who is a member of or connected with any trust.

(b) Repealed by Acts 1983, 68th Leg., p. 92, ch. 13, § 15(5), eff. April 13, 1983.

(c) The State Board of Education shall also require the corporations, persons, or firms to file attested copies of all written agreements entered into and existing between them and others engaged in the textbook publishing business.

[Acts 1969, 61st Leg., p. 2778, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 92, ch. 13, § 15(5), eff. April 13, 1983.]

§ 12.23. Consideration of Bids

(a) The State Board of Education shall meet at the time and place mentioned in the public notice of adoptions to be made, as specified in Section 12.17 of this code. The board shall then and there open and examine the sealed proposals received.

(b) No bid shall be considered from, and no contract shall be made with, any publisher who has failed to establish his eligibility in compliance with the terms of Section 12.20 of this code;

(c) No bid shall be considered and no book or books shall be purchased from any person, firm, or corporation who is a member of or connected with any trust, or if, in the opinion of the State Board of Education, the affidavit, written agreements, or other facts presented in compliance with the terms of Section 12.22 of this code are violations of the antitrust laws of the State of Texas or opposed to public policy.

(d) Repealed by Acts 1983, 68th Leg., p. 92, ch. 13, § 15(6), eff. April 13, 1983.

[Acts 1969, 61st Leg., p. 2779, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 92, ch. 13, § 15(6), eff. April 13, 1983.]

§ 12.24. Selection and Adoption

(a) The State Board of Education shall adopt rules to provide for a full and complete investigation of all books and accompanying bids and for an opportunity for members of the public to comment in regard to textbook content or in support of or against any textbook presented. In all substantive and procedural matters relating to the textbook adoption process, all persons submitting written and/or oral commentary shall receive equal treatment. The textbooks shall be selected and adopted after a careful examination and consideration of all books presented.

(b) The books selected and adopted shall be those which in the opinion of the board are most acceptable for use in the schools. Quality, mechanical construction, paper, print, price, authorship, literary merit, and other relevant matters shall be given such weight in making the decisions as the board may deem advisable.

(c) No textbook shall be adopted until it has been read carefully and examined by at least a majority of the State Textbook Committee.

(d) The State Board of Education shall proceed to adopt for use in the public schools of this state textbooks on all branches authorized by this chapter.

(e) If no texts on any prescribed subject are submitted by any particular publisher or publishers that meet the requirements of the schools, as may be determined by the board, then it shall be the duty of the board to instruct the commissioner of education to investigate the book market for the purpose of securing bids with a view of providing at the most reasonable price or prices possible, the best available texts on subjects that are to be adopted by the board for the schools of Texas.

[Acts 1969, 61st Leg., p. 2779, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 90, ch. 13, §§ 10, 11, eff. April 13, 1983.]

§ 12.25. Maximum Price

The maximum price which the State Board of Education shall contract to pay, f. o. b. the Texas depository of the publisher, for any books to be used in the public schools of this state shall not exceed the minimum price at which the publisher sells the book in wholesale quantities, f. o. b. the publisher's publishing house, after all discounts have been deducted. Any contract made for the purchase of books for use in the public schools of Texas at a higher price than the maximum price fixed by the preceding sentence of this section shall be void.

[Acts 1969, 61st Leg., p. 2780, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.26. Bond

(a) The bidder to whom any contract may have been awarded shall execute a good and sufficient

bond payable to the State of Texas. The bond shall be in an amount which the State Board of Education deems advisable but not less than \$2,500 for each textbook adopted by the State Board of Education for use in the public schools of the state. The bond shall be approved by the State Board of Education and shall be conditioned that the contractor shall faithfully perform all the conditions of the contract.

(b) For the purpose of securing satisfactory bond a series of pamphlet writing books shall be considered as one textbook, a series of pamphlet drawing books shall be considered as one textbook, and a series of band, chorus, or orchestra pamphlet-type books shall be considered as one textbook.

(c) The bond shall not be exhausted by a single recovery thereon, but may be sued on from time to time until the full amount is recovered.

(d) The State Board of Education may, at any time, on 20 days' notice, require a new bond to be given and in the event the contractor shall fail to furnish new bond, the contract of the contractor may at the option of the State Board of Education, be forfeited.

[Acts 1969, 61st Leg., p. 2780, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.27. Preparation and Execution of Contract and Bond

(a) The contract and bond shall be prepared by the attorney general, and be payable in Travis County, Texas, and shall be deposited in the office of the secretary of state.

(b) Each contract shall be duly signed by the publishing house or its authorized officers and agents; and if it is found to be in accordance with all the provisions of this chapter, and if the bond required by this chapter is presented and duly approved, the State Board of Education shall approve the contract and order it to be signed on behalf of the board by the chairman.

(c) All contracts shall be made in duplicate, one copy to remain in custody of the secretary of state and be copied or appear reproduced in full in the minutes of the meeting of the State Board of Education in a well-bound book, and the other copy to be delivered to the company or its agent.

[Acts 1969, 61st Leg., p. 2780, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.28. Provisions for Updating Books

(a) Every contract shall contain a provision that the State Board of Education may, during the life of the contract, on giving one year's previous notice to the publishers of the book or books, order the changes, amendments, and additions to the book or books so selected and adopted as in the discretion of the board shall keep them up-to-date and abreast of the times. Such revisions shall not be made more often than at two-year intervals.

(b) If in the judgment of the State Board of Education changes or revisions make it impractical for the revised books to be used in the same class with the old books, the publishers shall be required to give the same exchange terms as were given when the books were first adopted, and the exchange period shall extend two years from the time the revised books are first put into use in the schools.

(c) Nothing in this section shall be construed to give the State Board of Education power or authority to abandon any book or books originally contracted for.

[Acts 1969, 61st Leg., p. 2781, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.29. Other Contract Provisions

(a) The State Board of Education shall specify the duration of time of all adoption contracts, which shall be for a period the board may determine but not to exceed six years.

(b) The right to exclusive use of new books during the first three years of the term of any contract shall be waived by the contracting publishers to provide for the gradual introduction of new books.

(c) No contract shall ever be made that binds the state to buy a specific number of a specific quantity of textbooks, but all contracts shall be for such books as the state may need.

(d) Each contract shall provide or be construed to authorize that any book adopted in the contract by the State Board of Education may be sold by the publisher designated depository to any person, or to private and/or parochial schools, or state institutions of this state at the same rate and discount as those granted to the state, provided advance payment accompanies the purchase.

(e) Each contract shall contain a clause to the effect that, if the contract is cancelled by reason of fraud, collusion, or material breach, the full amount of the bond given by the contractor shall be considered as liquidated damages to be recovered out of the bond by the state at the suit of the attorney general.

[Acts 1969, 61st Leg., p. 2781, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.30. Announcement of Adoption

(a) As soon as the State Board of Education has entered into the contract for the furnishing of books for the public schools of this state under the provisions of this chapter, it shall be the duty of the board to issue its proclamations of such facts to the people of the state.

(b) As soon as practical after the adoption of the textbooks provided for in this chapter, the commissioner of education shall address to the county superintendents and to the presidents of the school boards in independent school districts and to the presidents of school boards in common school dis-

tricts having 300 or more scholastic population a circular letter which shall contain a list of all the books and such other information as he may deem advisable.

[Acts 1969, 61st Leg., p. 2781, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.31. Central Depositories

(a) All parties with whom existing book contracts have been or hereafter may be made shall establish or designate a depository in some city of this State approved by the State Board of Education as the shipping point for depositories, where a stock of their goods to supply all immediate demands shall be kept. All contractors not maintaining their own separate or individual depository shall designate and/or maintain a joint agency or depository in a city of this State approved by the State Board as the shipping point for depositories. At such approved depository each contractor joining in such joint depository shall keep on hand a sufficient stock of books to supply the schools of the State.

(b) The designation of any depository(ies) for purposes as required in above subsection (a), and/or any change thereof shall be subject to the approval of the State Board of Education.

[Acts 1969, 61st Leg., p. 2782, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 2427, ch. 775, § 1, eff. Aug. 30, 1971.]

§ 12.32. Enforcement of Contracts

(a) Any person, firm, or corporation with whom a contract has been entered into under the provisions of this chapter, shall designate the secretary of state of Texas as its agent, on whom citation shall be served, and all other writs and processes, in the event any suit shall be brought against the person, firm, or corporation.

(b) The commissioner of education shall carefully label and file away the copies of books adopted as furnished for examination to the State Board of Education; the copies shall be securely kept and the standard of quality and mechanical excellence of the books so furnished under contract shall be maintained during the continuance of the contract.

(c) Complaints regarding textbook service or quality shall be made both to the commissioner of education and to the state depository designated by the contractor of the books. In the event a complaint does not receive reasonable prompt attention, the complaint shall be taken to the county judge, who shall report the fact to the attorney general. The attorney general shall bring suit on account of the failure in the name of the State of Texas in a district court of Travis County, and shall recover on the bond given by the contractor for the full value of the books not furnished as required, and an additional sum of \$100. Each day of failure to furnish the books shall constitute a separate of-

fense. The amounts so recovered shall be placed to the credit of the state textbook fund.

[Acts 1969, 61st Leg., p. 2782, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.33. Cancellation of Contracts

(a) Any contract entered into under the provisions of this chapter may be cancelled by the state in a suit instituted by the attorney general for fraud, or collusion, or material breach of the contract on the part of either party to the contract or any member of the State Board of Education or any person, firm, or corporation, or their agents making the bond or contract.

(b) For the cancellation of any such contract the attorney general is authorized to bring suit in the proper court of Travis County.

(c) In case of the cancellation of any contract as provided for, the damages shall be fixed at not less than the amount of the bond, to be recovered as liquidated damages in the same suit canceling contract. Because of the difficulty of determining the damages that might accrue by reason of fraud, collusion, or material breach, and cancellation of a contract, the full amount of the bond given by the contractor shall be considered as liquidated damages to be recovered by the state at the suit of the attorney general.

(d) In the event it is established that any antitrust regulation as specified in Section 12.22 of this code has been violated, the violation shall be held to be fraud and collusion, and the attorney general shall bring suit on the bond of that person, firm, or corporation, and on proof of violation shall recover the liquidated damages as provided for in this section.

[Acts 1969, 61st Leg., p. 2782, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.34. Continuing or Discontinuing Textbooks

(a) It shall be the duty of the State Board of Education to meet annually at a date to be specified in the public notice required by Section 12.17, Texas Education Code, and at such other times as it may deem necessary for the purpose of considering the advisability of continuing or discontinuing, at the expiration of each current contract, any or all of the state-adopted textbooks in the public schools of Texas and for making such adoptions as are provided for in this chapter.

(b) Adoptions for the total number of different texts shall be so arranged that contracts on not more than one-sixth of the total number of different basal subjects shall expire in any one year or shall be changed in any one year. The series of pamphlet books referred to in Section 12.26(b) of this code shall each be considered as one book.

(c) Before making any change in the adopted series, the board shall, on thorough investigation, satisfy itself that a change is necessary for the best

interest of the school children and that such change is consistent with financial economy.

(d) Before the board shall determine to displace any book on which the contract is expiring, it shall, before making a new contract for a new text, ascertain through the office of the commissioner of education the number of usable books of the kind on which the contract has expired or is about to expire, there are on hand, and also the estimated number of books that would be required to supply the needs of the schools of the state using the books for the first, second, and third years immediately succeeding the expiration of the contract on the books. The purpose of furnishing such an estimate of the number of books needed shall be to give the textbook publishers only an approximation as to the possible quantity of books which the state may need, but the state shall not be bound to any specific quantity.

(e) Repealed by Acts 1981, 67th Leg., p. 917, ch. 333, § 1(3), eff. Aug. 31, 1981.

(f) The board shall then secure from the publisher of the book on which the contract has expired or is about to expire a bid or offer for the furnishing of such textbooks to meet the actual necessities of the schools of the state during the first-, second-, and/or third-year period, allowing the state, however, a margin of 25 percent over, or 25 percent under, the estimated number to be required.

(g) If, upon consideration of the cost of the books required to supply such needs for such a period, it appears to the board that it will be economical to do so, it may make a contract with such publishers to furnish such books during said first-, second-, and/or third-year period with a view to using up the entire supply of such books on hand instead of wasting the same at the expiration of the original contract. At the expiration of the period, the board shall then make a contract for a textbook on the subject.

(h) Unless new textbooks better suited to the requirements of the schools are offered to supplant existing textbooks at a price and in quality satisfactory to the board, the board shall renew the existing contracts for such period as may be deemed advisable not to exceed a period of six years.

(i) Whenever the contractor supplying any book agrees to renew the contract on the same terms for a period of not less than two years nor more than six years, the members of the State Board of Education shall give preference to the offer of the company holding the contract if they shall thereby secure as good or better books at a lower price than by making a different contract.

(j) It shall always be lawful for the board to renew a contract on such terms that in its judgment may be for the best interest of the state.

(k) To insure that current material is always available to the schoolchildren of Texas and to enable the development of material in an orderly and efficient manner, the State Board of Education shall

develop and implement a balanced adoption cycle for proclamation of needs for textbooks and other instructional materials. At a minimum, the adoption cycle shall:

(1) extend over a period not to exceed six years, determined by the State Board of Education to be the most beneficial and desirable time span to meet the textbook needs of Texas public schools;

(2) be planned on the basis of a cost to the state of not less than \$15 per scholastic population for the first year of the cycle and adjusted thereafter to account for increasing costs due to inflation of the economy;

(3) be so arranged that the total cost of new adoptions shall be approximately equal for each year of the proposed cycle, except as adjusted for increasing costs and a growing scholastic population;

(4) be all-inclusive of all subjects required by statute or by the State Board of Education to be used in the public school system of Texas during the period of time encompassed by the cycle;

(5) be developed in such a manner that it will operate on a continuing basis so that providers of textbooks and other instructional materials shall be kept advised in advance of the subjects to be called for adoption each year; and

(6) provide that except under emergency conditions deemed necessary by the State Board of Education, all changes or amendments in the cycle shall be made in such manner and at such time as to give notice of the change to the providers of textbooks and other instructional materials as far in advance as possible.

[Acts 1969, 61st Leg., p. 2784, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1977, 65th Leg., p. 1271, ch. 493, § 2, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 1322, ch. 602, § 23, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 917, ch. 333, § 1(3), eff. Aug. 31, 1981; Acts 1983, 68th Leg., p. 90, ch. 13, § 12, eff. April 13, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 306, ch. 28, art. I, part E, § 3, eff. Sept. 1, 1984.]

§ 12.35. Purchase and Distribution

(a) The purchase and distribution of free textbooks for the state shall be under the management of the commissioner of education, subject to the approval of the State Board of Education.

(b) One copy of each textbook used in the work taught by the teacher shall be issued by the school trustees, or their representatives, to each teacher as a desk copy. These books shall be returned to the trustees or their representatives at the close of the session.

(c) Books purchased in accordance with the terms of this chapter shall be delivered to the school districts f.o.b. the Texas depository of the publisher and shall be shipped by freight, parcel post, or express, as may be set out in the requisition.

(d) If it is necessary for the publisher or the depository to prepay any shipping charge, it shall be

repaid by the state, in the same manner that the books are paid for, and in addition to the bill for books.

(e) The State Department of Education may direct the route by which books shall be shipped.

(f) Bills for textbooks purchased by the state on requisitions as provided for in this chapter shall be paid by warrants on the state treasury made by the state comptroller of public accounts on receipt of bills approved by the commissioner of education. The payment shall be made within 90 days from date of delivery, and if payment is delayed thereafter, a six percent per annum shall be added until date of payment.

(g) Any person, school not controlled by the state, state institution, or dealer in any county in the state may order books from the state depository designated by the publisher, and the books so ordered shall be furnished at the same rate and discount as are granted to the state, but in that case the designated depository may require that the price of books so ordered shall be paid in advance.

[Acts 1969, 61st Leg., p. 2784, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.36. Forfeiture of Position

During the term of his employment, a trustee or teacher in any public school or institution of higher learning in Texas, county or city superintendent, university president, or college president shall not act as agent or attorney for any textbook publishing company selling textbooks in Texas. Acceptance of the agency or attorneyship shall by operation of law forfeit his position with the public schools.

[Acts 1969, 61st Leg., p. 2739, ch. 889, § 1, eff. Sept. 1, 1969. Renumbered from § 2.08 by Acts 1983, 68th Leg., p. 91, ch. 13, § 13, eff. April 13, 1983.]

[Sections 12.37 to 12.60 reserved for expansion]

SUBCHAPTER C. LOCAL OPERATIONS

§ 12.61. Requisitions

(a) On the first school day of April each teacher shall report the maximum attendance of each of his grade levels taught, to the school principal or superintendent, if any, or to the county superintendent.

(b) Within one week subsequent to the first school day in April compiled reports as to the maximum attendance for the school shall be made by the principal to the superintendent or, if there is no district superintendent, the report shall be made to the county superintendent having jurisdiction of the district.

(c) Each superintendent of an independent school district, and each principal of a school district classified as common having a scholastic population of 300 or more and electing to have its books requisitioned and distributed directly to the district, shall compile maximum attendance reports and make such reports to the commissioner of education.

(d) Each county superintendent shall compile reports of the schools classified as common and under his jurisdiction (except for those electing to requisition directly as provided in Subsection (c) of this section), and make a report to the commissioner of education.

(e) Books needed as reported in Subsection (d) of this section shall be requisitioned and distributed entirely through the office of the county superintendent. However, any school district classified as common with a scholastic population of 300 or more may elect to have its books requisitioned and distributed in the same manner as are those for independent school districts. The duties of the county superintendent with reference to the care and distribution of textbooks shall be subject to the approval of the county school board and the commissioner of education.

(f) Reports as to the maximum attendance of each school shall be made to the commissioner of education as prescribed in Subsections (c) and (d) of this section not later than April 25 of each year. Blank forms for such reports and for the requisition of textbooks shall be prepared and furnished by the State Department of Education.

(g) Requisition for textbooks for a subsequent session shall be based on the reports of the maximum number of scholastics in attendance during the preceding school session, plus an additional 10 percent, except as otherwise provided. Requisitions shall be made through the commissioner of education and furnished by him to the state depository designated by contractors of books not later than June 1 of each year; but in cases of unforeseen emergency the designated state depository shall fill orders for books on requisition approved by the State Department of Education.

(h) Requisitions for textbooks shall be delivered to the county superintendent by each principal or superintendent of those school districts whose books are requisitioned and distributed through the county superintendent.

(i) Requisitions for supplementary readers and other textbooks may be made at convenient times during the session and should be made within one month in advance of the time the books will be needed.

[Acts 1969, 61st Leg., p. 2785, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.62. Local Adoptions

(a) Repealed by Acts 1983, 68th Leg., p. 92, ch. 13, § 15(7), eff. April 13, 1983.

(b) In each subject of the elementary and high school grades, one or more of the several textbooks of each multiple list adopted may be selected by local school officials; but all of the schools in any one district, or all districts under the supervision of any one county school system (county school board

and/or superintendent) must select the same book or books for all of the schools within the system.

(c) Once textbooks are selected from the multiple lists, they shall be continued in use in that school system for the entire period of the adoption.

(d) Supplementary readers for pre-primer, primer, first, second, and third grades shall be distributed on a quota of not more than 300 percent of the enrollment for each of the grades to which the book is assigned.

(e) Supplementary readers for the fourth through the eighth grades shall be distributed on a quota basis not in excess of 200 percent of the grade enrollment to which the books are assigned.

(f) Repealed by Acts 1983, 68th Leg., p. 92, ch. 13, § 15(7), eff. April 13, 1983.

(g) All other books not specified in this section shall be supplied on the basis of one book for each pupil enrolled in the subject for which the book is adopted and not to exceed the total enrollment for the subject plus the teachers' copies.

[Acts 1969, 61st Leg., p. 2786, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 92, ch. 13, §§ 14, 15(7), eff. April 13, 1983.]

§ 12.63. Title, Custody, and Disposition

(a) After purchase according to the provisions of this chapter, all textbooks are and shall remain the property of the State of Texas.

(b) Specific rules as to the requisition, distribution, care, use, and disposal of books may be adopted by the State Board of Education. Such rules shall not conflict with the provisions of this code.

(c) Textbooks shall be subject to inspection by any agent or inspector authorized by those having charge of the local textbook service or authorized by the commissioner of education subject to approval of the State Board of Education.

(d) The commissioner of education with the approval of the State Board of Education may provide for the disposition of those textbooks which are no longer in fit condition to be used for instruction purposes, or for the disposition of discarded books remaining the property of the state. In case of the disuse of books in fair condition, inspectors of the State Department of Education may require continuance of their use.

(e) The school trustees of each district shall be designated as the legal custodians of the books and shall have the power to make such arrangements for the distribution of books to the pupils as they may deem most effective and economical.

(f) Pursuant to rules and regulations promulgated by the State Board of Education, the commissioner of education shall make available on request copies of discontinued textbooks for use in libraries maintained in city and county jails, institutions with-

in the Department of Corrections, and other state agency institutions.

[Acts 1969, 61st Leg., p. 2786, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 46, ch. 25, § 1, eff. Sept. 1, 1975; Acts 1984, 68th Leg., 2nd C.S., p. 295, ch. 28, art. I, part C, § 11, eff. Sept. 1, 1984.]

Article I, part C, § 25 of the 1984 amendatory act provides: "This part does not affect rules adopted under prior law by the commissioner of education, and those rules remain in effect until superseded by rules of the State Board of Education adopted in accordance with the law as amended by this part."

§ 12.64. Bond

(a) One or more members or employees of each district board of trustees shall enter into bond in the sum of 15 percent of the value of the books consigned to the district by the state, payable in Austin, Texas, to the governor of the state, or his successors in office. All money accruing from the forfeiture of the bonds shall be deposited by the governor to the credit of the state textbook fund.

(b) The bond shall be approved by the county judge of the county in which the school is situated and by the commissioner of education; deposited with the commissioner; and conditioned on the faithful discharge by the member or employee of his duties under his employment and under this section and on his faithfully accounting for all books coming into his possession and for all money received from the sale thereof.

[Acts 1969, 61st Leg., p. 2786, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 12.65. Distribution; Handling

(a) The district school trustees may delegate, under such terms as they deem best, to their employees power to requisition and distribute books and to manage books, but such delegations of authority shall not be at variance with the provisions of this code or with the rules for free textbooks adopted by the State Board of Education.

(b) All books shall have on one inside cover a printed label stating that the book is the property of the state. Schools shall number all books, placing the number on the printed label. Teachers shall keep a record of the number of all books issued to each pupil. Books must be covered by the pupil under the direction of the teacher. Books must be returned to the teacher at the close of the session or when the pupil withdraws from school.

(c) Each pupil, or his parent or guardian, shall be responsible to the teacher for all books not returned by the pupil, and any pupil failing to return all books shall forfeit his right to free textbooks until the books previously issued but not returned are paid for by the parent or guardian.

(d) Teachers and school officers must make such reports as to the use, care, and condition of free textbooks as may be required by the local trustees or by the State Department of Education. The salary for any month of any teacher or employee

who neglects to make the report at the proper time may be withheld until each report is received in a condition satisfactory in form and content.

(e) No teacher or employee of the school engaged in the distribution of textbooks under this code as the agent or employee of the state, or of any county or district in the state, shall, in connection with this distribution, sell or distribute, or in any way handle, any kind of school furniture or supplies, such as desks, stoves, blackboards, crayons, erasers, pens, ink, pencils, tablets, etc.

(f) Local boards of trustees shall make provision for the fumigation of books before the reissue of the books. Covers of all books shall be removed before reissue, and the pupils to whom the books are issued shall replace covers under the direction of the teacher.

[Acts 1969, 61st Leg., p. 2787, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 295, ch. 28, art. I, part C, § 12, eff. Sept. 1, 1984.]

§ 12.66. Sale of Books

The local boards of school trustees may sell books to pupils or parents attending the public schools of this state, at the state contract price. All money accruing from sales of textbooks by boards of school trustees shall be forwarded to the commissioner of education as directed, and deposited in the state textbook fund.

[Acts 1969, 61st Leg., p. 2787, ch. 889, § 1, eff. Sept. 1, 1969.]

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Chapter 13 of the Education Code, formerly entitled "Certification of Teachers" and consisting of Sections 13.01 to 13.16, was amended by Acts 1971, 62nd Leg., p. 1468, ch. 405, § 2, effective May 26, 1971, to consist of Subchapters A to D and Z containing Sections 13.001 to 13.904. The provisions of former Sections 13.01 to 13.16 were incorporated by such Act as Sections 13.031 to 13.046 of Subchapter B.

The provisions of former Subchapter G of Chapter 21 of the Code, consisting of Sections 21.201 to 21.216, were transferred to Chapter 13 as Subchapter C consisting of Sections 13.101 to 13.116, by Acts 1971, 62nd Leg., p. 1474, ch. 405, §§ 2, 54(1).

Acts 1971, 62nd Leg., p. 1449, ch. 405, which by sections 1 to 53 incorporated the provisions of certain acts passed during the Regular and Second Called Sessions of the 61st Legislature into the Code, and which by section 54 repealed the acts so incorporated, provided in sections 55 and 56:

"Sec. 55. Nothing in this Act is intended to make any change in the substantive law, but this Act is merely intended to be a recodification of the present law.

"Sec. 56. If any other Act passed at the same session of the Legislature conflicts with any provision of this Act, the other Act prevails."

SUBCHAPTER A. SCOPE OF CHAPTER; GENERAL PROVISIONS

§ 13.001. Scope of Chapter

The provisions of this chapter apply to the teachers of the public schools of the state and, as indi-

cated by the context, to the auxiliary employees of the public schools. However, this chapter is not exclusive, and its provisions shall be construed as necessary along with other provisions of this code applicable to teachers and auxiliary employees.

[Acts 1971, 62nd Leg., p. 1468, ch. 405, § 2, eff. May 26, 1971.]

§ 13.002. Salaries

Salaries of teachers and other personnel are governed by Subchapter D, Chapter 16 of this code.

[Acts 1971, 62nd Leg., p. 1468, ch. 405, § 2, eff. May 26, 1971.]

§ 13.003. Retirement

Retirement of teachers and other personnel is governed by Subtitle D, Title 110B, Revised Statutes.¹

[Acts 1971, 62nd Leg., p. 1468, ch. 405, § 2, eff. May 26, 1971. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 366, ch. 28, art. III, part B, § 1, eff. Sept. 1, 1984.]

¹ Civil Statutes, Title 110B, § 31.001 et seq.

[Sections 13.004 to 13.030 reserved for expansion]

SUBCHAPTER B. CERTIFICATION OF TEACHERS

§ 13.031. Commission on Standards for the Teaching Profession

Teaching is hereby declared to be and is recognized as a profession. The members of such profession shall accept responsibilities incumbent upon them to serve and improve the teaching profession in the state.

(a) The State Board of Education shall appoint the Commission on Standards for the Teaching Profession from a list of qualified individuals recommended by the commissioner of education. Professional organizations in the teaching profession shall be invited to nominate persons for appointment. The commissioner shall seek advice of the commission in making his recommendation for its membership. The commission shall be representative of the education profession and shall consist of teachers, school administrators, and representatives of higher education.

(b) It shall be the additive and cumulative duty of every person who is a state employee, teacher, professor, or officer of any of the state institutions of higher learning, and drawing a state warrant for salary as such, to serve as an ex officio member of the Commission on Standards for the Teaching Profession when called upon by the state commissioner of education for the performance of such ex officio duties.

(c) The State Board of Education shall promulgate rules under which the Commission on Standards for the Teaching Profession shall recommend standards for teacher education and certification for

certified personnel in public school districts operating elementary and/or secondary schools.

(d) The Commission on Standards for the Teaching Profession is subject to the Texas Sunset Act,¹ and unless continued in existence as provided by that Act the Commission is abolished effective September 1, 1989.

[Acts 1969, 61st Leg., p. 2788, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1468, ch. 405, § 2, eff. May 26, 1971; Acts 1977, 65th Leg., p. 1853, ch. 735, § 2.152, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 1540, ch. 663, § 1, eff. Aug. 27, 1979.]

¹ Civil Statutes, art. 5429k.

Section 4 of the 1979 amendatory act provided:

"The Commission on Standards for the Teaching Profession shall conduct a study or studies on classes of certification, duration of certificate, and teacher minimum competence testing after graduation but prior to full certification of the teacher. Results of such studies, together with recommendations, shall be reported by the State Board of Education to the legislature no later than 60 days prior to the convening of the 67th Legislature."

§ 13.032. Rules and Regulations

(a) The State Board of Education, with the advice and assistance of the state commissioner of education, is authorized to establish such rules and regulations as are not inconsistent with the provisions of this chapter and which may be necessary to administer the responsibilities vested under the terms of this chapter concerning the issuance of certificates and the standards and procedures for the approval or disapproval of colleges and universities offering programs of teacher education.

(b) In order to secure professional advice, the State Board of Education shall consider recommendations of the Commission on Standards for the Teaching Profession, after a review by, and with the comments of, the state commissioner of education, in all matters covered by this subchapter.

(c) In developing standards for programs in teacher education, the board shall provide each approved institution with a statement of the general qualifications required for each area of specialization for which a teaching certificate is authorized. The board may not require an institution to teach a particular doctrine or to conduct instruction on the basis of, or in accordance with, any particular pedagogical method.

(d) The State Board of Education by rule shall prescribe:

(1) the classes of teaching certificates to be issued, based on education, experience, competency, duties, or other relevant considerations;

(2) the time period for which each class of certificate is valid; and

(3) the requirements for issuance of an initial certificate or renewal of an existing certificate.

(e) The State Board of Education by rule shall require satisfactory performance on a competency examination of basic skills prescribed by the board as a condition to admission into an approved teacher

education program. In addition, the board by rule shall require satisfactory performance after graduation from an in-state or out-of-state teacher education program on a comprehensive examination prescribed by the board as a condition to full certification as a teacher and shall require satisfactory performance on a separate examination prescribed by the board as a condition to certification as a superintendent or other administrator. The board shall prescribe an examination designed to test knowledge appropriate for certification to teach primary grades and an examination designed to test knowledge appropriate for certification to teach secondary grades. The secondary teacher examinations must test knowledge of each examinee in the subject areas listed in Section 21.101 of this code in which the examinee will be certified to teach. The administrator examinations must test administrative skills and knowledge in subject areas and other matters as the board considers appropriate. The board, in conjunction with school districts, shall provide candidates for teacher or administrator certification with an opportunity for board-developed preparation for the certification examination. The board may limit the number of times a candidate for certification who fails to perform satisfactorily on the certification examination may retake it, but each candidate must be given more than one opportunity to perform satisfactorily. The board shall prescribe the method of determining the satisfactory level of performance on a test under this subsection.

(f) The State Board of Education may fix and require payment of a fee as a condition to taking an examination required by this section. The fee must be reasonable and designed to cover the costs of the agency relating to administration of the examination.

(g) A person enrolled in a general academic teaching institution, as defined by Section 61.003(3) of this code, before the effective date of rules adopted under Subsection (e) of this section is entitled to enter an approved teacher education program of that institution or to remain in the program and complete it in accordance with the law and the rules of the board in effect before the adoption of rules under Subsection (e) of this section. A person who before the effective date of rules adopted under Subsection (d) or (e) of this section was issued a teaching certificate in accordance with prior law is entitled to retain that certificate, and the rights of that person relating to certification shall be determined in accordance with the law and rules in effect before the adoption of rules under those subsections.

(h) The State Board of Education by rule may fix and require payment of a fee as a condition to the issuance of a teaching certificate. The fee must be reasonable and designed to cover the administrative costs of issuing the certificate. The board may adopt a different fee for each class of certificate issued. The commissioner of education shall period-

ically review and recommend adjustments in the level of fees required under this subsection.

[Acts 1969, 61st Leg., p. 2788, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1468, ch. 405, § 2, eff. May 26, 1971; Acts 1975, 64th Leg., p. 1815, ch. 551, § 1, eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1541, ch. 663, § 2, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 9, ch. 8, § 1, eff. March 4, 1981; Acts 1981, 67th Leg., p. 250, ch. 106, § 1, eff. May 7, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 295, ch. 28, art. I, part C, § 13, art. III, part C, § 1, art. III, part J, § 1, eff. Sept. 1, 1984.]

Article III, part C, §§ 2 and 4 of the 1984 amendatory act provide:

"Sec. 2. The State Board of Education shall provide for administering the certification examination required by this part not later than the beginning of the 1985-1986 school year."

"Sec. 4. The examinations prescribed by Section 13.032(e) and Section 13.047 of the Education Code are the only examinations allowed to be utilized for the purpose of testing teacher and administrator competency."

§ 13.033. Teacher Education Program Accreditation Sanctions

(a) If the commissioner determines that a teacher education program fails to meet any accreditation standard prescribed by rule of the State Board of Education, the commissioner shall give confidential notice of the standard not met to the chief administrator of the program and to any accreditation committee of the board of regents of the institution. If the deficiency is not corrected within a reasonable time, as determined by the commissioner, the commissioner shall give public notice of the deficiency to the board of regents. If the deficiency remains uncorrected after a reasonable period of time, the commissioner shall recommend to the State Board of Education that the program be placed on probation.

(b) The State Board of Education may place a teacher education program on probation for a period of 24 months. The fact that the program is on probation must be published in any admissions catalogue concerning the program.

(c) During the probation, the program must significantly reduce the number of students graduating from the program, as determined by rule of the State Board of Education.

(d) If the program has not satisfied accreditation standards by the end of the probationary period, the State Board of Education shall revoke the program's accreditation. A student enrolled in the program before accreditation is revoked may not be disqualified from certification on the basis of this subsection.

(e) The State Board of Education may reinstate the accreditation of a program after the board determines that the program meets accreditation standards.

[Acts 1984, 68th Leg., 2nd C.S., p. 378, ch. 28, art. III, part J, § 2, eff. Sept. 1, 1984.]

A former § 13.033 was repealed by Acts 1979, 66th Leg., p. 1542, ch. 663, § 5, eff. Aug. 27, 1979.

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§ 13.034. Annual Performance Report

(a) Each teacher education program shall submit to the State Board of Education an annual performance report concerning the quality of teacher education offered by the program. The report is public information.

(b) The report shall be in the form and contain the elements required by the board. At a minimum, the report must include the following information:

- (1) the number of students admitted to the program;
- (2) the performance of students in the program on any required professional skills test;
- (3) the number of students admitted to student teaching;
- (4) the number of students completing the program and their performance on any required exit test;
- (5) the employment success of graduates from the program;
- (6) the use of state funds in the program; and
- (7) other matters as required by rule of the board.

[Acts 1984, 68th Leg., 2nd C.S., p. 378, ch. 28, art. III, part J, § 2, eff. Sept. 1, 1984.]

A former § 13.034 was repealed by Acts 1979, 66th Leg., p. 1542, ch. 663, § 5, eff. Aug. 27, 1979.

§ 13.035. Alternative Certification

(a) The State Board of Education by rule shall provide for the certification of persons who are not graduates of teacher education programs.

(b) The rules must provide for the persons being certified to satisfactorily complete:

- (1) any examinations required generally for certification, except that a person certified under this section shall be exempted from taking any examination or portion of an examination that is designed to test knowledge of pedagogical methods, history of education, or child psychology;
- (2) a one-year internship under the supervision of an experienced, certified teacher;
- (3) teaching method and classroom management training prescribed by the board; and
- (4) an appropriate number of semester hours credit, as determined by the State Board of Education, from an accredited institution of higher education and in the area in which the person is to be teaching.

(c) The internship provided for by Subsection (b)(2) of this section is a year of teaching experience for purposes of the career ladder.

[Acts 1984, 68th Leg., 2nd C.S., p. 373, ch. 28, art. III, part H, § 1, eff. Sept. 1, 1984.]

A former § 13.035 was repealed by Acts 1979, 66th Leg., p. 1542, ch. 663, § 5, eff. Aug. 27, 1979.

§§ 13.036 to 13.043. Repealed by Acts 1979, 66th Leg., p. 1542, ch. 663, § 5, eff. Aug. 27, 1979

§ 13.044. Alien Teachers

(a) No certificate of any type shall be issued to an alien unless proper evidence is produced showing his intention to become a naturalized citizen of the United States of America.

(b) It shall be unlawful for any board of trustees of any public school district of this state to contract with any person who is an alien to teach, unless the person has declared his intention to become a citizen of the United States. Except as provided in Subsection (c) of this section, any contract in violation of this provision shall be void and of no effect.

(c) If a like privilege is currently granted by any nation to any teacher designated by the governing body of a school district in this state, Subsection (b) of this section shall not apply to any alien teacher, a subject of that nation, who has been regularly designated by proper authority to serve as an exchange teacher in the United States and to teach in the public schools of Texas for not more than one year.

[Acts 1969, 61st Leg., p. 2793, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1473, ch. 405, § 2, eff. May 26, 1971.]

§ 13.045. Presentation and Recording of Certificates

(a) Any person who desires to teach in a public school shall present his certificate for filing with the employing district before his contract with the board of trustees of the district shall be binding.

(b) A teacher or superintendent who does not hold a valid certificate or emergency permit shall not be paid for teaching or work done before the effective date of issuance of a valid certificate or permit.

[Acts 1969, 61st Leg., p. 2793, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1473, ch. 405, § 2, eff. May 26, 1971; Acts 1979, 66th Leg., p. 1541, ch. 663, § 3, eff. Aug. 27, 1979.]

§ 13.046. Suspension and Cancellation of Certificates

(a) Any teacher's certificate issued under the provisions of this code or under any previous statute relating to the certification of teachers may be suspended or cancelled by the state commissioner of education under any one or more of the following circumstances:

(1) on satisfactory evidence that the holder is conducting his school or his teaching activities in violation of the laws of this state;

(2) on satisfactory evidence that the holder is a person unworthy to instruct the youth of this state; or

(3) on complaint made by the board of trustees that the holder of a certificate after entering into a written contract with the board of trustees of

the district has without good cause and without the consent of the trustees abandoned the contract.

(b) Before any certificate shall be suspended or cancelled the holder shall be notified and shall have an opportunity to be heard. Any person whose certificate is suspended or cancelled by the state commissioner of education may appeal to a district court in Travis County.

(c) The state commissioner of education has the authority, upon the presentation of satisfactory evidence, to reinstate any teacher's certificate suspended or cancelled under the provisions of this section. On a refusal of the commissioner to reinstate a certificate, the applicant may appeal to a district court in Travis County.

(d) The state commissioner of education may suspend a teacher's certificate under the terms of this section for a period not to exceed one year.

(e) The state commissioner of education shall have the right to reprimand a teacher, rather than to suspend or cancel that teacher's certificate, in those cases the commissioner deems appropriate. A reprimand shall not be appealable.

[Acts 1969, 61st Leg., p. 2794, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1474, ch. 405, § 2, eff. May 26, 1971; Acts 1979, 66th Leg., p. 666, ch. 294, § 1, eff. Aug. 27, 1979; Acts 1984, 68th Leg., 2nd C.S., p. 302, ch. 28, art. I, part D, § 4, eff. Sept. 1, 1984.]

§ 13.047. Examination for Teachers and Administrators Not Taking Certification Examinations

(a) The board shall require satisfactory performance on an examination prescribed by the board as a condition to continued certification for each teacher and administrator who has not taken a certification examination under Section 13.032(e) of this code.

(b) The board shall prescribe an examination designed to test knowledge appropriate to teach primary grades and an examination designed to test knowledge appropriate to teach secondary grades. The secondary teacher examinations must test the knowledge of each examinee in the subject areas listed in Section 21.101 of this code in which the examinee is certified to teach and is teaching. If a teacher is not tested in an area of certification, the teacher must take the examination for that area within three years after beginning to teach that subject. The administrator examinations must test administrative skills, knowledge in subject areas, and other matters that the board considers appropriate. The examinations must also test the ability of the examinee to read and write with sufficient skill and understanding to perform satisfactorily as a professional teacher or administrator.

(c) In developing the examinations, the board shall solicit and consider the advice of classroom teachers and administrators.

(d) Each teacher must perform satisfactorily on the applicable examination on or before June 30, 1986, to teach the subject at a particular level unless a school district establishes to the satisfaction of the commissioner of education that there is emergency need. A teacher may not teach under a determination of emergency need for more than one school year.

(e) The board, in conjunction with school districts, shall provide teachers and administrators with an opportunity for board-developed preparation for the examinations, including an opportunity for remedial aid.

(f) The board may limit the number of times a teacher or administrator who fails to perform satisfactorily on an examination may retake it, but each teacher must be given more than one opportunity to perform satisfactorily. The board shall determine the level of performance that is satisfactory.

(g) The board may exempt from the examination required by this section any person who, before the examination adopted under this section is prescribed, performed satisfactorily on an examination administered by an employing district if the board finds the examination to be substantially the same or at least as difficult as the examination prescribed by the board.

[Acts 1984, 68th Leg., 2nd C.S., p. 368, ch. 28, art. III, part C, § 3, eff. Sept. 1, 1984.]

Article III, part C, § 4 of the 1984 Act provides:

"The examinations prescribed by Section 13.032(e) and Section 13.047 of the Education Code are the only examinations allowed to be utilized for the purpose of testing teacher and administrator competency."

§ 13.048. Operation of an Accredited School

(a) Each institution offering a teacher education program may contract with an accredited school to employ program instructors and students in the regular operation of the accredited school. If practicable, the program shall completely operate the school, but the school remains under the general governance of its board of trustees.

(b) The State Board of Education shall adopt any rules necessary for implementing and carrying out this section.

[Acts 1984, 68th Leg., 2nd C.S., p. 380, ch. 28, art. III, part J, § 3, eff. Sept. 1, 1984.]

[Sections 13.049 to 13.100 reserved for expansion]

SUBCHAPTER C. TEACHERS' EMPLOYMENT CONTRACTS

§ 13.101. Probationary or Continuing Contract

Each teacher hereafter employed by any school district in this state shall be employed under, and shall receive from such district, a contract that is either a "probationary contract" or a "continuing contract" in accordance with the provisions of this subchapter if the school board chooses to offer such teacher a "probationary contract" or a "continuing

contract." All such contracts shall be in writing, in such form as may be promulgated by or approved by the commissioner of education, and shall embody the terms and conditions of employment hereinafter set forth, and such other provisions not inconsistent with this subchapter as may be appropriate.

[Acts 1969, 61st Leg., p. 2925, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1474, ch. 405, §§ 2, 54(1).]

§ 13.102. Probationary Contract

Any person who is employed as a teacher by any school district for the first time, or who has not been employed by such district for three consecutive school years subsequent to August 28, 1967, shall be employed under a "probationary contract," which shall be for a fixed term as therein stated; provided, that no such contract shall be for a term exceeding three school years beginning on September 1 next ensuing from the making of such contract; and provided further that no such contract shall be made which extends the probationary contract period beyond the end of the third consecutive school year of such teacher's employment by the school district, unless the board of trustees determines and recites that it is in doubt whether the particular teacher should be given a continuing contract, in which event a probationary contract may be made with such teacher for a term ending with the fourth consecutive school year of such teacher's employment with the school district, at which time the employment of such teacher by such school district shall be terminated, or such teacher shall be employed under a continuing contract as hereinafter provided.

[Acts 1969, 61st Leg., p. 2925, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1474, ch. 405, §§ 2, 54(1).]

§ 13.103. Probationary Contract: Termination

The board of trustees of any school district may terminate the employment of any teacher holding a probationary contract at the end of the contract period, if in their judgment the best interests of the school district will be served thereby; provided, that notice of intention to terminate the employment shall be given by the board of trustees to the teacher on or before April 1, preceding the end of the employment term fixed in the contract. In event of failure to give such notice of intention to terminate within the time above specified, the board of trustees shall thereby elect to employ such probationary teacher in the same capacity, and under probationary contract status for the succeeding school year if the teacher has been employed by such district for less than three successive school years, or in a continuing contract position if such teacher has been employed during three consecutive school years.

[Acts 1969, 61st Leg., p. 2925, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1475, ch. 405, §§ 2, 54(1).]

§ 13.104. Hearing

In event a teacher holding a probationary contract is notified of the intention of the board of trustees to terminate his employment at the end of his current contract period, he shall have a right upon written request to a hearing before the board of trustees, and at such hearing, the teacher shall be given the reasons for termination of his employment. After such hearing, the board of trustees may confirm or revoke its previous action of termination; but in any event, the decision of the board of trustees shall be final and non-appealable.

[Acts 1969, 61st Leg., p. 2925, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1475, ch. 405, §§ 2, 54(1).]

§ 13.105. Probationary Contract: Exception

The requirement to serve a probationary period shall not apply to any teacher who previously completed a probationary period under a contract with the school district where employed before September 1, 1967, and who was then considered to be on a permanent contract status as defined by the school district.

[Acts 1969, 61st Leg., p. 2926, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1475, ch. 405, §§ 2, 54(1).]

§ 13.106. Continuing Contract

Any teacher employed by a school district who is performing his third, or where permitted fourth, consecutive year of service with the district under probationary contract, and who is elected to employment by the board of trustees of such district for the succeeding year, shall be notified in writing of his election to continuing contract status with such district, and such teacher shall within 30 days after such notification file with the board of trustees of the employing school district notification in writing of his acceptance of the continuing contract, beginning with the school year following the conclusion of his period of probationary contract employment. Failure of the teacher to accept the contract within such 30 day period shall be considered a refusal on the part of the teacher to accept the contract.

[Acts 1969, 61st Leg., p. 2926, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1475, ch. 405, §§ 2, 54(1).]

§ 13.107. Status Under Continuing Contract

Each teacher with whom a continuing contract has been made as herein provided shall be entitled to continue in his position or a position with the school district, at a salary authorized by the board of trustees of said district complying with the minimum salary provisions of the foundation aid law, for future school years without the necessity for annual nomination or reappointment, until such time as the person:

- (1) resigns, or retires under the teacher retirement system;

- (2) is released from employment by the school district at the end of a school year because of necessary reduction of personnel as herein defined;

- (3) is discharged for lawful cause, as defined in Section 13.109 of this code and in accordance with the procedures hereinafter provided;

- (4) is dismissed at the end of a school year for any reason as set out in Section 13.110 of this code and pursuant to the procedures hereinafter provided in such cases; or

- (5) is returned to probationary status, as authorized in Section 13.110 of this code.

[Acts 1969, 61st Leg., p. 2926, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1475, ch. 405, §§ 2, 54(1).]

§ 13.108. Administrative Personnel

The board of trustees may grant to a person who has served as superintendent, principal, supervisor, or other person employed in any administrative position for which certification is required, at the completion of his service in such capacity, a continuing contract to serve as a teacher, and the period of service in such other capacity shall be construed as contract service as a teacher within the meaning of this subchapter.

[Acts 1969, 61st Leg., p. 2926, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1476, ch. 405, §§ 2, 54(1).]

§ 13.109. Discharge During Year

Any teacher, whether employed under a probationary contract or a continuing contract, may be discharged during the school year for one or more of the following reasons, which shall constitute lawful cause for discharge:

- (1) immorality;
- (2) conviction of any felony or other crime involving moral turpitude;
- (3) drunkenness;
- (4) repeated failure to comply with official directives and established school board policy;
- (5) physical or mental incapacity preventing performance of the contract of employment; and
- (6) repeated and continuing neglect of duties.

[Acts 1969, 61st Leg., p. 2927, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1476, ch. 405, §§ 2, 54(1).]

§ 13.110. Release at End of Year

Any teacher employed under a continuing contract may be released at the end of any school year and his employment with the school district terminated at that time, or he may be returned to probationary contract employment for not exceeding the three succeeding school years, upon notice and hearing (if requested) as hereinafter provided, for any reason enumerated in Section 13.109 of this code or for any of the following additional reasons:

- (1) incompetency in performance of duties;

(2) failure to comply with such reasonable requirements as the board of trustees of the employing school district may prescribe for achieving professional improvement and growth;

(3) willful failure to pay debts;

(4) habitual use of addictive drugs or hallucinogens;

(5) excessive use of alcoholic beverages;

(6) necessary reduction of personnel by the school district (such reductions shall be made in the reverse order of seniority in the specific teaching fields);

(7) for good cause as determined by the local school board, good cause being the failure of a teacher to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts throughout Texas; or

(8) failure by a person required to take an examination under Section 13.047 of this code to perform satisfactorily on at least one examination under that section on or before June 30, 1986.

[Acts 1969, 61st Leg., p. 2927, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1476, ch. 405, §§ 2, 54(1); Acts 1984, 68th Leg., 2nd C.S., p. 352, ch. 28, art. III, part A, § 1, eff. Sept. 1, 1984.]

§ 13.111. Notice

(a) Before any teacher shall be discharged during the year for any of the causes mentioned in Section 13.109 of this code, or before any probationary contract teacher shall be dismissed at the end of a school year before the end of the term fixed in his contract, or before any teacher holding a continuing contract shall be dismissed or returned to probationary contract status at the end of a school year for any of the reasons mentioned in Section 13.110 of this code, he shall be notified in writing by the board of trustees or under its direction of the proposed action and of the grounds assigned therefor.

(b) In the event the grounds for the proposed action relate to the inability or failure of the teacher to perform his assigned duties, the action shall be based upon the written recommendation by the superintendent of schools, filed with the board of trustees. Any teacher so discharged or dismissed or returned to probationary contract status shall be entitled, as a matter of right, to a copy of each and every evaluation report, or any other memorandum in writing which has been made touching or concerning the fitness or conduct of such teacher, by requesting in writing a copy of the same.

[Acts 1969, 61st Leg., p. 2927, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1477, ch. 405, §§ 2, 54(1).]

§ 13.112. Hearing

(a) If, upon written notification of the proposed action, the teacher desires to contest the same, he shall notify the board of trustees in writing within 10 days after the date of receipt by him of the

official notice above prescribed, of his desire to be heard, and he shall be given a public hearing if he wishes or if the board of trustees determines that a public hearing is necessary in the public interest.

(b) Upon any charges based upon grounds of inefficiency, or inability or failure of the teacher to perform his assigned duties, the board of trustees may in its discretion establish a committee of classroom teachers and administrators, and the teacher may request a hearing before this committee prior to hearing of the matter by the board of trustees.

(c) Within 10 days after request for hearing made by the teacher, the board of trustees shall fix a time and place of hearing, which shall be held before the proposed action shall be effective. Such hearing shall be public unless the teacher requests in writing that it be private.

(d) At such hearing, the teacher may employ counsel, if desired, and shall have the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence in opposition thereto, or in extenuation.

(e) The board shall take such action as it deems lawful and appropriate and shall notify the teacher in writing of that action within 15 days following the conclusion of the hearing.

[Acts 1969, 61st Leg., p. 2928, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1477, ch. 405, §§ 2, 54(1); Acts 1984, 68th Leg., 2nd C.S., p. 353, ch. 28, art. III, part A, § 2, eff. Sept. 1, 1984.]

§ 13.113. Suspension Without Pay

If the proposed action be discharge of the teacher for any of the reasons set forth in Section 13.109 of this code, the teacher may be suspended without pay by order of the board of trustees, or by the superintendent of schools if such power has been delegated to him by express regulation previously adopted by the board of trustees, but in such event the hearing shall not be delayed for more than 15 days after request for hearing, unless by written consent of the teacher.

[Acts 1969, 61st Leg., p. 2928, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1477, ch. 405, §§ 2, 54(1).]

§ 13.114. Decision of Board

If the teacher upon notification of any such proposed action fails to request a hearing within 10 days thereafter, or after a hearing as hereinabove provided, the board of trustees shall take such action and shall enter such order as it deems lawful and appropriate. If the teacher is reinstated, he shall immediately be paid any compensation withheld during any period of suspension without pay. No order adverse to the teacher shall be entered except upon majority vote of the full membership of the board of trustees.

[Acts 1969, 61st Leg., p. 2928, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1477, ch. 405, §§ 2, 54(1).]

§ 13.115. Appeals

(a) If the board of trustees shall order the teacher discharged during the school year under Section 13.109 of this code, the teacher shall have the right to appeal such action to the commissioner of education, for review by him, provided notice of such appeal is filed with the board of trustees and a copy thereof mailed to the commissioner within 15 days after written notice of the action taken by the board of trustees shall be given to the teacher; or, the teacher may challenge the legality of such action by suit brought in the district court of any county in which such school district lies within 30 days after such notice of the action taken by the board of trustees has been given to the teacher.

(b) If the board of trustees shall order the continuing contract status of any teacher holding such a contract abrogated at the end of any school year and such teacher returned to probationary contract status, or if the board of trustees shall order that any teacher holding a continuing contract be dismissed at the end of the school year, or that any teacher holding a probationary contract shall be dismissed at the end of a school year before the end of the employment period covered by such probationary contract, the teacher affected by such order, after filing notice of appeal with the board of trustees, may appeal to the commissioner of education by mailing a copy of the notice of appeal to the commissioner within 15 days after written notice of the action taken by the board of trustees has been given to the teacher.

(c) Either party to an appeal to the commissioner shall have the right to appeal from his decision to a District Court in Travis County.

(d) Deleted by Acts 1984, 68th Leg., 2nd C.S., p. 302, ch. 28, art. 1, part D, § 5, eff. Sept. 1, 1984. [Acts 1969, 61st Leg., p. 2928, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1478, ch. 405, §§ 2, 54(1); Acts 1984, 68th Leg., 2nd C.S., p. 302, ch. 28, art. 1, part D, § 5, eff. Sept. 1, 1984.]

§ 13.116. Resignations

(a) Any teacher holding a continuing contract with any school district, or holding a probationary contract with an unexpired term continuing through the ensuing school year, may relinquish the position and leave the employment of the district at the end of any school year without penalty by written resignation addressed to and filed with the board of trustees prior to August 1, preceding the end of the school year that the resignation is to be effective. A written resignation mailed by prepaid certified or registered mail to the superintendent of schools of the district at the post office address of the district shall be considered filed at time of mailing.

(b) Any teacher holding a continuing contract or such unfulfilled probationary contract may resign, with the consent of the board of trustees of the employing school district, at any other time mutually agreeable.

(c) A teacher holding a probationary contract or a continuing contract obligating the employing district to employ such person for the ensuing school year, who fails to resign within the time and in the manner allowed under Subsections (a) and (b) of this section, and who fails to perform such contract, shall be ineligible for employment by any other Texas school district during the ensuing school year covered by such contract, and his teaching certificate shall be suspended for that school year only.

[Acts 1969, 61st Leg., p. 2929, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1478, ch. 405, §§ 2, 54(1).]

§ 13.117. Supplemental Contracts for Math and Science Teachers

(a) The legislature finds that the health of the economy of the state and the United States is increasingly dependent on public education to produce students possessing general and specific skills in mathematics and science. Public schools, in recent years, have encountered circumstances that have resulted in a decline in the number of students being prepared in math and science as well as the quality of preparation of those who are preparing for careers in math and science.

(b) It is the purpose of this subchapter to encourage local school districts to provide more and better quality science and mathematics instruction through the use of supplemental contracts for science and mathematics teachers to expand the opportunity for students to have more time on task by instituting summer programs and after-school studies and developing a system of competition for science and math students. Such expanded opportunities shall be for remedial, regular, and talented and gifted instruction. Therefore, local school districts are authorized and encouraged to establish such programs to increase both the numbers of students dedicated to the study of math and science and the quality and quantity of instructional time in both areas.

(c) The commissioner of education is authorized and directed to select school districts of various types to conduct pilot program studies to determine the most effective models for implementation of this program. Such pilot program studies shall be conducted during the 1984-85 biennium.

(d) The commissioner of education, upon completion of successful pilot program studies shall publish and disseminate to all school districts model programs to achieve the goals of this subchapter.

(e) The commissioner of education shall report the results of the pilot studies to the 69th Legislature and may make recommendations for the inclusion of such programs in the Foundation School Program.

(f) Local school districts may volunteer for the pilot studies and, if selected by the commissioner to participate, are authorized and encouraged to provide an amount of up to \$5,000 as supplemental pay

for each match and science teacher selected to participate in the pilot programs. Such funds shall be included in the participating teacher's regular payroll.

(g) The commissioner of education, if funds are available either through the Foundation School Program or through various regional service center grants or funds, may forward funds to the local participating districts in the pilot programs to assist in local funding of these programs. In addition, local school districts are encouraged to seek private funding, including foundation support to pursue the goals of this subchapter.

[Acts 1983, 68th Leg., p. 4808, ch. 845, § 1, eff. Aug. 29, 1983.]

[Sections 13.118 to 13.200 reserved for expansion]

SUBCHAPTER D. TEACHERS' PROFESSIONAL PRACTICES

§ 13.201. Responsibilities of the Teaching Profession

Teaching is hereby declared to be and is recognized as a profession. The members of such profession shall accept responsibilities in development and promotion of high standards of ethics, conduct, and professional performance and practices of persons engaged in the practice of such profession in this state.

[Acts 1971, 62nd Leg., p. 1479, ch. 405, § 2, eff. May 26, 1971.]

§ 13.202. Definitions

In this subchapter:

(1) "Teacher" means a superintendent, principal, supervisor, classroom teacher, counselor, or other professional employee who is required to hold a valid certificate or teaching permit.

(2) "Commission" means the Teachers' Professional Practices Commission established by this subchapter.

(3) "Code of ethics and standard practices" means the rules, regulations and standards of conduct which have been adopted and promulgated by the commission pursuant to Section 13.210 of this code.

[Acts 1971, 62nd Leg., p. 1479, ch. 405, § 2, eff. May 26, 1971.]

§ 13.203. Professional Practices Commission

There is hereby created a Teachers' Professional Practices Commission consisting of 15 members selected from the several professional groups, as follows:

- 3 elementary classroom teachers
- 3 secondary classroom teachers
- 2 counselors
- 1 elementary principal
- 1 secondary principal
- 1 supervisor

- 1 superintendent (1,000 or more teachers)
- 1 superintendent (fewer than 1,000 teachers)
- 1 junior college teacher
- 1 senior college teacher (engaged in teacher education)

[Acts 1971, 62nd Leg., p. 1479, ch. 405, § 2, eff. May 26, 1971.]

§ 13.2031. Application of Sunset Act

The Teachers' Professional Practices Commission is subject to the Texas Sunset Act;¹ and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1989.

[Acts 1977, 65th Leg., p. 1854, ch. 735, § 2.156, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 13.204. Qualifications of Members

To be eligible for membership on the commission, a person must be actively engaged in teaching, fully certified for the position he holds, and must have at least five years' teaching experience in Texas, including the two years immediately preceding nomination and appointment.

[Acts 1971, 62nd Leg., p. 1479, ch. 405, § 2, eff. May 26, 1971.]

§ 13.205. Appointment

The members of the commission shall be appointed by the governor, subject to confirmation by the senate. The governor shall request appropriate statewide professional organizations of teachers and/or school administrators to submit a list of three qualified nominees for vacancies within their respective professional groups on the commission; such nominations shall be advisory.

[Acts 1971, 62nd Leg., p. 1479, ch. 405, § 2, eff. May 26, 1971.]

§ 13.206. Terms of Office

One-third of the members of the commission first appointed shall be selected to serve for a term of one year; one-third to serve for a term of two years; and the remaining one-third for a term of three years; and members appointed for succeeding terms shall serve for terms of three years. No person shall serve for more than two consecutive terms as a member of the commission.

[Acts 1971, 62nd Leg., p. 1480, ch. 405, § 2, eff. May 26, 1971.]

§ 13.207. Expenses

Members of the commission shall serve without pay, but shall be reimbursed for their actual and reasonable traveling expenses in attendance on commission meetings, and in attending meetings of committees of such commission.

[Acts 1971, 62nd Leg., p. 1480, ch. 405, § 2, eff. May 26, 1971.]

§ 13.208. Officers; Meetings; Rules

The commission shall annually select a chairman, vice chairman, and secretary. The commission shall meet not less than three times each year in Austin at a place, time, and hour determined by the commission (at least 10 days' notice in writing by chairman shall constitute proper notice). A majority shall constitute a quorum, and a majority of such quorum shall have authority to act upon any matter properly before the commission. The commission shall adopt its own rules of order and procedure not inconsistent with this subchapter and shall hold meetings pursuant to the provisions of this subchapter.

[Acts 1971, 62nd Leg., p. 1480, ch. 405, § 2, eff. May 26, 1971.]

§ 13.209. Privileged Status of Members

Members of the commission shall be privileged in their utterances while acting in good faith in the course of their duties.

[Acts 1971, 62nd Leg., p. 1480, ch. 405, § 2, eff. May 26, 1971.]

§ 13.210. Adoption of Code of Ethics and Standard Practices

(a) After public hearings at which associations and individuals representing the teaching profession and other interested persons shall have full opportunity to submit and request adoption of all or part of the provisions of unofficial codes of ethics that have been adopted by state and national associations of members of the teaching profession, and to support, oppose, or request amendments to proposals, the commission shall develop and adopt a "code of ethics and standard practices" which shall regulate and govern the conduct of members of the profession.

(b) The code of ethics and standard practices adopted by the commission shall include standards of professional teaching practices and professional performance, and standards of ethical conduct of members of the teaching profession toward other members of the profession, parents, students, and the community.

(c) The professional standards developed by the commission shall be submitted by the Texas Education Agency to all active certificated professional personnel in a referendum to determine approval or disapproval of each individual standard and the commission shall have available the results of the referendum and give them consideration before finally adopting the standards.

(d) The commission shall likewise have power to revise or adopt amendments to the code of ethics and standard practices.

(e) The code of ethics and standard practices originally adopted by the commission, and in like manner any amendment thereto or revision thereof, shall become effective on the first day of September following the expiration of 90 days after the full

text of the professional standards so adopted by the commission or the amendment or revision so adopted shall have been filed with the Commissioner of Education of the State of Texas. No professional standards disapproved in the referendum vote shall be adopted.

(f) It shall be the duty of the commissioner of education on request of any member of the profession, licensed in this state, to furnish him a copy of the code of ethics and standard practices, together with amendments then in effect.

[Acts 1971, 62nd Leg., p. 1480, ch. 405, § 2, eff. May 26, 1971.]

§ 13.211. Unprofessional Practice

A violation of any rule or provision of the code of ethics and standard practices adopted in conformity with this subchapter shall be deemed to be "unprofessional practice," which shall constitute grounds for suspension or revocation of the teaching certificate of the member, which grounds shall be additional to those specified in Section 13.046 of this code; or the member may be warned or reprimanded for such violation, if in the judgment of the commissioner of education the violation is not of sufficient gravity to require suspension or revocation of the teaching certificate.

[Acts 1971, 62nd Leg., p. 1481, ch. 405, § 2, eff. May 26, 1971.]

§ 13.212. Advisory Function of Commission

The commission shall act in an advisory capacity to the state commissioner of education and to the State Board of Education in matters of interpretation and enforcement of the code of ethics and standard practices.

[Acts 1971, 62nd Leg., p. 1481, ch. 405, § 2, eff. May 26, 1971.]

§ 13.213. Complaint, Notice, Hearing, Recommendations

(a) The commission shall be authorized to receive written complaints from any certified teacher of alleged violation by any member of the profession of any rule or provision of the code of ethics and standard practices, and may hear the matter en banc, or may refer the matter to a committee of the commission, composed of three of its members, for hearing, as it may order.

(b) Upon receipt of a complaint, the commission shall give to the member against whom the complaint is made at least 15 days' notice of the nature of the complaint, and the time and place at which the commission, or a panel thereof, will hear the matter, such notice to be given by registered mail addressed to the member.

(c) At any hearing before the commission, or before a panel of the commission, the member complained of shall be entitled to produce witnesses in his behalf, and shall have a right to be represented by counsel. After hearing (which shall be private

unless the party affected requests a public hearing), the commission, or the hearing panel, shall make findings and recommendations whether the complaint shall be dismissed or whether the complaint shall be heard by the commissioner of education.

(d) The commission or panel thereof hearing the matter shall file its recommendations with the commissioner of education and shall also file with him a transcript of any evidence presented before it.

[Acts 1971, 62nd Leg., p. 1481, ch. 405, § 2, eff. May 26, 1971.]

§ 13.214. Action of Commissioner on Complaints

(a) In cases wherein the commission, or the panel thereof hearing the matter, has recommended dismissal of the complaint, the commissioner of education may dismiss the complaint without further hearing. No appeal shall lie from the action of the commissioner of education in dismissing a complaint hereunder.

(b) In cases in which the commission, or the panel thereof hearing the matter, recommends suspension or revocation of the certificate of any member, the commissioner of education may dismiss the complaint on the basis of the record certified to him, or may set the matter for hearing and disposition by the commissioner of education; and from his final decision in the matter, after hearing, an appeal may be taken to a district court in Travis County.

(c) Nothing in this section contained is intended to bind the commissioner of education to adopt the findings and recommendations of the commission, or any panel thereof.

(d) The commissioner of education shall have power to adopt rules of procedure (subject to approval of the State Board of Education) for the conduct of hearings before him pursuant to this subchapter.

[Acts 1971, 62nd Leg., p. 1481, ch. 405, § 2, eff. May 26, 1971. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 303, ch. 28, art. I, part D, § 6, eff. Sept. 1, 1984.]

§ 13.215. Appeals

In all appeals prosecuted in any of the courts of this state pursuant to the provisions of this subchapter, such trials shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is filed and the court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases

ever be used or applied to appeals prosecuted under the provisions of this subchapter.

[Acts 1971, 62nd Leg., p. 1482, ch. 405, § 2, eff. May 26, 1971.]

§ 13.216. Strikes, Etc.

Any certified teacher who violates the provisions of Chapter 135, Acts of the 50th Legislature, 1947 (Article 5154c, Vernon's Texas Civil Statutes), shall be suspended by the commissioner of education.

[Acts 1971, 62nd Leg., p. 1482, ch. 405, § 2, eff. May 26, 1971.]

§ 13.217. Right to Join or Not to Join Professional Association

Nothing in this subchapter shall abridge the right of any certified teacher to join any professional association or organization, or to refuse to join any professional association or organization.

[Acts 1971, 62nd Leg., p. 1482, ch. 405, § 2, eff. May 26, 1971.]

§ 13.218. Local Authority

Nothing in this subchapter shall abridge the right of any duly elected board of trustees of any independent school district to hire or dismiss any teacher, nor shall a board be prohibited from establishing any standard of conduct to be expected of any teacher. Provided, however, the superintendent or other person designated by the school board shall notify the commission of any teacher dismissed for the violation of the code of ethics and standard practices established by a school board.

[Acts 1971, 62nd Leg., p. 1482, ch. 405, § 2, eff. May 26, 1971.]

[Sections 13.219 to 13.300 reserved for expansion]

SUBCHAPTER E. CAREER LADDER

§ 13.301. Career Ladder

(a) Each teacher shall be assigned to a career ladder level.

(b) A teacher's career ladder level assignment is based on performance, experience, job-related education, advanced academic training, and job assignments.

(c) Career ladder levels are level one, level two, level three, and level four.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

Article III, part A, § 5 of the 1984 Act provides:

"(a) Notwithstanding the requirements of Subchapter E, Chapter 13, Education Code, as added by this Act, for the 1984-1985 school year each teacher shall be assigned to level one or level two on the career ladder. A teacher may be assigned to level two if the teacher has the years of experience (without regard to experience at a particular career ladder level) and education (including courses and training for which the teacher retains credit under Section 13.322, Education Code) required to enter level two. The determination of a teacher's eligibility to enter level two under this subsection will be made by a committee or committees appointed by the school district. Each committee shall include one principal,

one person from central administration who has direct responsibility for personnel, and one other administrator. This three-member committee shall designate two teachers as level two teachers who shall then become members of the committee for purposes of review of all remaining teachers. The committee shall consider a teacher's past performance as a criterion for placement on level two.

"(b) A teacher may enter level two in the 1985-1986 or the 1986-1987 school year if the teacher has the years of experience (without regard to experience at a particular career ladder level), education (including courses and training for which the teacher retains credit under Section 13.322, Education Code), and performance appraisals required to enter level two."

§ 13.302. Appraisal Process and Performance Criteria

(a) The State Board of Education shall adopt an appraisal process and criteria on which to appraise the performance of teachers for career ladder level assignment purposes. The criteria must be based on observable, job-related behavior, including teachers' implementation of discipline management procedures.

(b) The board shall solicit and consider the advice of teachers in developing the appraisal process and performance criteria.

(c) In developing the appraisal process, the board shall provide for using not fewer than two appraisers for each appraisal. One appraiser must be the teacher's supervisor and one must be a person as approved by the board of trustees. An appraiser who is a classroom teacher may not appraise the performance of a teacher who teaches at the same school campus at which the appraiser teaches, unless it is impractical because of the number of campuses. The board also shall provide for a uniform training program and uniform certification standards for appraisers to be used throughout the state. The board shall include teacher self-appraisal in the process.

(d) The State Board of Education shall develop or adopt and validate an assessment instrument which may be administered to administrative and teaching personnel for the purpose of evaluating the performance of those personnel in the jobs for which they were hired. The assessment process may:

- (1) be administered by or under the supervision of the Central Education Agency on a statewide basis;
- (2) provide opportunities for preparation and remediation;
- (3) provide reasonable opportunities for individuals to attain an acceptable score set by the board;
- (4) include provision for substitution of the results of alternative assessment instruments approved by the board;
- (5) be an integral part of the appraisal process and shall not be considered as a substitute for any evaluation by observation as may otherwise be required; and
- (6) be administered by local districts.

(e) It is the intent of Subsection (d) of this section that the assessment instrument described therein be used to assess specific skills primarily for the purpose of remediation and improvement.

(f) Appraisal for teachers and administrators must be detailed by category of professional skill and characteristic and must provide for separate ratings per category. The appraisal process shall guarantee a conference between teacher and appraisers, or between administrator and appraisers, and the conference shall be diagnostic and prescriptive with regard to remediation as needed in overall summary of performance by category and identify the required performance for advancement to the next level.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.303. Local Role

(a) Each school district shall use the appraisal process and performance criteria developed by the board in appraising teachers for career ladder level assignment purposes.

(b) The school district shall determine the number of appraisers used if the number is to exceed the minimum required.

(c) Appraisal shall be done not fewer than two times during each school year. The performance of a teacher who, because of unusual circumstances, is appraised only once in a particular year shall be evaluated for career ladder purposes on the basis of a single appraisal.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.304. Performance Categories

In appraisals of teacher performance for career ladder level assignment purposes, performance shall be evaluated in the same manner and under the same criteria regardless of level. Performance shall be evaluated as:

- (1) unsatisfactory (if the teacher's performance is clearly not acceptable in some major area);
- (2) below expectations (if the teacher's performance needs improvement in some major areas);
- (3) satisfactory (if the teacher's performance meets expectations);
- (4) exceeding expectations (if the teacher's performance excels in some major areas); or
- (5) clearly outstanding.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.305. Classes of Teaching Certificates

(a) **LEVEL ONE.** A teacher who successfully completes the requirements of the probationary year as provided in Section 13.306 of this subchapter shall be granted a level one certificate. A level one certificate shall be valid for three full years

from the date of recommendation by a school district and shall be renewable once for three additional years upon recommendation of the current or last employing school district and with completion of six semester hours at an institution of higher education in an approved program in the area of certification or teaching assignment, or with completion of 90 hours of advanced academic training as approved by the district, or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of academic training.

(b) **LEVEL TWO.** A level two certificate shall be valid for five years from the date of recommendation by a school district and shall be renewable. Requirements for the initial level two certificate shall be as follows:

- (1) possession of a valid level one certificate;
- (2) completion of three years of teaching experience and a bachelor's degree, or two years of teaching experience and a master's degree, or one year of teaching experience with a doctorate; and
- (3) recommendation by the current or last employing school district.

The level two certificate shall be renewable upon compliance with the following requirements:

- (1) possession of a valid level two certificate;
- (2) completion of six semester hours of upper division or graduate studies course work beyond the bachelor's degree in an approved program in the area of certification or teaching assignment, or completion of 90 hours of advanced academic training as approved by the school district, or an equivalent combination; and
- (3) recommendation by the current or last employing school district.

(c) **LEVEL THREE.** A level three certificate shall be valid for five years from the date of recommendation by a school district and shall be renewable. Requirements for the initial level three certificate shall be as follows:

- (1) possession of a valid level two certificate;
- (2) completion of eight years of teaching experience and a bachelor's degree, or five years of teaching experience and a master's degree, or three years of teaching experience and a doctorate; and
- (3) recommendation by the current or last employing school district.

The level three certificate shall be renewable upon compliance with the following requirements:

- (1) possession of a valid level three certificate;
- (2) completion of six semester hours of upper division or graduate studies course work beyond the current certificate requirements in an approved program in the area of certification or teaching assignment, or completion of 90 hours of advanced academic training as approved by the school district, or an equivalent combination; and
- (3) recommendation by the current or last employing school district.

(d) **MASTER TEACHER CERTIFICATE.** A master teacher certificate shall be valid for life. Requirements for the master teacher certificate shall be as follows:

- (1) possession of a valid level three certificate;
- (2) eleven years of teaching experience and a bachelor's degree, or eight years of teaching experience and a master's degree, or five years of teaching experience with a doctoral degree in an approved program of study; and
- (3) recommendation by the current or last employing school district.

(e) A school district shall recommend a teacher for appropriate certificate level if the teacher is evaluated satisfactory, exceeding expectation, or clearly outstanding and meets the other requirements specified in this section.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.306. Probationary Year

(a) The first year of teaching shall be probationary, with the following requirements for a teacher to enter into an initial contract for teaching:

- (1) completion of a baccalaureate degree, or other requirements as established by the State Board of Education;
- (2) completion of an approved teacher education program or admission into an alternative certification program;
- (3) recommendation by an approved institution of higher education; and
- (4) satisfactory scores on a comprehensive examination as prescribed by rule of the State Board of Education under Section 13.032 of this code.

(b) At the end of the probationary year, a teacher shall demonstrate satisfactory performance in every appraisal category in order to receive district recommendation for level one certification and entry to level one.

(c) In the event that a first year teacher fails to perform satisfactorily in each category of appraisal, the probationary level may be extended to a second year upon recommendation of the district, and the teacher shall be retained at the beginning salary level. The district shall be required to prescribe specific remediation for the second probationary year.

(d) In the event that a probationary teacher fails to perform satisfactorily in each category of appraisal at the end of the second year, the teacher's contract shall not be renewed for one year and thereafter until such time as the teacher completes remedial instruction as recommended by the appraisal team that evaluated that teacher.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.307. Level One Entry

(a) To enter level one, a teacher must hold a level one certificate.

(b) A district may not renew the contract of a teacher who fails to achieve at least satisfactory performance during either of the first two years of experience at level one.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.308. Level Two Entry

To enter level two, a teacher must have at least performance exceeding expectations during the preceding year and satisfactory performance the other year(s), hold a level two certificate, and must have:

(1) a B.A. or B.S. degree, three years of teaching experience, and nine semester hours of higher education course work or 135 hours of advanced academic training or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training; or

(2) an M.A. or M.S. degree in the subject taught and two years of teaching experience.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.309. Level Three Entry

To enter level three, a teacher must hold a level three certificate and must have:

(1) at least performance exceeding expectations during three of the preceding four years and at least satisfactory performance during the other year, five years of teaching at level two, and six semester hours of higher education course work or 90 hours of advanced academic training or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training; or

(2) clearly outstanding performance during two of the preceding three years and at least satisfactory performance during the other year, three years of teaching at level two, and three semester hours of training or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.310. Level Four Entry

To enter level four, a teacher must hold a master teacher certificate and must have:

(1) clearly outstanding performance during two of the preceding three years and at least satisfactory performance during the other year, three years of teaching at or above level three, satisfactory performance on the master teacher examination, and six semester hours of higher education course work or 90 hours of advanced academic

training or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training; or

(2) clearly outstanding performance during three consecutive years, two years of teaching at or above level three, at least satisfactory performance on the master teacher examination, and three semester hours of higher education course work or 45 hours of advanced academic training or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.311. Level Four Maintenance

(a) To remain at level four, a teacher must have:

(1) clearly outstanding performance during two of every three years and at least satisfactory performance during the other year, been teaching in a classroom for not less than 60 percent of the school day, performance of two master teacher duties every three years, and three semester hours of higher education course work or 45 hours of advanced academic training or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training; or

(2) clearly outstanding performance each year, been teaching in a classroom for not less than 60 percent of the school day, and performance of two master teacher duties every three years.

(b) A teacher shall be reassigned from level four to level three if the teacher does not meet the requirements of this section.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.312. Level Two or Three Maintenance

(a) A teacher shall be reassigned from career ladder level three to career ladder level two if the teacher has not better than satisfactory performance at level three for two consecutive years.

(b) A teacher shall be reassigned from career ladder levels three or two, as applicable, to career ladder level one if the teacher's performance is below expectations.

(c) In the event that a school district determines that reassignment to a lower level resulted from performance appraisals that were influenced by extraordinary personal circumstances and the teacher receives a clearly outstanding performance appraisal in the year following reassignment, the school district may reinstate the teacher to the former level. In any other case, a teacher reassigned under this section may reenter higher levels only by requalifying under the performance standards for entry into the higher levels.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.313. Reassignment of Duties

If a school district reassigns a teacher to another grade level or another subject over the objections of the teacher, the teacher may not be reassigned to a lower career ladder level on the basis of performance appraisals during the first three years in which the teacher teaches the new grade level or subject.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.314. Out-of-State Teachers Entering Career Ladder Program

A teacher who holds a teaching certificate from another state may enter the career ladder program at the level assigned by the school district, at the commensurate salary step, under a probationary contract, with the following requirements:

(1) at the end of the first year teaching in the state, the teacher must meet the requirements as established for that level, other than the requirement for the prior certificate held;

(2) in the event that such requirements are not met satisfactorily, the teacher shall be maintained at the level below assignment with no salary step increase; and

(3) failure to achieve satisfactory requirements after the end of the second year of teaching shall result in termination of contract. Upon satisfactory achievement of level requirements, the district may recommend certification for that level as established in Section 13.303 of this chapter.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.315. Higher Education Course Work and Advanced Academic Training

(a) Higher education course work and advanced academic training must relate to the general subject area taught and must be accredited by the board.

(b) The board shall include classroom management training among the advanced academic training it accredits and shall specify the amount of classroom management training required at each level.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.316. Master Teacher Comprehensive Examination

(a) The board shall promulgate rules for the active participation of classroom teachers in developing and administering a comprehensive master teacher examination and shall adopt guidelines for determining the level of performance that is considered satisfactory. The board shall promulgate rules for the active participation of school librarians in developing and administering an examination to be given to public school librarians and shall adopt guidelines for determining the level of performance that is considered satisfactory.

(b) The examination must include oral and written tests and other assessment instruments.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.317. Master Teacher Duties

The board shall define master teacher duties. Among the duties that must be included are supervising student teachers; acting as team leader, mentor, or department chairman; conducting advanced academic training; and assessing level four candidates. The master teacher shall be, insofar as is practicable, maintained in the classroom and shall not be assigned duties of an administrator. However, this provision shall not prohibit the master teacher from serving on an evaluation team.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.318. Appraisal on Basis of Classroom Teaching Performance

A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with the extracurricular activities.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.319. Finality of District Decision

A decision of the district is final and is subject to appeal only if the decision of the district was arbitrary and capricious or made in bad faith.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.320. Not Property Right

A teacher who has earned a level one, level two, level three, or master teacher certificate in accordance with this chapter has a right to retain that certificate until it has expired or is duly suspended, revoked, or otherwise removed in accordance with law. However, assignment to career ladder level one, level two, level three, or level four is neither a property right nor the equivalent of tenure.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.321. Transfer Between Districts

(a) A teacher is entitled to transfer a career ladder level assignment between districts, and a district may recognize the appraisal of a district previously employing the teacher in determining a career ladder level assignment.

(b) A teacher may waive entitlement to a particular career ladder level assignment when changing employment from one district to another.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.322. Credit Retained

A teacher is entitled to retain credit given before the effective date of this subchapter for higher education course work or advanced academic training. A teacher is also entitled to be given credit for higher education course work or advanced academic training begun before and in progress on the effective date of this subchapter if the teacher would have been given credit for the course if it had been completed before that date.

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

§ 13.323. Effect on Other Rights

Nothing in this subchapter affects a teacher's rights to challenge nonrenewal of a contract under Subchapter G, Chapter 21, of this code,¹ or affects a teacher's rights to challenge discharge during the year, dismissal at the end of the year, or the return to probationary contract status under Subchapter C, Chapter 13, of this code,² or affects a teacher's right to present grievances under Chapter 135, Acts of the 50th Legislature, Regular Session, 1947 (Article 5154c, Vernon's Texas Civil Statutes).

[Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 4, eff. Sept. 1, 1984.]

¹ Section 21.201 et seq.

² Section 13.101 et seq.

[Sections 13.324 to 13.350 reserved for expansion]

SUBCHAPTER F. SUPERINTENDENTS AND PRINCIPALS

§ 13.351. Superintendents

(a) The superintendent is the educational leader and the administrative manager of the school district.

(b) The qualifications for certification as a superintendent must be sufficiently flexible so that an outstanding educator may qualify by substituting approved experience and professional training for part of the educational requirements.

[Acts 1984, 68th Leg., 2nd C.S., p. 370, ch. 28, art. III, part F, § 1, eff. Sept. 1, 1984.]

§ 13.352. Principals

(a) The principal of a school is the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. Within guidelines established by each district administration, the principal shall organize the leadership structure in each school by using senior and master teachers and school administrators to develop instrumental teams.

(b) The qualification for certification as a principal must be sufficiently flexible so that an outstanding teacher may qualify by substituting approved experience and professional training for part of the educational requirements. Supervised and approved on-the-job experience in addition to required

internship shall be accepted in lieu of classroom hours.

(c) An employment contract for a principal must be for either 11 or 12 months so that the principal has adequate time for planning and preparation.

(d) Each principal shall:

(1) participate in the selection of teachers for that principal's campus;

(2) set specific education objectives for his campus, involving staff in the planning process;

(3) develop budgets for his campus; and

(4) work with school professionals to prepare individual development plans.

(e) The board of trustees of each district shall adopt a policy that provides for selected principals to periodically give verbal reports to the board.

[Acts 1984, 68th Leg., 2nd C.S., p. 370, ch. 28, art. III, part F, § 1, eff. Sept. 1, 1984.]

§ 13.353. Management Skills and Practices

(a) Each school district shall offer in-service training in management skills for district administrators, including principals and superintendents. The programs must be consistent with standards or models adopted by the State Board of Education and must be flexible and draw from a variety of offerings both in and out of state.

(b) Each principal and superintendent shall attend the in-service training and continuing education in management as required by rule of the State Board of Education.

(c) The training and education required by this section must emphasize the methodology for general management, instructional leadership, and teacher evaluation.

(d) The State Board of Education by rule shall provide for substituting management training or experience for part of the qualifications for certification as a principal or superintendent.

[Acts 1984, 68th Leg., 2nd C.S., p. 370, ch. 28, art. III, part F, § 1, eff. Sept. 1, 1984.]

[Sections 13.354 to 13.500 reserved for expansion]

SUBCHAPTER G. TECHNOLOGY EDUCATION PROGRAMS IN PUBLIC SCHOOLS

§ 13.501. State Policy

(a) The legislature finds that the economic well-being of Texas and the United States, including our competitiveness in national and world markets, is increasingly dependent on technology and will require a citizenry that possesses general and specific skills in mathematics, science, computer science, and related technological subjects. The public schools are responsible for imparting these skills to students but are increasingly unable to meet this obligation successfully because of a decline in the number of qualified and certified persons seeking to teach these subjects.

(b) It is the purpose of this subchapter to increase the ability of local school districts to provide secondary students with quality instruction in mathematics, science, computer science, and related technological subjects. Therefore, local school districts are authorized and encouraged to establish programs to cooperate with the business community and with other educational and governmental institutions to recruit qualified persons who will provide secondary students with the skills and training essential for the technological age.

[Acts 1984, 68th Leg., 2nd C.S., p. 374, ch. 28, art. III, part H, § 2, eff. Sept. 1, 1984.]

§ 13.502. Establishment of Local Programs

(a) The board of trustees of a school district may develop and implement a program for employing qualified but noncertified persons to teach mathematics, science, computer science, and related technological subjects in the secondary schools of the district.

(b) To establish such a program, the board of trustees shall approve a comprehensive plan that shall include:

(1) a statement of the needs, goals, and priorities of the school district for expanding secondary instruction in mathematics, science, computer science, and related technological subjects;

(2) a description of the methods by which the school district will select, supervise, and evaluate noncertified instructors;

(3) a description of the specific subjects and activities to be taught in the district by noncertified instructors;

(4) a description of the district's compensation plan for noncertified instructors;

(5) a description of the use the district intends to make of the resources of the business community and other educational and governmental institutions; and

(6) a description of the district's in-service training program for noncertified instructors to improve their knowledge of appropriate instructional methods.

(c) The board of trustees may modify or abolish the district's comprehensive plan at any time.

(d) A school district shall submit a copy of its comprehensive plan to the commissioner of education. The commissioner of education shall review and approve or reject the comprehensive plan consistent with the intent expressed in the legislation. The commissioner must affirm or reject the application within 30 days. The commissioner shall make copies of a district's plan available to other districts upon written request. The Central Education Agency shall provide technical assistance in implementing the comprehensive plan when requested to do so by a school district.

[Acts 1984, 68th Leg., 2nd C.S., p. 374, ch. 28, art. III, part H, § 2, eff. Sept. 1, 1984.]

§ 13.503. Requirements for Noncertified Instructors

(a) To be eligible for employment as a noncertified instructor, a person must have at least a bachelor's degree from an accredited institution of higher education, with a concentration in the subject area to be taught. A school district may require additional qualifications for instructors, including, but not limited to, work experience in a field related to the subject area to be taught.

(b) A noncertified instructor may not teach more than three classes per day during any semester. A noncertified instructor's compensation may not exceed the number of courses he teaches divided by the normal instructional course load for a secondary teacher in the district, multiplied by the district's minimum salary for a certified teacher with a bachelor's degree. Such compensation shall be paid to the noncertified person, or to any other person, partnership, corporation, or institution designated in writing by the noncertified person. This subsection does not apply to a noncertified instructor who is teaching in the public schools as part of a teacher training program in an accredited institution of higher education.

(c) A noncertified instructor is not eligible for any of the benefits available to a certified teacher in the district, including participation in the Teacher Retirement System of Texas. However, a noncertified instructor is immune from personal liability for acts and omissions in the scope of employment to the same extent that a certified teacher is immune from such liability, and a district may insure a noncertified instructor against liability for acts and omissions in the scope of employment to the same extent as it insures its certified teachers from such liability.

(d) A noncertified instructor may be terminated whenever the board of trustees determines that the best interests of the school district are served thereby. A noncertified instructor does not acquire a property interest in continued employment in a school district and may not appeal a termination decision of a board of trustees to the commissioner of education.

(e) Any course taught by a noncertified instructor shall count toward fulfilling a student's graduation requirements if it would count if taught by a certified teacher.

(f) As a condition of employment, a board of trustees may require a noncertified instructor to meet with parents or guardians of students on a reasonable basis to discuss students' grades or progress in courses taught by the noncertified instructor.

[Acts 1984, 68th Leg., 2nd C.S., p. 374, ch. 28, art. III, part H, § 2, eff. Sept. 1, 1984.]

§ 13.504. Limitation on Employment of Noncertified Instructors

Implementation of a program under this subchapter shall not result in the displacement of any certified person qualified to teach such courses. In implementing a program, preference in hiring and retention shall be given to certified persons qualified to teach such courses. A school district may not employ a noncertified instructor beyond the end of a semester to teach any course for which a qualified and certified teacher is available and has a current application for employment on file with the district.

[Acts 1984, 68th Leg., 2nd C.S., p. 374, ch. 28, art. III, part H, § 2, eff. Sept. 1, 1984.]

§ 13.505. Funding of Local Programs

A school district may use any federal, state, or local funds not specifically dedicated to another purpose by statute or contract to implement the provisions of this subchapter.

[Acts 1984, 68th Leg., 2nd C.S., p. 374, ch. 28, art. III, part H, § 2, eff. Sept. 1, 1984.]

§ 13.506. Superiority of This Subchapter

To the extent that this subchapter conflicts with any other provision relating to the training or employment of teachers, this subchapter governs.

[Acts 1984, 68th Leg., 2nd C.S., p. 374, ch. 28, art. III, part H, § 2, eff. Sept. 1, 1984.]

[Sections 13.507 to 13.900 reserved for expansion]

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

§ 13.901. Employment Consultation With Teachers

The board of trustees of each independent school district, rural high school district, and common school district, and their administrative personnel, may consult with teachers with respect to matters of educational policy and conditions of employment; and such boards of trustees may adopt and make reasonable rules, regulations and agreements to provide for such consultation. This section shall not limit or affect the power of said trustees to manage and govern said schools.

[Acts 1971, 62nd Leg., p. 1483, ch. 405, § 2, eff. May 26, 1971.]

§ 13.902. Planning and Preparation Time

Each teacher actively engaged in the instruction of children shall have at least one period of not less than 45 minutes within the seven-hour school day for parent-teacher conferences, reviewing students' homework, and planning and preparation. During

that time, a teacher may not be required to participate in any other activity.

[Acts 1971, 62nd Leg., p. 1483, ch. 405, § 2, eff. May 26, 1971. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 378, ch. 28, art. III, part I, § 1, eff. Sept. 1, 1984.]

§ 13.903. Uniform Retirement Age

The board of trustees of each public school district in Texas shall have full authority to establish a uniform retirement age for its professional and supportive personnel and notwithstanding any provision to the contrary. No district shall be required to retain any person in its employment after he reaches such prescribed age.

[Acts 1971, 62nd Leg., p. 1483, ch. 405, § 2, eff. May 26, 1971.]

§ 13.904. Minimum Sick Leave Program

(a) A state minimum sick leave program consisting of five days per year sick leave with no limit on accumulation and transferable among districts shall be provided for every teacher regularly employed in the public free schools of Texas. Local school districts may provide additional sick leave beyond this minimum.

(b) Each district shall file, immediately after the regular term of the school year has been completed, a report with the Central Education Agency setting out the total number of days of sick leave utilized by teachers and other professional personnel, excepting excess units, approved and listed for foundation school program benefits. The Central Education Agency, each current scholastic year, shall calculate the cost of providing approved sick leave for each person listed at the rate of \$20 per day and shall reimburse the participating local district on the basis of the percentage relationship between the state and the district in financing the cost of the foundation school program multiplied by the total approved sick leave expenditure for the year. Said reimbursement shall be paid from the Foundation Program Fund and this cost shall be considered by the Foundation School Fund Budget Committee in estimating the funds needed for foundation program purposes.

(c) Each district's local board of education shall establish a sick leave plan, and shall administer the program to assure compliance with the intent of the law that leave shall be approved only on the basis of:

- (1) an illness of the teacher;
- (2) an illness of a member of the teacher's immediate family;
- (3) a family emergency; or
- (4) a death in the teacher's immediate family.

(d) The Central Education Agency shall prescribe rules, regulations, and forms necessary to the administration of this minimum sick leave program and the auditing of the state allocations made therefor as part of the foundation school program.

(e) Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 347, ch. 28, art. II, § 22(a)(2), eff. Sept. 1, 1984.

(f) In addition to all other days of leave provided by this section or by the school district, a teacher or another professional employee of a school district who is physically assaulted during the performance of his regular duties is entitled to the number of days of leave necessary to recuperate from all physical injuries sustained as a result of the assault. Days of leave taken under this subsection shall be reported and reimbursed as sick leave in accordance with Subsection (b) of this section, but may not be deducted from accrued sick leave. The period provided in this subsection shall not extend more than two years beyond the date of the assault.

[Acts 1971, 62nd Leg., p. 1483, ch. 405, § 2, eff. May 26, 1971. Amended by Acts 1979, 66th Leg., p. 1095, ch. 512, § 1, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 3050, ch. 798, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 1737, ch. 334, §§ 1, 2, eff. Sept. 1, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 347, ch. 28, art. II, § 22(a)(2), eff. Sept. 1, 1984.]

Section 3 of the 1981 amendatory act provided that it took effect with the beginning of the 1981-1982 school year which, under the provisions of § 21.001, was September 1, 1981.

Section 3 of the 1983 amendatory act provided that it took effect beginning with the 1983-1984 school year which, under the provisions of § 21.001, began on September 1, 1983.

§ 13.905. Leave of Absence for Temporary Disability

(a) Each certified, full-time employee of a school district shall be expected to be given a leave of absence for temporary disability at any time the employee's condition interferes with the performance of regular duties. The contract and/or employment of the employee cannot be terminated by the school district while on a leave of absence for temporary disability. Temporary disability in this Act includes the condition of pregnancy.

(b) Requests for a leave of absence for temporary disability shall be made to the superintendent of the school district. The request shall be accompanied by a physician's statement confirming inability to work and shall state the date requested by the employee for the leave to begin and the probable date of return as certified by the physician.

(c) The governing board of a school district may adopt a policy providing for placing an employee on leave of absence for temporary disability if, in their judgment and in consultation with a physician who has performed a thorough medical examination of the employee, the employee's condition interferes with the performance of regular duties. Such a policy shall reserve to the employee the right to present to the governing board of a school district testimony and/or other information relevant to the employee's fitness to continue the performance of regular duties.

(d) The employee shall notify the superintendent of the desire to return to active duty at least thirty (30) days prior to the expected date of return. The

notice shall be accompanied by a physician's statement indicating the employee's physical fitness for the resumption of regular duties.

(e) An employee returning to active duty after a leave of absence for temporary disability shall be entitled to an assignment at the school where the employee formerly taught, subject to the availability of an appropriate teaching position. In any event, the employee shall be placed on active duty no later than the beginning of the next term.

(f) The length of a leave of absence for temporary disability shall be granted by the superintendent as required by the individual employee. The governing board of a school district may establish a maximum length for a leave of absence for temporary disability, but in no event shall that maximum be set at less than 180 days.

[Acts 1973, 63rd Leg., p. 1276, ch. 470, § 1, eff. June 14, 1973.]

§ 13.906. Student Teachers

(a) A person assigned to perform student teaching in a student teacher center is entitled to the same protection of law accorded to the supervising teacher and the principal of the school in which the student teacher serves or acts in the course of employment. This protection includes the limitation of liability accorded to all professional employees as specified in Section 21.912 of this code. While serving as a student teacher, a person shall comply with the rules of the school and of the board of trustees of the district serving as the student teacher center.

(b) The institution of higher education in which the student teacher is enrolled, the supervising teacher, and the principal of the school in which the student teacher serves shall cooperatively assign to the student teacher responsibilities and duties that will provide adequate preparation for teaching. Those duties and responsibilities may include any duty or responsibility granted by the district to certified teachers generally or any school program duty or responsibility granted to the supervising teacher, but may not include administering corporal punishment. While performing those duties and responsibilities under the supervision of the supervising teacher and the principal, the student teacher is entitled to exercise any authority relating to student management that is granted to certified teachers generally, including the handling of confidential records. Supervision of a student teacher for purposes of this subsection does not require that the student teacher perform entirely in the presence of the supervising teacher or principal.

(c) The institution of higher education, the supervising teacher, and the principal shall exercise due care to avoid placing the student teacher in a situation that any of them knows the student teacher is not capable of handling successfully.

(d) Except as otherwise provided by this section, a student teacher may not be required to serve as a substitute teacher. A student teacher is not con-

sidered to be serving as a substitute if the student teacher assumes responsibility for the class while the supervising teacher is out of the classroom for part of the day but is in the building or is engaged in an approved activity relating to student teaching, including conferring with a university supervisor or attending a professional development seminar to improve supervisory skills related to student teaching. A student teacher is considered to be serving as a substitute if:

(1) the supervising teacher is absent from school, no other teacher is provided as a substitute, and the student teacher is fully responsible for one or more classes; or

(2) the student teacher is taken from the class of the assigned supervising teacher and placed in another classroom in place of the regular teacher under conditions in which the regular teacher is either absent from school or performing duties requiring absence from the regularly assigned teaching station.

(e) If a supervising teacher cannot perform regularly assigned duties as a result of illness of the teacher or a member of the teacher's family, a death in the teacher's family, or other cause for which the district excuses teachers from duties, the student teacher may serve as a substitute for the supervising teacher, or at the discretion of the department chairman or lead teacher, for not more than one day if:

(1) a substitute teacher is not immediately available;

(2) the student teacher has been in that student teaching assignment for a minimum of 15 school days;

(3) the supervising teacher, the principal of the school, and the university supervisor agree that the student teacher is capable of handling successfully the teaching responsibilities;

(4) a certified classroom teacher in an adjacent room or a member of the same teaching team as the student teacher is aware of the absence of the supervising teacher and agrees to assist the student teacher if needed; and

(5) the principal of the school or the principal's representative is readily available in the building.

(f) A student teacher may not be paid for any service rendered while serving as a substitute teacher.

[Acts 1981, 67th Leg., p. 2221, ch. 522, § 1, eff. Sept. 1, 1981.]

Section 2 of the 1981 Act provided that it was effective beginning with the 1981-1982 school year which, under the provisions of § 21.001, began on September 1, 1981.

§ 13.907. Minimum Teaching Duties

Each teacher, including a teacher who directs extracurricular activities, shall teach in the classroom not less than four hours each school day.

[Acts 1984, 68th Leg., 2nd C.S., p. 370, ch. 28, art. III, part D, § 1, eff. Sept. 1, 1984.]

§ 13.908. Supervisor Training and Certification

(a) The State Board of Education shall provide for training individuals who supervise teachers. Among the areas of supervisory training that shall be emphasized are communication, counseling, goal-setting, and teacher review.

(b) The board shall adopt a procedure for certifying individuals who have been trained in supervising teachers.

[Acts 1984, 68th Leg., 2nd C.S., p. 370, ch. 28, art. III, part E, § 1, eff. Sept. 1, 1984.]

CHAPTER 14. SCHOLASTIC CENSUS
[REPEALED]

Chapter 14, Scholastic Census, was repealed by Acts 1975, 64th Leg., p. 6, ch. 4, § 1.

§§ 14.01, 14.02. Repealed by Acts 1975, 64th Leg., p. 6, ch. 4, § 1, eff. Feb. 13, 1975

§§ 14.03 to 14.06. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(1), eff. May 26, 1971

§§ 14.07 to 14.09. Repealed by Acts 1975, 64th Leg., p. 6, ch. 4, § 1, eff. Feb. 13, 1975

CHAPTER 15. STATE FUNDS FOR THE SUPPORT OF PUBLIC SCHOOLS

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§ 15.01. Composition of the Public School Funds

(a) The permanent school fund, which shall constitute a perpetual endowment for the public free schools of this state, shall consist of:

(1) all land appropriated for the public schools by the constitution and laws of Texas;

(2) all the unappropriated public domain remaining in Texas, including all land recovered by the state by suit or otherwise except pine forest land as defined in Section 12, Article 2613, Revised Civil Statutes of Texas, 1925, as amended;¹

(3) all proceeds from the authorized sale of permanent school fund land, or any portion thereof, surveyed or unsurveyed;

(4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;

(5) all investments (authorized in Section 15.02 of this code) of properties belonging to the permanent school fund; and

(6) all income from the mineral development of land constituting the permanent school fund, including income from mineral development of riverbeds and other submerged land.

(b) The available school fund, which shall be apportioned annually to the several counties of Texas according to the scholastic population of each, shall consist of:

(1) the interest and dividends arising from any securities or funds belonging to the permanent school fund;

(2) all interest derivable from the proceeds of the sale of land set apart for the permanent school fund;

(3) all money derived from the lease of land belonging to the permanent school fund;

(4) all revenue collected by the state from an annual state ad valorem tax of an amount not to exceed 35 cents on the \$100 valuation, exclusive of delinquencies and cost of collection;

(5) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;

(6) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and

(7) all other appropriations to the available school fund as made or may be made by the legislature for public free school purposes.

(c) The term "scholastic population" in Subsection (b) of this section, and when and wherever found in the several laws governing the apportionment, distribution, and transfer of the state available school fund, is hereby defined to mean and include all pupils within scholastic age enrolled in average daily attendance the next preceding scholastic year in the public elementary and high school grades of school districts within or under the jurisdiction of a county of this state. The basis provided herein for the apportionment, distribution, and transfers of the state available school fund shall be applicable to such fund to be apportioned for the year beginning September 1, 1969, and annually thereafter.

[Acts 1969, 61st Leg., p. 2798, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1489, ch. 405, § 17, eff. May 26, 1971; Acts 1981, 67th Leg., p. 3144, ch. 827, § 9, eff. Aug. 31, 1981.]

¹ Repealed; see, now, § 88.111.

§ 15.011. Transfers From General Revenue Fund to Available Fund

Of the amounts available for transfer from the general revenue fund to the available school fund for the months of January and February of each fiscal year, no more than an amount necessary to enable the comptroller to distribute from the available school fund an amount equal to 9½ percent of the estimated annual available school fund apportionment to category 1 school districts, as defined in Section 16.260, Education Code, and 3½ percent of the estimated annual available school fund apportionment to category 2 school districts, as defined in Section 16.260, Education Code, shall be transferred from the general revenue fund to the available school fund. Any remaining amount that would otherwise be available for transfer for the months of January and February shall be transferred from the general revenue fund to the available school fund in equal amounts in June and in August of the same fiscal year.

[Acts 1984, 68th Leg., 2nd C.S., p. 161, ch. 10, art. II, § 7, eff. Sept. 1, 1984.]

§ 15.02. Investment of Permanent School Fund

In compliance with provisions of this section, the State Board of Education is authorized and empowered to invest the permanent school fund in the types of securities, which must be carefully examined by the State Board of Education and be found to be safe and proper investments for the fund as specified below:

(1) securities, bonds, or other obligations issued, insured, or guaranteed in any manner by the United States Government or any of its agencies; and in bonds issued by the State of Texas;

(2) obligations and pledges of The University of Texas;

(3) corporate bonds, debentures, or obligations, of United States corporations of at least "A" rating;

(4) obligations of United States corporations that mature in less than one year and are of the highest rating available at the time of investment;

(5) bonds issued, assumed, or guaranteed by the Inter-American Development Bank, the International Bank of Reconstruction and Development (the World Bank), and the Asian Development Bank;

(6) bonds of counties, school districts, incorporated cities or towns, road precincts, drainage, irrigation, navigation, and levee districts in Texas, under the following rules and regulations:

(A) such securities, prior to their purchase, must have been diligently investigated by the attorney general of Texas both as to their form and as to their legal compliance with applicable laws;

(B) the attorney general's certificate of validity procured by the party offering such bonds, obligations, or pledges must accompany these

securities when they are submitted for registration to the state comptroller, who must preserve the certificates;

(C) these public securities, if purchased, and when certified and registered as specified above, shall be incontestable unless issued fraudulently or in violation of a constitutional limitation, and the certificates of the attorney general shall be prima facie evidence of the validity of the bonds and coupons thereto; and

(D) after the issuing political subdivision of Texas has received the proceeds from the sales of such public securities, the issuing agency shall be estopped to deny their validity, and the same shall be held to be valid and binding obligations;

(7) preferred stocks and common stocks as to the State Board of Education may deem to be proper investments for the permanent school fund, under the following rules and regulations:

(A) in making all such investments the State Board of Education shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital;

(B) stocks eligible for purchase are restricted to stocks of companies incorporated within the United States which have paid dividends for five consecutive years or longer immediately prior to the date of purchase and which, except for bank stocks and insurance stocks, are listed upon an exchange registered with the Securities and Exchange Commission or its successors;

(C) not more than one percent of the permanent school fund may be invested in stock issued by one corporation nor shall more than five percent of the voting stock of any one corporation be owned;

(D) at the discretion of the State Board of Education, corporate securities of the permanent school fund may be sold and the proceeds reinvested for the fund under the terms of this code; and

(8) notwithstanding any other law or provisions in this code, first lien real estate mortgage securities insured by the Federal Housing Administration under the National Housing Act of the United States,¹ as amended from time to time, or in any other first lien real estate mortgage securities guaranteed in whole or in part by the United States Government or any agency thereof.

[Acts 1969, 61st Leg., p. 2799, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1490, ch. 405, § 18, eff. May 26, 1971; Acts 1971, 62nd Leg., p. 1668, ch. 472, § 3, eff. Aug. 30, 1971; Acts 1977, 65th Leg., p. 1957, ch. 779, § 1, eff. June 16, 1977; Acts 1979, 66th Leg., p. 1535, ch. 661, §§ 1, 2, eff. June 13, 1979; Acts 1981, 67th Leg., p. 166, ch. 75, § 1, eff. April 30, 1981.]

¹ 12 U.S.C.A. § 1701 et seq.

§ 15.021. Written Objectives; Performance Evaluation

Text as added by Acts 1983, 68th Leg., p. 5097, ch. 925, § 1

(a) The State Board of Education shall develop written investment objectives concerning the investment of the permanent school fund. The objectives may address desired rates of return, risks involved, investment time frames, and any other relevant considerations.

(b) The board shall employ a well-recognized performance measurement service to evaluate and analyze the investment results of the permanent school fund. The service shall compare investment results with the written investment objectives developed by the board, and shall also compare the investment of the permanent school fund with the investment of other public and private funds.

[Acts 1983, 68th Leg., p. 5097, ch. 925, § 1, eff. Aug. 29, 1983.]

For text as added by Acts 1983, 68th Leg., p. 5099, ch. 926, § 1, see § 15.021, post

§ 15.021. External Investment Managers

Text as added by Acts 1983, 68th Leg., p. 5099, ch. 926, § 1

The State Board of Education may contract with private professional investment managers to assist the board in making investments of the permanent school fund.

[Acts 1983, 68th Leg., p. 5099, ch. 926, § 1, eff. Aug. 29, 1983.]

For text as added by Acts 1983, 68th Leg., p. 5097, ch. 925, § 1, see § 15.02, ante

§ 15.03. Purchase and Sale or Exchange of Securities

(a) The State Board of Education may authorize the purchase of all of the types of securities in which it is authorized by law to invest the permanent school fund in either registered or negotiable form; and it may authorize the reissue of such securities held at any time for the account of the permanent school fund in either registered or negotiable form. The State Board of Education may authorize the sale of any of the securities held for the account of the permanent school fund and reinvest the proceeds of sale for the fund; and it may authorize the exchange of any of the securities held for the account of the permanent school fund.

(b) In making each and all of such purchases, sales, exchanges and reissues the State Board of Education shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the perma-

ment disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital.

(c) When any securities are sold, reissued, or exchanged as provided in Subsection (a) of this section, the custodian of such securities shall make delivery of the securities sold, reissued, or exchanged in accordance with the directions of the State Board of Education.

[Acts 1969, 61st Leg., p. 2801, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1977, 65th Leg., p. 1958, ch. 779, § 2, eff. June 16, 1977; Acts 1979, 66th Leg., p. 1537, ch. 661, § 3, eff. June 13, 1979.]

§ 15.04. Treatment of Premium and Discount

(a) If the State Board of Education authorizes the payment of a premium out of the permanent school fund in the purchase of any bond, obligation, or pledge as an investment for that fund, then the principal of such securities and an amount of the interest first accruing thereon equal to the premium so paid shall be treated as principal in such investment, and when the first interest is collected, the amount of the premium shall be returned to the permanent school fund.

(b) If the State Board of Education authorizes the purchase of a public security at less than par, the discount received in the purchase shall be paid to the available school fund when the bonds, obligations, or pledges are paid off and discharged.

[Acts 1969, 61st Leg., p. 2802, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 15.05. Prepayment of Certain Bonds Held by the Permanent School Fund

(a) The State Board of Education may authorize the governing body of any school district or political subdivision in Texas to pay off and discharge, at any interest paying date whether the bonds are matured or not, all or any part of any outstanding bond indebtedness now owned or hereafter to be owned by the permanent school fund, under the rules and regulations of this section.

(b) The governing body of the respective political subdivision desiring to pay off and discharge any such bonded indebtedness owned by the fund shall make such desire known by direct application in writing to the State Board of Education, at least 30 days before any interest paying date on the bonds, describing the bonds or part thereof it desires to pay off and discharge. The application shall be accompanied by an affidavit stating that only such tax money as may be collected by virtue of tax levy made for the specific purpose of providing a sinking fund and paying interest on the particular bonds to be redeemed shall be expended in the redemption, taking up, or paying off the bonds.

(c) The State Board of Education upon receipt of such application and affidavit shall take action on them in such manner as it may deem best and notify

the applicant whether the application is refused or granted in whole or in part.

(d) It shall be unlawful for any person on whom any duty rests in carrying out the provisions of this section to give or receive any commission, premium, or compensation for the performance of such duty.

(e) Only such tax money as had been collected by virtue of tax levies made for the specific purpose of providing a sinking fund and paying interest on the particular bonds to be redeemed shall be expended in the redemption, taking up, or paying off of such bonds as provided in this section, unless such bonds are being redeemed for the purpose of being refunded.

[Acts 1969, 61st Leg., p. 2802, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 15.06. Default of School District Securities Held by the Permanent School Fund

(a) If interest and/or principal has not been paid for two years or more on any bonds issued by any school district (city controlled or otherwise) and held by the permanent school fund, the State Board of Education shall have the authority described in this section.

(b) The State Board of Education may compel any such school district to levy a tax sufficient to meet the interest and principal payments as then or later due.

(c) If any such district furnishes to the State Board of Education satisfactory proof that its taxing ability is insufficient, the State Board of Education may require the district to exhaust all legal remedies in collecting taxes then delinquent, and to levy a tax at the maximum lawful rate on the bona fide valuation of taxable property located in the district.

(d) Revenue collected by either method specified in Subsections (b) and (c) of this section shall be distributed proportionately to all owners of the defaulted securities and shall be in compliance with the following rules:

(1) The proportionate share for each owner will be based on the interest and principal requirements of the original security before authorized refunding; and

(2) Prior acceptance of refunding securities will not reduce an owner's proportionate share.

(e) As long as any such school district is delinquent in its payments of principal and/or interest on any of its bonds owned by the permanent school fund, the State Board of Education shall have the authority to specify the method of crediting payments to the state made by the district as to principal and interest.

(f) The comptroller of public accounts shall not issue any warrant from the foundation school fund to or for the benefit of any district which has been for as long as two years in default in the payment of principal or interest on any security owned by the

permanent school fund unless and until the State Board of Education certifies that the district has satisfactorily complied with the appropriate provisions of this section, in which event the comptroller shall resume making payments to or for the benefit of the district, including the making of pretermitted payments.

[Acts 1969, 61st Leg., p. 2803, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 15.07. Authorized Refunding of Defaulted School Bonds

(a) In compliance with the provisions of this section, the State Board of Education is authorized to revise, readjust, modify, refinance, or refund defaulted bonds issued by any school district in Texas and owned by either the permanent school fund or the available school fund.

(b) Application must be made to the State Board of Education by the district which issued the bonds and must show that:

(1) delinquent interest totals at least 50 percent of the principal amount of the bonds; and

(2) taxable valuation has decreased to such an extent that a full application of the proceeds of the voted authorized tax authorized to be levied on the \$100 taxable property valuation will not meet interest and principal annually maturing on the bonds.

(c) The State Board of Education may effect a refunding of the debt due and to become due only if the board finds that:

(1) the district is unable to pay the sums already matured and the sums contracted to be paid as they mature by paying annually to the State Board of Education the full proceeds of a 50-cent tax levy on the \$100 of all taxable valuation of property within the district;

(2) the taxable valuation of property in the district has decreased at least 75 percent since the bonds were issued and that the decrease was not caused by the district or any of its officials;

(3) the district for a period of at least five years before applying to the State Board of Education for refunding has levied a tax of 50 cents on the \$100 of taxable valuation of property in the district, and that despite such levies, the aggregate amount due the State Board of Education exceeds the aggregate amount due at the beginning of the period;

(4) no additional bonds of the district have been authorized and sold during the five-year period immediately preceding the application; and

(5) the district has in good faith endeavored to pay its debt in accordance with the contract evidenced by the bonds held for the account of the permanent school fund or the available school fund.

(d) If the conditions specified in Subsection (c) of this section are found to exist, the district shall, for the purposes of this section, be deemed to be insol-

vent, and the State Board of Education may exchange the bonds, interest coupons, and other evidences of indebtedness for new refunding bonds of the district issued in compliance with the following regulations:

(1) The principal amount of the refunding bonds shall not be less than the total amount of the bonds, matured interest coupons, accrued interest, and interest on delinquent interest then actually due to the permanent school fund and/or the available school fund;

(2) The rate of interest to be borne by the refunding bonds may be lower than that borne by the bonds to be refunded if in consideration of the interest reduction the district agrees to levy a tax each year for a period of 40 years at a rate sufficient to produce annually a sum equal to 90 percent of the amount that can be calculated by the levy of a tax at the rate of 50 cents on the \$100 of taxable valuation of property as determined by the latest approved tax roll of the district, and in determining the rate of interest to be borne by the refunding bonds, the State Board of Education shall be governed by the following:

(A) The State Board of Education is authorized to require the rate to be such percent per annum as in its judgment will represent the maximum rate that can be paid by the district and still permit an orderly and certain retirement of the refunding bonds within 40 years from their date;

(B) The interest rate of refunding bonds to be received in exchange for bonds owned by the permanent school fund shall not be less than the minimum rate at which bonds may then be purchased as investments for the permanent school fund; and

(C) The rate of interest of refunding bonds to be received in exchange for bonds owned by the available school fund may be set by the State Board of Education at any rate which it deems feasible, and such refunding bonds may, at the discretion of the State Board of Education, be made non-interest bearing to such date as may be fixed by the board.

(e) No revision, readjustment, modification, refinancing, or refunding shall be made by the State Board of Education that will release or extinguish any debt or obligation then due and payable to the permanent school fund or to the available school fund.

(f) Except as otherwise provided or permitted by this section, the refunding of the bonds of school districts herein authorized shall be in compliance with the general provisions with regard to the refunding of school district bonds as specified in this code.

[Acts 1969, 61st Leg., p. 2803, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 15.08. Refunding Other Defaulted Obligations

(a) Defaulted obligations (other than bonds of school districts as provided in Section 15.07 of this code) due the available school fund may be refinanced or refunded with the approval of the State Board of Education in compliance with the provisions of this section.

(b) "Defaulted obligations," as used herein, shall include delinquent interest whether represented by coupons or not, interest on delinquent interest, and any other form of obligation due the available school fund.

(c) The obligor must make application to the State Board of Education and show:

(1) that the obligations due the available school fund have been in default in whole or in part for a continuous period of at least 15 years; and

(2) that the obligor is not in default in the payment of the principal of any bonds owned by the permanent school fund.

(d) If the State Board of Education finds that the above-specified requirements have been met, it may approve a refinancing or the issuance of refunding bonds on the conditions:

(1) that the refunding bonds must mature serially in not exceeding 40 years from the date of issuance;

(2) that the principal amount of the refunding bonds shall be not less than the total amount of the obligations then in default and due the available school fund;

(3) that the refunding bonds shall bear interest at such rate or rates as may be determined by the State Board of Education to be for the best interest of the available school fund.

(e) The State Board of Education in its discretion is authorized to accept refunding bonds in lieu of either matured or unmatured bonds held for the benefit of the permanent school fund, provided that the rate of interest on the new refunding bonds is at least the same rate as that of the bonds being refunded.

(f) Refunding bonds issued with the approval or pursuant a refunding agreement with the State Board of Education in compliance with either this section or Section 15.07 shall, on the order of the State Board of Education, be exchanged by the state treasurer for the defaulted obligations they have been issued to refund.

[Acts 1969, 61st Leg., p. 2805, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 15.09. Jurisdiction

The district courts of Travis County shall have jurisdiction of any suit on bonds or obligations belonging to the permanent school fund, or purchased therewith, concurrent with that of any other court having jurisdiction in said case.

[Acts 1969, 61st Leg., p. 2806, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 15.10. Duties of the State Comptroller of Public Accounts

(a) On or before July 1 of each year, the comptroller of public accounts shall estimate the amount of the available school fund receivable from every source during the coming scholastic year and report this estimate to the State Board of Education.

(b) On or before the meeting of each regular session of the legislature, the comptroller of public accounts shall report to the legislature an estimate of the amount of the available school fund to be received for the succeeding two years, and the several sources from which the same accrues, and which may be subject to appropriation for the establishment and support of public schools.

(c) On or before the first working day of each month, the comptroller shall certify to the state commissioner of education the total amount of money collected from every source during the preceding month and on hand to the credit of the available school fund.

(d) On receipt of certificates issued to him by the commissioner of education, the comptroller shall draw his warrants on the state treasurer and in favor of the treasurer (depository) of the available school fund of each school district for the amounts stated in the certificates. All such warrants shall be registered and transmitted to the state treasurer.

[Acts 1969, 61st Leg., p. 2806, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 15.11. Duties of the State Treasurer

(a) At least 30 days before each regular session of the legislature and 10 days before any special session at which there can be legislation respecting the public schools, the state treasurer shall report to the governor the condition of the permanent school fund and the available school fund, the amount of each and the manner of its disbursement.

(b) The treasurer shall provide the State Board of Education with the reports specified in Subsection (a) of this section, and with such additional reports as to those funds which the State Board of Education may request.

(c) The treasurer shall see to it that no portion of either the permanent school fund or the available school fund is used to pay any warrant drawn against any other fund.

(d) The treasurer shall receive and hold in a special deposit and keep account for all properties belonging to the available school fund. All warrants drawn on this fund by the comptroller of public accounts pursuant to certificate of the state commissioner of education must be registered by the state treasurer and then transmitted to the commissioner of education; and when properly endorsed shall be paid by the treasurer in the order of their presentation.

(e) On order of the State Board of Education, the treasurer shall exchange or accept refunding bonds in lieu of:

(1) either matured or unmatured bonds held for the benefit of the permanent school fund, which are being refunded under the terms of this chapter;

(2) defaulted obligations held for the benefit of the available school fund, provided that the refunding bonds are issued in compliance with Section 15.08 of this code;

(3) defaulted obligations of any school district of Texas held for the benefit of the permanent school fund or the available school fund, provided the refunding bonds are issued in compliance with Section 15.07 of this code;

(4) refunding bonds of any school district of Texas for school bonds not matured held by the state treasurer for the permanent school fund, when such new refunding bonds are issued by the school district in compliance with this code.

(f) The state treasurer shall be the custodian of all securities enumerated in Subdivision (5) of Subsection (a) of Section 15.02 of this code and of such other securities as may be designated from time to time by the State Board of Education in which the school funds of the state have been or may hereafter be invested, and shall keep these securities in his custody until paid off, discharged, delivered as required by the State Board of Education, or otherwise disposed of by the proper authorities of the state, and on the proper installment of any interest or dividend, shall see that the proper credit is given, and the coupons on bonds, when paid, shall be properly separated therefrom and cancelled by the treasurer.

[Acts 1969, 61st Leg., p. 2806, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1537, ch. 661, § 4, eff. June 13, 1979.]

§ 15.12. Use of Available School Fund

(a) All available public school funds of Texas shall be appropriated in each county for the education of its children.

(b) No part of the permanent school fund or the available school fund shall be appropriated or used for the support of any sectarian school.

(c) Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979.

[Acts 1969, 61st Leg., p. 2807, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 2378, ch. 734, § 3, eff. June 21, 1975; Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979.]

§ 15.13. Use of Commercial Banks as Agents for Collection of Income from Permanent School Fund Investments

(a) The State Board of Education is authorized and empowered to contract with a commercial bank or banks to receive payments of dividends and interest on securities in which the state permanent

school funds are invested and to transmit such money with identification of their source to the state treasurer for the account of the available school fund by the fastest available means.

(b) In choosing each commercial bank or banks with which to contract as authorized in Subsection (a) of this section, the State Board of Education shall assure itself of:

(1) the financial stability of such commercial bank;

(2) the location of such commercial bank with respect to its proximity to the banks upon which checks are drawn in payment of dividends and interest on securities of the permanent school fund;

(3) the experience and reliability of such commercial bank in acting as agent for others in the similar collection and expeditious remittance of money; and

(4) the reasonableness of such commercial bank's charges for such services, both in amount of such charges and in relation to the increased investment earnings of the available school fund which will result from speedier receipt by the state treasurer of such money.

[Acts 1979, 66th Leg., p. 1538, ch. 661, § 5, eff. June 13, 1979.]

§ 15.14. Participation in Fully Secured Securities Loan Programs

(a) The State Board of Education is authorized and empowered to contract with a commercial bank or banks to serve both as a custodian of securities in which the state permanent school funds are invested and to lend these securities, under the conditions set out in Subsection (b) of this section, to securities brokers and dealers on short-term loan.

(b) The State Board of Education may contract with a commercial bank or banks pursuant to this section only in accordance with the following requirements:

(1) the bank shall be located in a city having a major stock exchange;

(2) the bank shall be experienced in the operation of a fully secured securities loan program;

(3) the bank shall have adequate capital in the prudent judgment of the State Board of Education to assure the safety of the securities entrusted to it as a custodian;

(4) the bank shall require of any securities broker or dealer to which it lends securities owned by the state permanent school fund that such broker or dealer deliver to it cash collateral for such loan of securities, which cash collateral shall at all times be not less than 100 percent of the market value, from time to time, of such securities lent;

(5) the bank shall execute an indemnification agreement, satisfactory in form and content to the State Board of Education, fully indemnifying the permanent and available school funds against loss resulting from the bank's service as custodi-

an of securities of the permanent school fund and its operation of a securities loan program using securities of the permanent school fund;

(6) the bank shall speedily collect and remit on the day of collection by the fastest available means to the state treasurer any dividends and interest collectible by it on securities held by it as custodian together with identification as to source; and

(7) the bank or banks chosen shall be the bank or banks agreeing to pay to the available school fund the largest sum or highest percentage of the income derived by it from use of the securities of the permanent school fund in the operation of a securities loan program.

[Acts 1979, 66th Leg., p. 1538, ch. 661, § 6, eff. June 13, 1979.]

§ 15.15. Accounting Treatment of Certain Exchanges

The State Board of Education may account for the exchange of permanent school fund securities in a closely related sale and purchase transaction in a manner in which the gain or loss on the sale is deferred as an adjustment to the book value of the security purchased, if:

(1) the security sold and the security purchased have a fixed maturity value;

(2) the board is authorized by law to invest the permanent school fund in the security purchased;

(3) the sale is made in clear contemplation of reinvesting substantially all of the proceeds;

(4) substantially all of the proceeds are reinvested;

(5) the transaction is completed within a reasonable time after the sale not to exceed 30 business days; and

(6) the transaction results in an improvement in effective income yield, taking into consideration the deferral of any gain or loss on the sale.

[Acts 1983, 68th Leg., p. 1536, ch. 291, § 1, eff. Aug. 29, 1983.]

CHAPTER 16. FOUNDATION SCHOOL PROGRAM

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SUBCHAPTER H. EQUALIZATION AID FOR PROGRAM ENRICHMENT [TRANSFERRED]

- 16.301, 16.302. Renumbered.
- 16.303. Deleted.

SUBCHAPTER I. SCHOOL—COMMUNITY GUIDANCE CENTERS [TRANSFERRED]

- 16.401, 16.402. Renumbered.
- 16.403, 16.404. Deleted.
- 16.405. Renumbered.
- 16.406. Deleted.
- 16.407. Renumbered.

SUBCHAPTER J. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS [TRANSFERRED]

- 16.501, 16.502. Renumbered.

SUBCHAPTER K. SCHOOL FINANCE STUDIES [REPEALED]

- 16.503. Repealed.

SUBCHAPTER K. SUMMER SCHOOL
PILOT PROGRAM

- Sec.
16.521. Pilot Programs.
16.522. Operating Costs.
16.523. Cost Limitation.
16.524. Termination.

Chapter 16, formerly consisting of Sections 16.01 to 16.98, was amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, to consist of Sections 16.001 to 16.304.

DISPOSITION TABLE

Showing where provisions of former Chapter 16 (Sections 16.01 to 16.98) were covered in Sections 16.001 to 16.304 and elsewhere in the Education Code following the 1975 amendment of this Chapter.

Former Sections	New Sections
16.01	16.002
16.02	—
16.03	—
16.04	16.003
	16.102
16.07	—
16.08	21.913
16.11	16.101
	16.102
16.12	—
16.13	16.102(c)
16.14	16.103
16.15	—
16.16	16.104
16.17	—
to	—
16.19	—
16.21	—
16.22	—
16.301(a)	16.055(a)
16.301(b)	—
to	—
16.301(d)	—
16.302	—
to	—
16.309	—
16.310	16.055(b)
16.311	—
16.312	16.056(a)
	16.056(b)
16.313	16.056(c)
16.314	—
16.315	—
16.316	16.056(d)
16.45	16.151
	16.152
16.51	16.201
16.52	16.202
16.53	16.203
16.54	16.204
16.55	16.205
16.56	16.206

Former Sections	New Sections
16.57	16.207
16.58	16.208
16.59	16.209
16.60	16.210
16.61	16.211
16.62	—
16.63	16.212
16.71	16.251
16.711	—
16.72	—
to	—
16.76	—
16.77	16.256 Rep.
16.78	16.253
16.79(a)	16.005
16.79(b)	—
to	—
16.79(d)	16.254
16.80	19.246
16.81	19.247
16.82	—
16.85	16.255
16.861	21.008(b)
16.862	21.008(a)
16.863	21.008(c)
16.864	21.008(d)
	to
	21.008(g)
16.971	—
to	—
16.975	—
16.98	—

SUBCHAPTER A. GENERAL PROVISIONS

§ 16.001. State Policy

It is the policy of the State of Texas that the provision of public education is a state responsibility and that a thorough and efficient system be provided and substantially financed through state revenue sources so that each student enrolled in the public school system shall have access to programs and services that are appropriate to his or her educational needs and that are substantially equal to those available to any similar student, notwithstanding varying local economic factors.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., 1st C.S., p. 11, ch. 1, § 1, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1300, ch. 602, § 1, eff. Aug. 27, 1979.]

The 1975 Act, which by §§ 1 to 9 revised this Chapter 16 and made other conforming amendments, provided in §§ 12 to 15:

“Sec. 12. (a) The Legislative Budget Board shall conduct a performance audit and evaluation to determine that the methods by which state funds are allocated to vocational and special education programs are consistent with the objectives of the programs.

“(b) The State Board of Education in cooperation with the Legislative Budget Board shall develop appropriate criteria, including cost-effective or performance-based criteria, or both, for funding and evaluation of vocational and special education programs.

“(c) The Legislative Budget Board shall recommend funding levels for the programs at the beginning of each regular session of the Legislature which will insure adequate delivery of services.

"Sec. 13. (a) Not later than July 15, 1975, the governor shall transmit to the commissioner of education the Official Compilation of 1974 School District Market Value Data prepared by his office with all necessary adjustments and corrections which the facts warrant.

"(b) The commissioner of education shall appoint a review panel consisting of five persons representing different areas of the state who are knowledgeable in the field of property taxation to review all questions relating to the property values reported for school districts in the official compilation and to recommend necessary adjustments based on factual evidence to the commissioner.

"(c) Members of the review panel are entitled to compensation of \$75 per day and reimbursement for actual and necessary expenses incurred in carrying out their duties.

"(d) There is hereby appropriated to the commissioner of education from the General Revenue Fund for the biennium ending August 31, 1977, the sum of \$200,000 to carry out the provisions of this section.

"Sec. 14. This Act takes effect on September 1, 1975, except that the section amending the Texas Unemployment Compensation Act and the section providing for the adjustments and corrections of the Official Compilation of 1974 School District Market Value Data take effect immediately.

"Sec. 15. If any provision of this Act or the application thereof to any person or circumstance is declared invalid, such invalidity shall not affect any other provision or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable."

The 1977 Act, which by §§ 1 to 31 amended various sections of this Chapter and made other conforming amendments, provided in §§ 33 and 34:

"Sec. 33. (a) Subsections (a) and (b) of Section 20.03, Texas Education Code, as amended by Section 15 of this Act, and Section 16 of this Act, and Subsection (d), Section 16.252, Texas Education Code, as amended by Section 11 of this Act, take effect on the passage of this Act. Subsections (c), (d), (e), and (f) of Section 20.03, Texas Education Code, as amended by Section 15 of this Act, take effect on January 1, 1978. All other sections of this Act take effect on September 1, 1977.

"(b) Records and materials compiled by, transferred to, or in the possession of the governor pursuant to Section 10, Chapter 334, Acts of the 64th Legislature, 1975, are transferred to the School Tax Assessment Practices Board to assist it in performing its duties under this Act.

"(c) There are hereby appropriated out of the Foundation School Fund, or out of the General Revenue Fund as may be necessary from time to time, additional funds which, together with the appropriations made specifically in House Bill No. 510, Acts of the 65th Legislature, Regular Session, 1977, will be sufficient to carry out the purposes of this Act. The appropriations shall include additional funds for the vocational education, comprehensive special education, statewide visually handicapped, regional school for the deaf, bilingual education, and preschool non-English programs which, together with the sums certain appropriated in House Bill No. 510 for those purposes, will be sufficient to provide the salary increases authorized by this Act for personnel employed in vocational education, comprehensive special education, statewide visually handicapped, regional schools for the deaf, bilingual education, and preschool non-English programs.

"In addition, there is hereby appropriated to the Central Education Agency out of the General Revenue Fund an amount, not to exceed \$3,000,000 in the biennium ending August 31, 1979, sufficient to carry out the purposes of Senate Concurrent Resolution No. 29 and Senate Concurrent Resolution No. 30, Acts of the 65th Legislature, Regular Session, 1977.

"There is hereby appropriated to the Central Education Agency out of the Foundation School Fund or the General Revenue Fund an amount not to exceed \$500,000 in the biennium ending August 31, 1979, sufficient funds as may be necessary to finance the purposes of Senate Bill No. 91, Acts of the 65th Legislature, Regular Session, 1977 [Chapter 736, adding §§ 16.401 to 16.406 to this Code].

"(d) There is hereby appropriated out of the General Revenue Fund to the Joint Advisory Committee on Educational Services to the Deaf the sum of \$35,904 for the fiscal year ending August 31,

1978, and the sum of \$28,112 for the fiscal year ending August 31, 1979.

"Sec. 34. If any article, section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions be declared unconstitutional."

Section 34 of the 1979 amendatory act provided:

"It is the intent of the legislature that the school districts of this state be entitled to additional funds to replace the revenues lost as a result of the passage of House Joint Resolution 1 of the 2nd Called Session of the 65th Legislature. In this Act, it is the express intent of the legislature that a portion of the increased state funding for current operating expenses and the amount of additional state aid created by reduction of local fund assignments be utilized by the school districts to substantially replace local revenues lost as a result of the implementation of the Tax Relief Amendment."

§ 16.002. Purpose of Foundation School Program

The purpose of the Foundation School Program set forth in this chapter is to guarantee that each school district in the state has adequate resources to provide each eligible student a basic instructional program suitable to his educational needs.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975.]

§ 16.003. Student Eligibility

A student is entitled to the benefits of the Foundation School Program if he is 5 years of age or older and under 21 years of age at the beginning of the scholastic year and has not graduated from high school. A child may be enrolled in the first grade if he is at least six years of age at the beginning of the scholastic year or has been enrolled in the first grade or has completed kindergarten in the public schools in another state prior to transferring to a Texas public school.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1435, ch. 580, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 2431, ch. 432, § 1, eff. Sept. 1, 1983.]

Section 2 of the 1983 amendatory act provided that it took effect beginning with the 1983-1984 school year which, under the provisions of § 21.001, began on September 1, 1983.

§ 16.004. Scope of Program

Under the Foundation School Program, a school district may receive state financial aid for personnel salaries, current operating expenses, categorical programs, and transportation services. The amount of state aid to each school district shall be based on the district's ability to support its public schools.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1984, 68th Leg., 2nd C.S., p. 308, ch. 28, art. II, § 1, eff. Sept. 1, 1984.]

§ 16.005. Administration of the Program

The commissioner of education, in accordance with the rules of the State Board of Education, shall take such action and require such reports consistent with the terms of this chapter as may be necessary

to implement and administer the Foundation School Program.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1984, 68th Leg., 2nd C.S., p. 295, ch. 28, art. I, part C, § 14, eff. Sept. 1, 1984.]

Article I, part C, § 25 of the 1984 amendatory act provides: "This part does not affect rules adopted under prior law by the commissioner of education, and those rules remain in effect until superseded by rules of the State Board of Education adopted in accordance with the law as amended by this part."

§ 16.006. Average Daily Attendance

In this chapter, average daily attendance is determined by the best four weeks of eight weeks of attendance. The State Board of Education by rule shall prescribe the eight weeks for which attendance records must be maintained by all districts for this purpose, except that the records must be kept for four weeks of each regular semester.

[Acts 1984, 68th Leg., 2nd C.S., p. 308, ch. 28, art. II, § 2, eff. Sept. 1, 1984.]

[Sections 16.007 to 16.050 reserved for expansion]

SUBCHAPTER B. REQUIREMENTS FOR DISTRICT PARTICIPATION IN THE FOUNDATION SCHOOL PROGRAM FUND

§ 16.051. Required Compliance

In order to receive financial support from the Foundation School Fund, a school district must comply with the standards set forth in this subchapter.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975.]

§ 16.052. Operation of Schools; Inservice and Preparation

(a) Each school district must provide for not less than 175 days of instruction for students and not less than eight days of inservice training and preparation for teachers for each school year, except as provided in Subsection (c) of this section.

(b) Two preparation days must immediately precede the opening of schools for the regular term, and one preparation day must immediately follow the end of each semester. Teachers may not be required to participate in training or other activities outside the classroom on preparation days.

(c) The commissioner of education may approve the operation of schools for less than the number of days of instruction and inservice training and preparation otherwise required when disasters, floods, extreme weather conditions, fuel curtailments, or other calamities have caused the closing of the school.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 100, ch. 46, § 1, eff. April 5, 1977; Acts 1977, 65th Leg., 1st C.S., p. 12, ch. 1, § 2, eff. Sept. 1, 1977; Acts 1984, 68th Leg., 2nd C.S., p. 308, ch. 28, art. II, § 3, eff. Sept. 1, 1984.]

§ 16.053. Accreditation

Each school district must be accredited by the Central Education Agency.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1984, 68th Leg., 2nd C.S., p. 309, ch. 28, art. II, § 4, eff. Sept. 1, 1984.]

§ 16.054. Student/Teacher Ratios; Class Size

(a) Except as provided by Subsection (b) of this section, each school district must employ a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 20 students in average daily attendance.

(b) Beginning with the 1985-1986 school year, a school district may not enroll more than 22 students in a kindergarten, first or second grade class. Beginning with the 1988-1989 school year, a school district may not enroll more than 22 students in a third or fourth grade class. This requirement shall not apply during the last 12 weeks of any school year.

(c) In determining the number of students to enroll in any class, a district shall consider the subject to be taught, the teaching methodology to be used, and any need for individual instruction.

(d) On application of a school district, the commissioner may except the district from the limits in Subsection (b) of this section if the commissioner finds the limits work an undue hardship on the district. An exception expires at the end of the semester for which it is granted, and the commissioner may not grant an exception for more than one semester at a time.

(e) The commissioner shall report to the legislature each biennium regarding compliance with this section. The report must include:

- (1) a statement of the number of school districts granted an exception under Subsection (d) of this section; and
- (2) an estimate of the total cost incurred by school districts in that biennium in complying with this section.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1984, 68th Leg., 2nd C.S., p. 398, ch. 28, art. IV, part C, § 1, eff. Sept. 1, 1984.]

§ 16.055. Compensation of Professional and Paraprofessional Personnel

(a) A school district must pay each employee who is qualified for and employed in a position classified under the Texas Public Education Compensation Plan set forth in Section 16.056 of this chapter not less than the minimum monthly base salary, plus increments for teaching experience, specified for the position.

(b) Contracts for personnel shall be made on the basis of a minimum of 10 months' service, which must include the number of days of instruction for students and days of inservice training and preparation for personnel required by Section 16.052 of this

code. The days of inservice training and preparation required herein shall be conducted by local boards of education under rules and regulations established by the State Board of Education that are consistent with the state accreditation standards for program planning, preparation, and improvement. Personnel employed for more than 10 months shall be paid not less than the minimum monthly base pay plus increments for experience for each month of actual employment. Personnel employed for 11 months at pay grades 1-11 must render 202 days of service, and personnel employed for 12 months at pay grades 1-11 must render 220 days of service. Personnel employed for 11 months at pay grades 12-18 must render 207 days of service, and personnel employed for 12 months at pay grades 12-18 must render 226 days of service. However, the number of days of service required by this subsection may be reduced by the commissioner under Section 16.052(b) of this code, and the reduction shall not reduce the total salaries of personnel.

(c) Notwithstanding Subsection (b) of this section, a vocational agriculture teacher employed for 12 months shall render 226 days of service regardless of pay grade.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 100, ch. 46, § 2, eff. April 5, 1977; Acts 1977, 65th Leg., 1st C.S., p. 12, ch. 1, § 3, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1301, ch. 602, § 2, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 365, ch. 148, § 1, eff. Sept. 1, 1981.]

Section 2 of the 1981 amendatory act provided:

"This Act takes effect beginning with the 1981-1982 school year."

Under the provisions of § 21.001, the school year commences on September 1st of each year.

§ 16.056. Texas Public Education Compensation Plan

(a) School district personnel who are qualified for and employed in positions described in Subsection (d) of this section shall be paid not less than the monthly base salary, plus increments for teaching experience, set forth in Subsection (c) of this section, or greater amounts provided by appropriation.

(b) An individual shall advance one step for each year of experience until step 10 is reached. For each year, up to a maximum of two years, of work experience required for certification in a vocational field, a vocational teacher who is certified in that field is entitled to salary step credit as if the work experience were teaching experience. For teachers initially employed for the 1986-1987 school year or thereafter, a teacher may advance beyond step 2 only if the teacher holds a standard or provisional certificate as defined by rules of the State Board of Education, and a teacher may move beyond step 9 only if the teacher holds a professional certificate as defined by those rules.

(c) SALARY SCHEDULE BY STEPS

0	1	2	3	4	5	6	7	8	9	10
1520	1634	1748	1862	1976	2090	2204	2318	2432	2546	2660

(d) The following positions are entitled to the minimum monthly salary set by Subsection (c) of this section for the number of annual contract months specified:

No. Months Paid	Class Title
10	Nurse, R.N. and/or Bachelor's Degree
10	Special Education Related Service Personnel (other than Occupational or Physical Therapist), Bachelor's Degree
10	Teacher, Bachelor's Degree
10	Vocational Teacher,
11	Bachelor's Degree and/or
12	Certified in Field
10	Librarian I, Bachelor's Degree
10	Visiting Teacher I, Psychological Associate, Bachelor's Degree
10	Special Education Related Service Personnel (other than Occupational or Physical Therapist), Master's Degree
10	Teacher, Master's Degree
10	Vocational Teacher,
11	Master's Degree
12	
10	Librarian II, Master's Degree
10	Physician, M.D.
10	Teacher, Bachelor of Laws or Doctor of Jurisprudence Degree
10	Teacher, Doctor's Degree
10	Special Duty Teacher, Master's Degree
10	Occupational Therapist
10	Physical Therapist
10	Educational Diagnostician
10	Visiting Teacher II, Master's Degree
10	Counselor I, Psychologist
10	Supervisor I
10	Part-time Principal—11 or fewer teachers on campus
10	Instructional/Administrative Officer I
10	Assistant Principal—20 or more teachers on campus
10	Instructional/Administrative Officer II
11	Principal—19 or fewer teachers on campus

No. Months Paid	Class Title	
10	Instructional/Administrative	Officer III
11	Principal—20-49 teachers on campus	
11	Instructional/Administrative	Officer IV
11	Principal—50-99 teachers on campus	
12	Principal—100 or more teachers on campus	
12	Instructional/Administrative	Officer V
12	Instructional/Administrative	Officer VI
12	Superintendent—District with 3,000 or less ADA	
12	Instructional/Administrative	Officer VII
12	Superintendent—District	with 3,001-12,500 ADA
12	Instructional/Administrative	Officer VIII
12	Superintendent—District	with 12,501-50,000 ADA
12	Superintendent—District	with 50,000 or more ADA

(e) With the approval of the State Board of Education, the commissioner of education may add additional positions and months of service to the Texas Public Education Compensation Plan to reflect curriculum and program changes authorized by law. With the approval of the board, the commissioner shall also develop policies for the implementation and administration of the compensation plan.

(f) Each person employed in the public schools of this state who is an educational aide, teacher trainee, or nondegree teacher or who is assigned to a position classified under the Texas Public Education Compensation Plan must be certified according to the certification requirements or standards for each position as established by rule adopted by the State Board of Education. However, additional certification may not be required of a person holding a valid state license as a speech language pathologist or audiologist. Persons other than those holding such a license may only be employed to render such services if an acceptable licensed applicant is not available.

(g) The State Board of Education shall prescribe the general duties and required preparation and education for educational aides, teacher trainees, and nondegree teachers and for the positions listed

in Subsection (d) of this section under the circumstances described therein.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1029, ch. 377, § 23, eff. June 10, 1977; Acts 1977, 65th Leg., 1st C.S., p. 12, ch. 1, § 4, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1301, ch. 602, §§ 4, 35(a), eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 156, ch. 70, § 1, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 917, ch. 333, § 1(4), eff. Aug. 31, 1981; Acts 1981, 67th Leg., p. 2381, ch. 592, § 1, eff. Sept. 1, 1982; Acts 1983, 68th Leg., p. 2615, ch. 445, § 1, eff. Sept. 1, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 309, ch. 28, art. II, § 5, eff. Sept. 1, 1984.]

Section 2 of the 1981 amendatory act provided:

"This act is effective beginning with the 1981-1982 school year."

Under the provisions of § 21.001 of this code, the school year commences on September 1 of each year.

The 1983 amendatory act provided in § 2 that it took effect beginning with the 1983-1984 school year which, under the provisions of § 21.001, began on September 1, 1983.

Article II, § 7, of the 1984 amendatory act provides:

"(a) For the 1984-1985 school year, each individual entitled to the minimum salary shall be assigned to the salary schedule at the step on the schedule that entitles the individual to at least \$170 more a month than the individual's prior minimum salary. If no step gives the individual that amount of salary increase, the individual shall be assigned to step 10.

"(b) If an individual would not have advanced a step for the 1984-1985 school year under the prior salary index because of the requirement that an individual be at that step for two years before advancing to the next step, the individual shall be assigned to the step on the schedule provided by this Act that entitles the individual to at least \$170 more a month than that next higher step on the prior index."

§ 16.057. Career Ladder Salary Supplement

(a) Except as provided by Subsection (c) of this section, each teacher on level two, three, or four of a career ladder is entitled to the following annual supplement in addition to the minimum salary set by this subchapter:

Level 2	\$2,000
Level 3	\$4,000
Level 4	\$6,000

(b) If the district pays more than the state minimum salary prescribed by this subchapter, the teacher is entitled to the career ladder supplement in addition to the amount otherwise paid by the district for the teacher's step.

(c) If the allotment under Section 16.158 of this code that is designated for support of the career ladder will not fully fund the supplements under this section:

(1) the district may reduce the supplements to not less than the following:

Level 2	\$1,500
Level 3	\$3,000
Level 4	\$4,500

or;

(2) provide for stricter performance criteria than that provided under Section 13.302 of this code, subject to the approval of the State Board of Education; or

(3) take action under both Subdivisions (1) and (2) of this subsection.

[Acts 1984, 68th Leg., 2nd C.S., p. 314, ch. 28, art. II, § 6, eff. Sept. 1, 1984.]

[Sections 16.058 to 16.100 reserved for expansion]

SUBCHAPTER C. BASIC ENTITLEMENT

Subchapter C, formerly consisting of §§ 16.101 to 16.104 and 16.106, was, except for § 16.104, revised by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, to consist of §§ 16.101 to 16.104. Former § 16.104 was transferred to §§ 21.501 to 21.506 and amended by the same Act.

§ 16.101. Basic Allotment

For each student in average daily attendance, not including the time students spend each day in special education or vocational education programs for which an additional allotment is made under Subchapter D of this chapter,¹ a district is entitled to an allotment of \$1,290 for the 1984-1985 school year and \$1,350 for each school year thereafter, or a greater amount provided by appropriation.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

¹Section 16.151 et seq.

§ 16.102. Price Differential Adjustment

(a) The basic allotment for each district is adjusted by multiplying the amount of the basic allotment by an index factor that reflects the geographic variation in resource costs due to factors beyond the control of the school district.

(b) For each school year until a different formula is adopted under Subchapter E of this chapter,¹ the commissioner shall adjust each district's basic allotment by applying the following formula:

$$ABA = ((BA \times .75) \times PDI) + (BA \times .25)$$

where:

"ABA" is the adjusted basic allotment;

"BA" is the basic allotment; and

"PDI" is the price differential index applicable to the district.

(c) For each school year until a different price differential index is adopted under Subchapter E of this chapter, the price differential index is calculated in accordance with the following formula, as modified by Subsection (d) of this section:

$$PDI = \left(\frac{CATS}{CFTS} \right) + (.10 \times DED)$$

where:

"PDI" is the price differential index applicable to a district;

"CATS" is the total of salaries paid in the preceding year to classroom teachers (not including federally funded teachers) in other districts in the same

county as the district for which the calculation is made, except that if there are fewer than three districts assigned to that county by the Central Education Agency for administrative purposes, "CATS" is the total of salaries paid in the preceding year to those teachers in districts contiguous to the district for which the calculation is made;

A district with territory in or contiguous to a county with a population of 1.5 million or more may elect to have CATS calculated for the district on the basis of salaries in both the county to which it is assigned for administrative purposes and the county with a population of 1.5 million or more;

A district with territory in two counties may elect to have CATS calculated for the district on the basis of salaries in both counties.

"CFTS" is the total minimum salary portion of salaries paid in the preceding year to the classroom teachers used to determine CATS; and

"DED" is the percentage of the district's students who are educationally disadvantaged as defined by Section 16.152 of this code.

(d) The commissioner of education shall rank school districts in the order of the index values determined under Subsection (c) of this section. For any district in the bottom five percent of that order, according to the number of districts, the PDI is considered to be 1.00. If the highest actual index value of the districts in that bottom five percent is greater than 1.00, the commissioner shall divide the remaining index value by the highest actual index value of the districts in that bottom five percent. The resulting quotient is the PDI for the remaining districts, except that for any district in the top five percent of the total order, according to the number of districts, the PDI is considered to be that of the lowest index value of the districts in that top five percent.

(e) Notwithstanding other provisions of this section a school district is entitled to the maximum PDI if located in a county in which the number of full-time state employees at pay grades 10-14, plus the number of public senior college or university faculty at the rank of instructor or a higher rank, employed within the county as of May 31, 1984, exceeds 125 percent of the number of nonfederally funded teachers employed in that county as of that date.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

¹Section 16.176 et seq.

§ 16.103. Small District Adjustment

(a) The basic allotment for certain small districts is adjusted in accordance with this section. In this section:

(1) "AA" is the district's adjusted allotment per student;

(2) "ADA" is the district's average daily attendance; and

(3) "ABA" is the adjusted basic allotment determined under Section 16.102 of this code.

(b) The average daily attendance of a school district that contains at least 300 square miles and has not more than 1,600 students in average daily attendance is adjusted by applying the formula:

$$AA = (1 + ((1,600-ADA) \times .0004)) \times ABA$$

(c) The average daily attendance of a school district that contains less than 300 square miles and has not more than 1,600 students in average daily attendance is adjusted by applying the formula:

$$AA = (1 + ((1,600-ADA) \times .00025)) \times ABA$$

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

§ 16.104. Sparsity Adjustment

Notwithstanding Sections 16.101, 16.102, and 16.103 of this code, a school district that has fewer than 130 students in average daily attendance shall be provided an adjusted basic allotment on the basis of 130 average daily attendance if it offers a kindergarten through grade 12 program and has prior year's average daily attendance of at least 90 students or is 30 miles or more by bus route from the nearest high school district. A district offering a kindergarten through grade 8 program whose prior year's average daily attendance was at least 50 students or which is 30 miles or more by bus route from the nearest high school district shall be provided an adjusted basic allotment on the basis of 75 average daily attendance. An average daily attendance of 60 students shall be the basis of providing the adjusted basic allotment if a district offers a kindergarten through grade 6 program and has prior year's average daily attendance of at least 40 students or is 30 miles or more by bus route from the nearest high school district.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

A former § 16.104 was transferred to §§ 21.501 to 21.506 and amended by Acts 1984, 68th Leg., p. 412, ch. 28, art. VI, part A, § 1.

[Sections 16.105 to 16.150 reserved for expansion]

SUBCHAPTER D. SPECIAL ALLOTMENTS

Subchapter D, formerly consisting of §§ 16.151 and 16.152, was revised by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, to consist of §§ 16.151 to 16.155 and 16.158.

§ 16.151. Special Education

(a) For each full-time equivalent student in average daily attendance in a special education program under Subchapter N, Chapter 21, of this code,¹ a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by the following amount according to instructional arrangement:

Homebound	5.0
Hospital class	5.0
Speech therapy	10.0
Resource room	2.7
Self-contained, mild and moderate, regular campus	2.3
Self-contained, severe, regular campus	3.5
Self-contained, separate campus	2.7
Multidistrict class	3.5
Nonpublic day school	3.5
Vocational adjustment class	2.3
Community class	3.5
Self-contained, pregnant	2.0

(b) The State Board of Education by rule shall prescribe the qualifications an instructional arrangement must meet in order to be funded as a particular instructional arrangement under Subsection (a) of this section.

(c) In this section, "full-time equivalent student" means 30 hours of contact a week between a special education student and special education program personnel.

(d) The State Board of Education shall adopt rules and procedures governing contracts for residential placement of special education students. The legislature shall provide by appropriation for the state's share of the costs of those placements.

(e) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in the special education program under Subchapter N, Chapter 21, of this code.

Text of subsection effective until September 1, 1985

(e-1) Notwithstanding other provisions of this section, for the 1984-1985 school year, each district is entitled to funding for special education programs in accordance with an allocation system adopted by rule of the State Board of Education. The amount allocated may not exceed the amount appropriated for that purpose. In addition, the State Board of Education shall conduct a study of the funding of special education, vocational education, compensatory education, and bilingual education programs on the basis of instructional arrangement and shall make recommendations to the 69th Legislature in regard to the appropriate arrangement classifications and the weights to be assigned to those classifications. This subsection expires September 1, 1985.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

¹ Section 21.501 et seq.

§ 16.152. Compensatory Education Allotment

(a) For each student who is educationally disadvantaged, a district is entitled to an annual allot-

ment equal to the adjusted basic allotment multiplied by 0.2.

(b) For purposes of this section, the number of educationally disadvantaged students is determined by averaging the best six months' enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year.

(c) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing remedial and compensatory education programs under Section 21.557 of this code, and the district must account for the expenditure of state funds by program and by campus.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

§ 16.153. Bilingual Education Allotment

(a) For each student in average daily attendance in a bilingual education or special language program under Subchapter L, Chapter 21, of this code,¹ a district is entitled to annual allotment equal to the adjusted basic allotment multiplied by 0.1.

(b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing bilingual education or special language programs under Subchapter L, Chapter 21, of this code.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

¹ Section 21.451 et seq.

§ 16.154. Experienced Teacher Allotment

(a) To assist a district in employing and retaining experienced teachers, the district is entitled to an annual allotment determined by the following formula:

$$\text{EXP} = \left(\frac{\text{DAS}}{\text{SAS}} - 1 \right) \times \left(1 - \frac{\text{LFA}}{\text{DFSP}} \right) \times (75 \times (\text{DFSP} - \text{TA}))$$

where:

"EXP" is the experience allotment;

"DAS" is the district's average classroom teacher's minimum salary required under this code;

"SAS" is the statewide average classroom teacher's minimum salary required under this code;

"LFA" is the district's local share under Section 16.252 of this code;

"DFSP" is the total of the district's other foundation school program allotments under this chapter, not including any enrichment equalization allotment; and

"TA" is the district's transportation allotment.

(b) If the formula results in a negative amount, the district is not entitled to an experienced teacher allotment.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

WTSC Education—5

§ 16.155. Vocational Education Allotment

(a) For each full-time equivalent student in average daily attendance in an approved vocational education program, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 1.45.

(b) The State Board of Education shall conduct a biennial study of the cost differentials among vocational education programs and recommend to the legislature appropriate weights for this section.

(c) In this section, "full-time equivalent student" means 30 hours of contact a week between a student and vocational education program personnel.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

§ 16.156. Transportation Allotment

(a) Each district operating a transportation system is entitled to allotments for transportation costs as provided by this section.

(b) As used in this section:

(1) "Regular eligible pupil" means a pupil who resides two or more miles from his or her campus of regular attendance, measured along the shortest route that may be traveled on public roads, and who is not classified as an eligible handicapped pupil.

(2) "Eligible handicapped pupil" means a pupil who is handicapped as defined in Section 21.503 of this code and who would be unable to attend classes without special transportation services.

(3) "Linear density" means the average number of regular eligible pupils transported daily, divided by the approved daily route miles traveled by the respective transportation system.

(c) Each district operating a regular transportation system is entitled to an allotment based on the daily cost per regular eligible pupil of operating and maintaining the regular transportation system and the linear density of that system. In determining the cost, the commissioner shall give consideration to factors affecting the actual cost of providing these transportation services in each district. The average actual cost is to be computed by the commissioner of education and included for consideration by the Foundation School Program Committee and the legislature in the General Appropriations Act. The allotment per mile of approved route may not exceed the amount set by appropriation.

(d) A district may apply for and on approval of the commissioner of education receive an additional amount of up to 10 percent of its regular transportation allotment to be used for the transportation of children living within two miles of the school they attend who would be subject to hazardous traffic conditions if they walked to school. Each board of trustees shall provide to the commissioner the definition of hazardous conditions applicable to that district and shall identify the specific hazardous areas for which the allocation is requested. A

hazardous condition exists where no walkway is provided and children must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition.

(e) The state commissioner of education may grant an amount set by appropriation for private or commercial transportation for eligible pupils from isolated areas. The need for this type of transportation grant shall be determined on an individual basis and the amount granted shall not exceed the actual cost. The grants shall be made only in extreme hardship cases, and no grants shall be made if the pupils live within two miles of an approved school bus route.

(f) The cost of transporting vocational education students from one campus to another inside a district or from a sending district to another secondary public school for a vocational program or an area vocational school or to an approved post-secondary institution under a contract for instruction approved by the Central Education Agency shall be reimbursed based on the number of actual miles traveled times the district's official extracurricular travel per mile rate as set by their local board of trustees and approved by the Central Education Agency.

(g) A school district that provides special transportation services for eligible handicapped pupils is entitled to a state allocation paid on a previous year's cost-per-mile basis. The maximum rate per mile allowable shall be set by appropriation based on data gathered from the first year of each preceding biennium. Districts may use a portion of their support allocation to pay transportation costs, if necessary. The commissioner of education may grant an amount set by appropriation for private transportation to reimburse parents or their agents for transporting eligible handicapped pupils. The mileage allowed shall be computed along the shortest public road from the pupil's home to school and back, morning and afternoon. The need for this type of transportation shall be determined on an individual basis and shall be approved only in extreme hardship cases.

(h) The allocation for eligible regular students transported by the regular transportation system shall be increased by five percent for any district or county school board which has complied with the provisions of Section 21.173 of this code in accordance with rules adopted by the State Board of Education.

(i) Funds allotted under this section must be used in providing transportation services.

[Formerly § 16.206, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., 1st C.S., p. 23, ch. 1, § 9, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1314, ch. 602, § 12, eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 325, ch. 28, art. II, § 10, eff. Sept. 1, 1984.]

Article II, § 11, of the 1984 amendatory act provides:

"(a) Notwithstanding Section 16.156, Education Code, as amended by this Act, for the 1984-1985 school year, the transportation allotments are set by this section.

"(b) The total allowable base costs for each bus route, including maintenance, operation, salaries, and depreciation, are calculated in accordance with the following formula:

Linear Density Grouping	Allocation per mile of Approved Route
2.40 and above	\$1.43
1.65 to 2.40	1.25
1.15 to 1.65	1.11
.90 to 1.15	.97
.65 to .90	.88
.40 to .65	.79
up to .40	.68

"(c) The maximum mileage rate for special education transportation is \$1.08 per mile.

"(d) The private transportation rate is 25 cents a mile, up to a maximum of \$816 a student, for both special education transportation and transportation from isolated areas".

§ 16.157. Enrichment Equalization Allotment

(a) The amount of the enrichment equalization allotment to which a district is entitled is determined by the formula:

$$EEA = (1 - \frac{DPV/ADA}{SPV/ADA \times 1.10}) \times ADA \times MAXENT \times \frac{DTRT}{BTRT}$$

where

"EEA" is the enrichment equalization allotment to the district;

"DPV/ADA" is the district's taxable value of property as determined pursuant to Section 16.252 of this code for local share purposes, divided by the number of students in average daily attendance in the district, which for districts not offering a kindergarten through grade 12 program includes the average daily attendance of eligible students transferred to other school districts in grades not taught by the resident district;

"SPV/ADA" is the total statewide taxable value of property as determined pursuant to Section 16.252 of this code for local share purposes, divided by the total number of students in average daily attendance in the state;

"MAXENT" is the maximum entitlement per ADA, which is a percentage of the total of the district's other foundation school program allocations per ADA, as determined under this chapter, which percentage for the 1984-1985 school year is 35 percent and for each school year thereafter is 30 percent;

"ADA" is the number of students in average daily attendance in the district;

"DTRT/BTRT" is the greater of the following:

(1) the ratio of the district's effective maintenance tax rate to the effective maintenance tax rate necessary for a district at 110 percent of SPV/ADA to raise its local share plus an amount equal to MAXENT; or

(2) the ratio of the district's total effective tax rate to the sum of:

(A) the effective maintenance tax rate necessary to a district at 110 percent of SPV/ADA to

raise its local share plus an amount equal to MAXENT, plus

(B) the statewide average effective tax rate for debt service.

(b) If DTRT/BTRT exceeds 1, the value of 1 shall be used in computing a district's equalization entitlement.

(c) In this section, an effective tax rate of a district is the rate that results from dividing the applicable tax levy (maintenance, debt service, or the total of maintenance and debt service) by the total taxable property value of the district used under Section 16.252 of this code for local share purposes.

(d) If a school district is below the property value per pupil necessary to receive equalization funds and is within an area that has been declared a major disaster area by the governor and has suffered a property value loss equivalent to 12½ percent or more of its prior year valuations for tax purposes, the school district shall be eligible under rules and regulations of the commissioner of education for the maximum entitlement provided by this section for the two subsequent school years.

[Formerly §§ 16.301, 16.302, amended by Acts 1979, 66th Leg., p. 1319, ch. 602, § 14, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2539, ch. 675, § 5, eff. Sept. 1, 1981. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 330, ch. 28, art. II, § 12, eff. Sept. 1, 1984.]

Article II, § 21, of the 1984 amendatory act provides:

"(a) A school district that receives less state aid per student in average daily attendance in a school year than it received in the previous school year and that raises taxes to offset that loss is eligible for state funds to match in part the increased tax levy. Matching funds are payable, in accordance with the schedule provided by this section, for the 1984-1985, 1985-1986, and 1986-1987 school years. This section expires September 1, 1987.

"(b) To receive matching funds, the district shall apply to the commissioner. The commissioner shall determine the total amount by which the district's state aid for a school year was less than the amount received for the previous school year (by multiplying the amount lost per student in average daily attendance by the district's current average daily attendance).

"(c) A district's entitlement to matching funds is determined by the formula:

$$\text{"ETE"} = N \times DL \times \text{DETR/SETR}$$

"where:

"ETE" is the equalization transition entitlement;

"N" is a percentage, which for the 1984-1985 school year is 60 percent, for the 1985-1986 school year is 40 percent, and for the 1986-1987 school year is 20 percent;

"DL" is the amount of the district's lost state aid determined under Subsection (b) of this section;

"DETR" is the district's effective tax rate for the prior year; and

"SETR" is the statewide average effective tax rate for the prior year.

"(d) If a district's effective tax rate is less than the statewide average effective tax rate, the value of 1 is used for DETR/SETR.

"(e) If a district's lost state aid (DL) minus the equalization transition entitlement (ETE) is greater than the total amount by which a district's 1984 maintenance tax levy exceeds the district's 1983 maintenance tax levy, the district's equalization entitlement is adjusted in accordance with the following formula:

$$\text{"AETE"} = (\text{DTI}/(\text{DL}-\text{ETE})) \times \text{ETE}$$

"where:

"AETE" is the adjusted equalization transition entitlement;

"DTI" is the amount of the district's increased maintenance tax levy;

"DL" is the amount of the district's lost state aid determined under Subsection (b) of this section; and

"ETE" is the equalization transition entitlement determined under Subsection (c) of this section.

"(f) In this section, the effective tax rate is the rate that results from dividing the total of the district's maintenance and debt service tax levy by the total taxable property value of the district used under Section 16.252 of this code for local share purposes.

"(g) The total amount expended under this section may not exceed \$70 million for the 1984-1985 school year, \$35 million for the 1985-1986 school year, or \$17.5 million for the 1986-1987 school year. If that amount will not fully fund the grants under this section, the commissioner shall proportionately reduce each district's grant based on the district's percentage of the whole if this section were fully funded."

§ 16.158. Education Improvement and Career Ladder Allotment

(a) Each district is entitled to an allotment for education improvement and support of the career ladder equal to its unadjusted average daily attendance multiplied by the following amount or a greater amount provided by appropriation:

- (1) \$100 for the 1984-1985 school year;
- (2) \$120 for the 1985-1986 school year; and
- (3) \$140 for the 1986-1987 school year and each school year thereafter.

(b) A district may expend 25 percent of the allotment for any legal purpose, shall expend 25 percent of the allotment for payment of salaries for personnel other than classroom teachers, and shall expend 50 percent of the allotment for career ladder salary supplements.

Text of subsec. (b-1) effective until September 1, 1987

(b-1) Notwithstanding other provisions of this section, of the amounts listed in Subsection (b) of this section a district must expend the following for the payment of career ladder salary supplements: for the 1984-1985 school year, \$30; for the 1985-1986 school year, \$40; for the 1986-1987 school year, \$50. Fifty percent of the balance in those years may be expended for any legal purpose and the remainder shall be spent for salaries for personnel other than classroom teachers. This subsection expires September 1, 1987.

(c) From the funds designated for that purpose, the district shall supplement the salary of each teacher above level one on the career ladder. The district shall decide the amount of supplement to be provided at each career ladder level.

(d) Money received under this section may not be used to supplement the salary of an employee for directing cocurricular or extracurricular activities.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

[Sections 16.159 to 16.175 reserved for expansion]

SUBCHAPTER E. PRICE DIFFERENTIAL INDEX

Subchapter E, formerly consisting of §§ 16.176 to 16.178 was, except for § 16.176, revised by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, to consist of §§ 16.176 to 16.179. Former § 16.176 was transferred to §§ 21.551 to 21.559 and amended by the same Act.

§ 16.176. Purpose

The price differential index is designed to reflect the geographic variation in resource costs due to factors beyond the control of school districts.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

A former § 16.176 was transferred to §§ 21.551 to 21.559 and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1.

§ 16.177. Data Collection

(a) The comptroller of public accounts shall biennially collect price information necessary to the development of the price differential index based on an econometric model that considers the effect of school district characteristics on the prices paid in the school district for goods and services.

(b) The State Board of Education shall by rule prescribe the specifications of the econometric model and shall consult with the price index advisory committee and the comptroller in developing those specifications.

(c) The comptroller shall report the data collected to the State Board of Education and the price index advisory committee.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

A former § 16.177 was transferred to § 21.102 by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part E, § 1.

§ 16.178. Advisory Committee

(a) The State Board of Education shall appoint an advisory committee to advise the board in the development of the price differential index. The committee must be composed of nine persons with the expertise the board considers necessary to the development of the index. A majority of the members of the committee must be business officers of local school districts.

(b) Using the data reported by the comptroller of public accounts, the advisory committee shall develop and recommend a price differential index based on an econometric analysis of the prices of goods and services and the effect of school district characteristics on those prices.

(c) The comptroller of public accounts shall assist the advisory committee as the committee requests.

(d) The Central Education Agency shall provide clerical and staff assistance to the advisory committee.

(e) Advisory committee members serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties. Reimbursement is from funds appropriated to the Central Education Agency and available for that purpose.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

§ 16.179. Biennial Adoption of Index and Formula

Not later than the 30th day before the first day of each regular session of the legislature, the State Board of Education by rule shall adopt a price differential index based on the information from the econometric model. That index shall be used in adjusting the allotment of foundation school funds under this chapter for the following biennium. The board shall also adopt the formula under which the index is applied to the basic allotment.

[Amended by Acts 1984, 68th Leg., 2nd C.S., p. 315, ch. 28, art. II, § 8, eff. Sept. 1, 1984.]

[Sections 16.180 to 16.200 reserved for expansion]

SUBCHAPTER F. ACCREDITED PROGRAM ACCOUNTABLE COSTS

A former Subchapter F, Transportation Component, consisting of §§ 16.201 to 16.212, was transferred, except for former § 16.206, to §§ 21.174 to 21.181 and the subchapter heading deleted by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part F, § 1. Former § 16.206 was renumbered as § 16.156 by the same act.

§ 16.201. Report

As part of its biennial report to the legislature, the State Board of Education shall report what it determines to be the annual average accountable costs to school districts in providing quality education programs, personnel, and facilities that meet the accreditation standards prescribed by law and rule.

[Acts 1984, 68th Leg., 2nd C.S., p. 325, ch. 28, art. II, § 9, eff. Sept. 1, 1984.]

§ 16.202. Advisory Committee

(a) The State Board of Education shall appoint an advisory committee to assist the board in determining the annual average accountable costs. The committee must be composed of nine members, a majority of whom must be school principals or superintendents.

(b) In making appointments to the committee, the board shall give representation to different geographic areas and different sizes of schools and districts.

(c) Members of the committee serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their duties. Reimbursement is from funds appropriated to the Central Education Agency and available for that purpose.

[Acts 1984, 68th Leg., 2nd C.S., p. 325, ch. 28, art. II, § 9, eff. Sept. 1, 1984.]

§ 16.203. Legislative Consideration

In adopting the amount of the basic, special, and transportation allotments under this chapter, the legislature shall consider the recommendations and report of the State Board of Education as to the annual average accountable costs of a program that meets accreditation standards.

[Acts 1984, 68th Leg., 2nd C.S., p. 325, ch. 28, art. II, § 9, eff. Sept. 1, 1984.]

SUBCHAPTER G. FINANCING THE PROGRAM

§ 16.251. Financing; General Rule

(a) The sum of the basic allotment under Subchapter C¹ and the special allotments under Subchapter D,² computed in accordance with the provisions of this chapter, constitute the total cost of the Foundation School Program.

(b) The program shall be financed by:

(1) ad valorem tax revenue generated by an equalized local school district effort;

(2) state available school funds distributed in accordance with law; and

(3) state funds appropriated for the purposes of public school education and allocated to each district in an amount sufficient to finance the cost of each district's Foundation School Program not covered by other funds specified in this subsection.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., 1st C.S., p. 26, ch. 1, § 12, eff. Sept. 1, 1977; Acts 1984, 68th Leg., 2nd C.S., p. 332, ch. 28, art. II, § 13, eff. Sept. 1, 1984.]

¹ Section 16.101 et seq.

² Section 16.151 et seq.

§ 16.252. Local Share of Program Cost

(a) Each school district's share of its Foundation School Program shall be an amount determined by the following formula:

$$\text{LFA} = \frac{\text{DPV}}{\text{SPV}} \times (\text{N} \times \text{FSP})$$

where:

"LFA" is the district's local share;

"DPV" is the taxable value of property in the district for the prior tax year determined under Section 11.86 of this code;

"SPV" is the total of the taxable values of property in the state for the prior tax year determined under Section 11.86 of this code;

"N" is a percentage, which for the 1984-1985 school year is 30 percent, and which for each school year thereafter is 33.3 percent; and

"FSP" is the total cost of the Foundation School Program under this chapter, not including experienced teacher allotments or enrichment equalization allotments.

(b) The commissioner of education shall adjust the values reported in the official report of the State Property Tax Board to reflect reductions in taxable value of property resulting from natural or economic disaster after January 1 in the year in which the valuations are determined. The decision of the commissioner of education shall be final. An adjustment does not affect the local fund assignment of any other district.

(c) Appeals of district values shall be held pursuant to Subsection (e) of Section 11.86 of this code.

(d) A district need not raise its total local share of its program cost.

(e) The commissioner of education shall hear appeals from local school districts which have experienced a rapid decline in tax base used in calculating the local fund assignment, exceeding eight percent of prior year, that is beyond the control of the local board of trustees. The commissioner of education may adjust the local school district's taxable values for local fund assignment purposes for such losses in value and thereby adjust the local fund assignment to reflect the local current year taxable value. The decision of the commissioner of education shall be final. An adjustment does not affect the local fund assignment of any other district.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., 1st C.S., p. 25, ch. 1, § 11, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1318, ch. 602, § 13, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2539, ch. 675, § 3, eff. Sept. 1, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 332, ch. 28, art. II, § 13, art. VI, part I, § 3, eff. Sept. 1, 1984.]

Section 33(a) of the 1977 amendatory act provides, in part, that subsec. (d) of this section shall take effect on the passage of the Act (July 22, 1977) and that all other sections of the Act take effect on September 1, 1977.

§ 16.253. Excess of Local Funds Over Amount Assigned

Local maintenance funds in excess of the amount assigned to a district may be expended for any lawful school purpose or carried over to the next school year.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1984, 68th Leg., 2nd C.S., p. 332, ch. 28, art. II, § 13, eff. Sept. 1, 1984.]

§ 16.254. Distribution of Foundation School Fund

(a) The commissioner of education shall determine annually:

- (1) the amount of money necessary to operate a Foundation School Program in each school district;
- (2) the amount of local funds assigned to each school district for the support of the program; and
- (3) the amount of state available school funds distributed to each school district.

(b) The commissioner of education shall then grant to each school district from the Foundation School Program appropriation the amount of funds necessary to provide the difference between Subdivision (1) and the sum of Subdivisions (2) and (3) of Subsection (a) of this section.

(c) The commissioner shall approve warrants to each school district equaling the amount of its grant. Warrants for all money expended according to the provisions of this chapter shall be approved and transmitted to treasurers or depositories of school districts in the same manner as warrants for state apportionment are transmitted.

(d) Notwithstanding any other provision of this chapter, if for any year the state's share of the Foundation School Program, including enrichment equalization allotments, as determined under this chapter, exceeds the amount appropriated for that year, the commissioner shall reduce each district's allocation per student in average daily attendance by an amount equal to the quotient that results from dividing the excess by the statewide total average daily attendance.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., 1st C.S., p. 26, ch. 1, § 13, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1325, ch. 602, § 32, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2539, ch. 675, § 4, eff. Sept. 1, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 332, ch. 28, art. II, § 13, eff. Sept. 1, 1984.]

§ 16.255. Falsification of Records; Report

(a) When, in the opinion of the director of school audits of the Central Education Agency, audits or reviews of accounting, enrollment, or other records of a school district reveal deliberate falsification of the records, or violation of the provisions of this chapter, whereby the district's share of state funds allocated under the authority of this chapter would be, or has been, illegally increased, the director shall promptly and fully report the fact to the State Board of Education and the state auditor.

(b) In the event of overallocation of state funds, as determined by the State Board of Education or the state auditor by reference to the director's report, the Central Education Agency shall, by withholding from subsequent allocations of state funds,

recover from the district an amount, or amounts, equal to the overallocation.

[Amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1984, 68th Leg., 2nd C.S., p. 332, ch. 28, art. II, § 13, eff. Sept. 1, 1984.]

§ 16.256. Foundation School Fund Budget Committee

(a) The foundation school fund budget committee is composed of the governor, the lieutenant governor, and the comptroller of public accounts.

(b) On or before November 1 before each regular session of the legislature, the budget committee shall determine and certify to the comptroller of public accounts an amount of money to be placed in the foundation school fund for the succeeding biennium for the purpose of financing the Foundation School Program as described in this code.

(c) The budget committee may, during the biennium, change the estimate of money necessary to finance the Foundation School Program.

[Acts 1981, 67th Leg., p. 2253, ch. 540, § 11, eff. Sept. 1, 1981. Renumbered from § 16.257 by Acts 1984, 68th Leg., 2nd C.S., p. 332, ch. 28, art. II, § 13, eff. Sept. 1, 1984.]

A former § 16.256 was repealed by Acts 1977, 65th Leg., 1st C.S., p. 48, ch. 1, § 35, eff. Sept. 1, 1977.

§ 16.257. Effect of Lost State Aid on Tax Increases

Text of section effective until January 1, 1987

(a) The commissioner of education shall calculate for each school district the total amount by which the district's allocations under this chapter are increased or reduced from one school year to the next. For that purpose, the commissioner shall compare the allocations per average daily attendance.

(b) If a district's allocations are reduced, the commissioner shall certify the amount of the reduction to the district. Accordingly, the percentage of tax rate increase that allows voters to limit school district taxes is increased as provided by Section 26-08(g), Tax Code.

(c) This section expires January 1, 1987.

[Acts 1984, 68th Leg., 2nd C.S., p. 332, ch. 28, art. II, § 13, eff. Sept. 1, 1984.]

A former § 16.257 was renumbered as § 16.256 by the 1984 Act adding this section.

§§ 16.258, 16.259. [Blank]

§ 16.260. Foundation School Fund Transfers

(a) In this section:

- (1) "Category 1 school district" means a school district having a wealth of less than one-half of the statewide average wealth.
- (2) "Category 2 school district" means a school district having a wealth of at least one-half of the statewide average wealth per pupil but not more than the statewide average wealth.

(3) "Category 3 school district" means a school district having a wealth of more than the state-wide average wealth.

(4) "Wealth" means the taxable property values reported by the State Property Tax Board to the commissioner of education under Section 16-252 of this code divided by the number of students in average daily attendance.

(b) Payments from the foundation school fund to each category 1 school district shall be made as follows:

(1) 21 percent of the yearly entitlement of the district shall be paid in two equal installments to be made on or before the 25th day of September and October of a fiscal year;

(2) 57 percent of the yearly entitlement of the district shall be paid in six equal installments to be made on or before the 25th day of November, December, January, February, March, and July; and

(3) 22 percent of the yearly entitlement of the district shall be paid in two equal installments to be made on or before the 25th day of April and May.

(c) Payments from the foundation school fund to each category 2 school district shall be made as follows:

(1) 21 percent of the yearly entitlement of the district shall be paid in two equal installments to be made on or before the 25th day of September and October of a fiscal year;

(2) 38 percent of the yearly entitlement of the district shall be paid in four equal installments to be made on or before the 25th day of November, December, March, and July;

(3) seven percent of the yearly entitlement of the school district shall be paid in two equal installments to be made on or before the 25th day of January and February;

(4) 22 percent of the yearly entitlement of the school district shall be paid in two equal installments to be made on or before the 25th day of April and May; and

(5) 12 percent of the yearly entitlement of the school district shall be paid in two equal installments to be made on or before the 25th day of June and August.

(d) Payments from the foundation school fund to each category 3 school district shall be made as follows:

(1) 21 percent of the yearly entitlement of the school¹ shall be paid in two equal installments to be made on or before the 25th day of September and October of a fiscal year;

(2) 57 percent of the yearly entitlement of the school¹ shall be paid in six equal installments to be made on or before the 25th day of November, December, March, June, July, and August; and

(3) 22 percent of the yearly entitlement of the school district shall be paid in two equal installments to be made on or before the 25th day of April and May.

(e) The amount of any installment required by this section may be modified to provide a school district with the proper amount to which the district may be entitled by law and to correct errors in the allocation or distribution of funds. If an installment under this section is required to be equal to other installments, the amount of other installments may be adjusted to provide for that equality. A payment under this section is not invalid because it is not equal to other installments.

[Acts 1984, 68th Leg., 2nd C.S., p. 149, ch. 10, art. I, § 2, eff. Sept. 1, 1984. Amended by Acts 1984, 2nd C.S., p. 156, ch. 10, art. I, § 8(b), eff. Sept. 1, 1984.]

¹ So in enrolled bill; probably should read "school district".

Section 8(a) of the 1984 amendatory act provided that the amendment was to take effect only if H.B. 72 of the 68th Legislature, 2nd Called Session took effect. H.B. 72 was enacted as Acts 1984, 68th Leg., 2nd C.S., p. 269, ch. 28.

SUBCHAPTER H. EQUALIZATION AID FOR PROGRAM ENRICHMENT [TRANSFERRED]

Subchapter H, formerly consisting of §§ 16.301 to 16.304, was revised by Acts 1979, 66th Leg., p. 1319, ch. 602, § 14, to consist of §§ 16.301 to 16.303.

This subchapter was transferred to § 16.157 and the subchapter heading deleted by Acts 1984, 68th Leg., 2nd C.S., p. 330, ch. 28, art. II, § 12.

§§ 16.301, 16.302. Renumbered as § 16.157 by Acts 1984, 68th Leg., 2nd C.S. p. 330, ch. 28, art. II, § 12, eff. Sept. 1, 1984

§ 16.303. Deleted by Acts 1984, 68th Leg., 2nd C.S., p. 330, ch. 28, art. II, § 12, eff. Sept. 1, 1984

SUBCHAPTER I. SCHOOL-COMMUNITY GUIDANCE CENTERS [TRANSFERRED]

This subchapter was transferred to Chapter 21, Subchapter P, and amended by Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1.

§§ 16.401, 21.402. Renumbered as §§ 21.601, 21-602 by Acts 1984, 68th Leg., 2nd C.S., p. 430, art. VI, part C, § 1, eff. Sept. 1, 1984

§§ 16.403, 16.404. Deleted by Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1, eff. Sept. 1, 1984

§ 16.405. Renumbered as § 21.603 by Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1, eff. Sept. 1, 1984

§ 16.406. Deleted by Acts 1981, 67th Leg., p. 2224, ch. 524, § 1, eff. Aug. 31, 1981

§ 16.407. Renumbered as § 21.604 by Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1, eff. Sept. 1, 1984

SUBCHAPTER J. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS [TRANSFERRED]

This subchapter was transferred to Chapter 21, Subchapter Q, and amended

by Acts 1984, 68th Leg., 2nd C.S., p. 433, art. VI, part D, § 1.

§§ 16.501, 16.502. Renumbered as §§ 21.651 to 21.656 by Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part D, § 1, eff. Sept. 1, 1984

SUBCHAPTER K. SCHOOL FINANCE STUDIES [REPEALED]

For another Subchapter K, Summer School Pilot Program, see Subchapter K, post

§ 16.503. Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 347, ch. 28, art. II, § 22(a)(5), eff. Sept. 1, 1984

SUBCHAPTER K. SUMMER SCHOOL PILOT PROGRAM

Text of Subchapter K effective until September 1, 1985

For another Subchapter K, School Finance Studies [Repealed], see Subchapter K, ante

§ 16.521. Pilot Programs

(a) With the approval of the commissioner of education, a school district may establish a summer school pilot program to provide instruction beyond the number of days required by this chapter for:

- (1) elementary and secondary students who do not accomplish designated minimum grade level objectives;
- (2) secondary students who do not accomplish designated minimum objectives in a required course during the regular school term; and
- (3) elementary and secondary students who are identified as having limited English proficiency.

(b) The Central Education Agency shall develop a state plan for the establishment and operation of the summer school pilot programs. In order to be approved for state funding, a school district's program must be consistent with the state plan as determined by the commissioner of education. The agency shall assist districts in the development of programs.

(c) Two or more school districts may apply for approval of a cooperative pilot program.

(d) No district may establish such a summer school pilot program in a manner which would supplant the offering of similar remedial programs during the regular school term, nor may any district offering such a summer school pilot program require a student to participate in the program.

[Acts 1981, 67th Leg., p. 2383, ch. 594, § 1, eff. June 15, 1981.]

§ 16.522. Operating Costs

The cost of operating an approved pilot program shall be borne by the state and each participating

district. The state's share of the cost shall be paid from the foundation school fund and shall be allocated by the commissioner of education, taking into consideration each district's available funds and program. The commissioner is not required to make equal or proportional allocations to each district. To the extent available, each district shall allocate applicable federal or state compensatory funds to the support of the program.

[Acts 1981, 67th Leg., p. 2383, ch. 594, § 1, eff. June 15, 1981.]

§ 16.523. Cost Limitation

For each school year, the total cost to the state under this subchapter may not exceed \$5 million.

[Acts 1981, 67th Leg., p. 2383, ch. 594, § 1, eff. June 15, 1981.]

§ 16.524. Termination

(a) The commissioner of education shall cause the pilot programs to be evaluated and shall report the evaluations to the State Board of Education. The state board shall report its findings and recommendations to the governor and the 69th Legislature. The state board shall make recommendations as to whether the programs should be implemented on a statewide basis.

(b) The pilot program is abolished and this subchapter expires effective September 1, 1985.

[Acts 1981, 67th Leg., p. 2384, ch. 594, § 1, eff. June 15, 1981.]

CHAPTER 17. COUNTY ADMINISTRATION

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- 17.99. Reclassification of Certain School Districts.

SUBCHAPTER A. COUNTY GOVERNING BODY**§ 17.01. Management**

(a) The general management and control of public free schools and high schools in each county, unless otherwise provided by law, shall be vested in a board of county school trustees.

(b) In those counties which have previously been placed under or adopted, by either general or special law, or which may hereafter adopt pursuant to Chapter 18 of this code, the county-unit system for tax purposes, the governing body may be designated the county board of education.

(c) In any county of this state not having heretofore elected or appointed a board of county school trustees, the commissioners court is authorized to appoint a board of county school trustees for the county, the residence of whose members shall conform to the provisions of Section 17.02 of this code relating to the election of county trustees.

(d) No board of county school trustees or county board of education shall be required in those counties which have created or hereafter may create under the terms of Section 19.061 of this code a

single independent school district embracing the entire county.

[Acts 1969, 61st Leg., p. 2833, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.02. Composition of County Governing Board

(a) Unless otherwise provided by law, the board of county school trustees or county board of education shall be composed of five members, one of whom shall be elected from each of the four commissioners precincts of the county by the qualified voters of such precincts, and one from the county at large by the qualified voters of the county. Each shall be elected for a term of two years. Two members shall be elected in one year and three members shall be elected in the alternate year.

(b) In those counties with a population in excess of 350,000, the board of county school trustees shall consist of seven members, three of whom shall be elected from the county at large and one from each commissioners precinct. The trustees' first terms shall be fixed by lot, with two drawing to serve two years, two for four years, and three for six years. Thereafter, each member shall serve six years, with either two or three members elected every two years, the number depending upon that needed to bring the board to seven members.

[Acts 1969, 61st Leg., p. 2833, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.03. Elections

(a) This section does not apply to the election of county school trustees in a county with a population of two million or more according to the most recent federal census.

(b) Elections of county school trustees or members of the county board of education shall be held in accordance with Section 9b, Texas Election Code (Article 2.01b, Vernon's Texas Election Code).

(c) Election officers appointed to hold the election for district trustees in each school district shall hold the regular election for county school trustees or county board members.

(d) In elections for county school trustees or county board members, all candidate applications for a place on the ballot must be filed with the county judge not less than 30 days prior to the day of election.

(e) The order for such elections must be made by the county judge at least 30 days prior to election day and must designate as voting places within each common or independent school district the same places at which votes are cast for the district trustees.

(f) It shall be no valid objection that the voters of a commissioners precinct are required by operation of this section to cast their ballots at a polling place outside the commissioners precinct of their residence.

(g) Election returns shall be made to the county clerk within five days after the election is held. Such returns shall be delivered by the clerk to the commissioners court at its first meeting thereafter, and that body shall canvass the returns and declare the results as in other elections.

(h) After the newly-elected trustees or county board members have taken and filed with the county clerk the official oath of office, the clerk shall issue their commissions impressed with the seal of the commissioners court.

[Acts 1969, 61st Leg., p. 2834, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 638, ch. 143, § 1, eff. Sept. 1, 1983.]

§ 17.031. Elections in Counties of Two Million or More

In a county with a population of two million or more, according to the most recent federal census, the county school trustees are elected at the general election for state and county officers, and the office of county school trustee is considered a county office for purposes of nomination and election and for the commencement of the term of office.

[Acts 1983, 68th Leg., p. 638, ch. 143, § 1, eff. Sept. 1, 1983.]

Section 3 of the 1983 Act provides:

"(a) Each position on the board of county school trustees in a county with a population of two million or more shall be filled at the general election for state and county officers to be held November 6, 1984. The initial terms of the trustees elected from commissioners precincts 2 and 4 expire December 31, 1986. The initial terms of the trustees elected from commissioners precincts 1 and 3 and of one of the trustees elected at large expire December 31, 1988. The initial terms of the remaining two trustees elected at large expire December 31, 1990. The trustees elected at large shall draw lots to determine which terms they serve.

"(b) The regular term for the office of county school trustee in a county covered by Subsection (a) of this section begins on January 1 immediately following the general election in accordance with Article 17, Revised Statutes, and the terms of the county school trustees elected or appointed before November 6, 1984, are shortened accordingly or are subject to the holdover requirement prescribed by Article XVI, Section 17, of the Texas Constitution, as applicable."

§ 17.04. Vacancies

Any vacancy on a board of county school trustees or a county board of education shall be filled for the unexpired portion of the term by the remaining trustees or board members.

[Acts 1969, 61st Leg., p. 2834, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.05. Qualifications for Office

County school trustees or members of county boards of education must meet the following qualifications:

- (1) They must be qualified voters of the county from which they are elected;
- (2) The four persons representing commissioners precincts must each reside in the precinct from which he is elected;
- (3) They must possess good moral character;

(4) They must be able to read and speak the English language;

(5) They must be persons of good education and in sympathy with the public free schools;

(6) They must not be connected with the public schools of any district, either as an official or as an employee.

[Acts 1969, 61st Leg., p. 2834, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.06. Oath of Office

All elected trustees or members of a county board of education must take the official oath of office and file same with the county clerk.

[Acts 1969, 61st Leg., p. 2834, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.07. Organization

Each board of county school trustees or county board of education shall be organized as follows: A president shall be elected by the trustees or members of the board from their number at the regular meeting in May of each year. A vice-president may be elected in the same manner as the president. The county superintendent shall act as secretary.

[Acts 1969, 61st Leg., p. 2835, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.08. Meetings

(a) The county school trustees or county boards of education shall hold meetings once each quarter on the first Monday in August, November, February, and May, or as soon thereafter as is practicable. Such meetings may likewise be held on the first Monday each month, or as soon thereafter as is practicable.

(b) Additional meetings may be called by the president or at the instance of any two trustees or members of the county board of education and the county superintendent.

(c) The meeting place shall be at the county seat in the office of the county superintendent.

(d) A majority of the trustees or board members shall constitute a quorum to transact business. All questions shall be decided by majority vote.

[Acts 1969, 61st Leg., p. 2835, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.09. Compensation

Each county school trustee or member of a county board of education shall be paid, for the time spent in attending meetings, \$6 per day, not to exceed \$72 in any one year, out of the state and county available school fund by warrants drawn on order of the county superintendent and signed by the president of the body, after approval of the account properly sworn to by the president.

[Acts 1969, 61st Leg., p. 2835, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 17.10 to 17.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

§ 17.21. **Body Corporate**

(a) The county school trustees or county board of education shall constitute a body corporate and in that name may acquire and hold real and personal property, sue and be sued, and receive bequests and donations or other moneys or funds coming legally into their hands.

(b) Unless otherwise provided by law, the corporate designation shall be County School Trustees of _____ County, State of Texas.

(c) If the county-unit system has been instituted in the county under previous law either general or special, and if the governing body thereunder is designated as a board of education, or if the county-unit system is hereafter adopted in the county under Chapter 18 of this code and the designation board of education adopted, the corporate designation shall be County Board of Education of _____ County, State of Texas.

[Acts 1969, 61st Leg., p. 2835, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.22. **School Property**

The title to any school property belonging to the county, which title has heretofore been vested in the county judge and his successors in office, or to any school property which may be acquired, shall vest in the county school trustees or the county board of education and their successors in office for public free school purposes.

[Acts 1969, 61st Leg., p. 2835, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.23. **Creation, Consolidation, Etc.**

(a) The county school trustees or county boards of education shall participate in the creation, consolidation, subdivision, and abolition of school districts as provided in Chapter 19 of this code.¹

(b) The county school trustees or county boards of education shall participate in the establishment of public junior colleges as provided in Chapter 51 of this code.²

[Acts 1969, 61st Leg., p. 2836, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Section 19.001 et seq.

² Section 51.001 et seq. (transferred to section 130.001 et seq.)

§§ 17.24 to 17.30. **Repealed by Acts 1979, 66th Leg., p. 1796, ch. 729, § 9, eff. June 13, 1979**

§ 17.31. **Other Powers and Duties**

(a) The county school trustees or county boards of education shall provide all information requested of them by the commissioner of education or any other person associated with the Central Education Agency; they shall also exercise all other functions

conferred upon them by the statute and may perform any other act consistent with law for the promotion of education in the county.

(b) In those counties in which the county-unit system has been established under either general or special law of this state, and in those counties which may hereafter adopt the county-unit system under Chapter 18 of this code, the county school trustees or county boards of education shall have, in addition to the powers and duties set out in this subchapter, the further powers specified for such county governing boards in the applicable sections of Chapter 18.

[Acts 1969, 61st Leg., p. 2838, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 17.32 to 17.40 reserved for expansion]

SUBCHAPTER C. COUNTY SUPERINTENDENT

§ 17.41. **Repealed by Acts 1979, 66th Leg., p. 1796, ch. 729, § 9, eff. June 13, 1979**

§ 17.42. **Where Scholastic Population Drops Below 3,000**

In all counties now or hereafter having the office of county superintendent where the scholastic population according to the last scholastic census is less than 3,000 but more than 2,000, the office of county superintendent shall continue unless and until a majority of the qualified property taxpaying voters of said county, voting at an election held to determine whether said office shall be abolished, shall vote to abolish said office, which election shall be ordered by the Commissioners Court upon petition therefor as specified in Section 17.44 of this code. Provided, however, that if a majority of said voters voting at said election hereinabove provided for, vote to abolish said office said election shall not become effective until the expiration of the term of office for which the county superintendent has been elected or appointed.

[Acts 1969, 61st Leg., p. 2839, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.43. **Repealed by Acts 1979, 66th Leg., p. 1796, ch. 729, § 9, eff. June 13, 1979**

§ 17.44. **Petition for Election**

The petition for any election under this subchapter must be signed by a number of qualified voters of the county equal to at least 25 percent of the votes cast in the county for governor at the last preceding general election.

[Acts 1969, 61st Leg., p. 2839, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.45. **Counties of More Than 350,000**

In any county having a population of more than 350,000, according to the last preceding federal census, the county superintendent shall be appointed by the county board of education, and shall hold

office for four years. However, this provision shall not operate so as to deprive any elected superintendent of his office prior to the expiration of the term for which he has been elected.

[Acts 1969, 61st Leg., p. 2839, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.46. Appointive Superintendents

(a) In those counties which have previously adopted the county-unit system, under either general or special law of this state, wherein the county governing board was authorized to appoint the county superintendent, the office of county superintendent shall remain appointive so long as the county-unit system remains in effect.

(b) In those counties wherein the county governing board has previously been authorized, under either general or special law of the State, to appoint the county superintendent, or in any county which may hereafter qualify under the provisions of Chapter 18 of this code for an appointive superintendent, the office of county superintendent shall be appointive.

[Acts 1969, 61st Leg., p. 2839, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.47. Ex Officio County Superintendent

In any county in which no county superintendent has been elected or appointed, the county judge shall be ex officio county superintendent and shall perform all the duties required of that office.

[Acts 1969, 61st Leg., p. 2840, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.48. Qualifications

An elective or appointive county superintendent must be a person of educational attainments, good moral character, and executive ability. He must hold a permanent, provisional, or professional teacher's certificate.

[Acts 1969, 61st Leg., p. 2840, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.49. Oath and Bond

The county superintendent, whether elected, appointed, or ex officio, shall take the official oath of office and shall give bond in the sum of \$1,000, conditioned upon the faithful performance of his duties and payable to and approved by the county governing board of the county, unless a county-wide independent school district has been created as provided in Chapter 19 of this code, in which event the bond shall be payable to and approved by the county commissioners court.

[Acts 1969, 61st Leg., p. 2840, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.50. Office

The county commissioners court shall provide the county superintendent with an office in the court-

house and with the necessary office furniture and fixtures.

[Acts 1969, 61st Leg., p. 2840, ch. 889, § 1, eff. Sept. 1, 1969.]

§§ 17.51 to 17.54. Repealed by Acts 1979, 66th Leg., p. 1796, ch. 729, § 9, eff. June 13, 1979

§ 17.55. Duties as Secretary of Board

(a) The county superintendent shall act as secretary of the county school trustees or county board of education. He shall keep in a well bound book, which shall be open to public inspection, a true and correct record of the proceedings of the county governing board.

(b) He shall keep an accurate record of the term of office of each common school district and county school trustee or county board member and shall furnish the county judge at least 60 days prior to the date of their election the number of trustees or board members to be elected in each district or precinct or in the county at large.

(c) He shall conduct all correspondence of the board, receive all reports required by the board, and see that such reports are in proper form, complete and accurate.

(d) He shall have the right to advise on any question under consideration by the board, but shall have no vote.

[Acts 1969, 61st Leg., p. 2842, ch. 889, § 1, eff. Sept. 1, 1969.]

§§ 17.56 to 17.60. Repealed by Acts 1979, 66th Leg., p. 1796, ch. 729, § 9, eff. June 13, 1979

§ 17.61. Administer Oaths

The county superintendents are empowered to administer oaths necessary in transacting any business relating to school affairs, but they shall receive no compensation therefor.

[Acts 1969, 61st Leg., p. 2844, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.62. County-Unit System

In the event the county-unit system has been previously adopted in a county, under either general or special law of this state, or in the event the county-unit system should be adopted under the provisions of Chapter 18 of this code, the county superintendent shall perform such additional duties as may have been or may be assigned to him for the proper functioning of that system.

[Acts 1969, 61st Leg., p. 2844, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.63. **Repealed by Acts 1979, 66th Leg., p. 1796, ch. 729, § 9, eff. June 13, 1979**

§ 17.64. **Abolition of Office**

(a) Upon a petition of 10 percent of the qualified voters who cast a vote in the governor's race at the preceding general election in counties of less than 100,000 population according to the last federal census; or upon a petition of 20 percent of the qualified voters who cast a vote in the governor's race at the preceding general election in counties of 100,000 or more population according to the last federal census, the county judge shall within 90 days of the receipt of such petition call an election to determine by majority vote whether the office of county superintendent (or ex officio county superintendent and the county school board in counties having an ex officio county superintendent) shall be abolished. At such an election all ballots shall have printed to provide for voting for or against the proposition:

"The abolishment of the office of county superintendent" or "the abolishment of the office of an ex officio county superintendent and the county school board" (as the case may be).

(b) Where the majority of the qualified electors approve the abolition of the office of county superintendent, the duties of such abolished office as may still be required by law shall vest in the county judge in ex officio capacity upon expiration of the current term of that office.

(c) Where the majority of the qualified electors approve the abolition of the office of the ex officio county superintendent and county school board, the duties of such abolished offices as may still be required by law shall be and become the duties of the office of county judge of said county upon the expiration of the current term of office of the ex officio county superintendent, and said county judge shall not be entitled to nor receive any additional compensation as a result of these additional duties.

(d) Not more than one such election may be called during any term of office of the incumbent county superintendent or ex officio county superintendent and that not during the year that a regular election for the office is being held.

(e) Nothing in this section shall apply to counties of 900,000 or more where the county superintendent and his staff are paid by the county. There shall be a county superintendent's office in these counties whether or not there is a common school district therein. The salaries of the county superintendent and his employees shall be set by the school board in said county.

(f) If the county school superintendent of a county which contains one or more common school districts fails to qualify for office after having been duly elected or, having qualified, resigns or dies during his term of office, the county board of school trustees and the commissioners court by joint resolution may either fill the vacancy created or may

declare the office to be abolished. If the office is abolished pursuant to this subsection, the county judge shall serve as ex officio county superintendent and shall receive a salary not exceeding \$2,600 per year. The county board of school trustees may employ an assistant county superintendent and other staff to assist the county judge, but the total cost for salaries for the assistant and staff may not exceed \$15,000 per year from state funds. The board may provide for office expenses not exceeding \$1,080 per year. The commissioners court may supplement the salaries authorized in this subsection with county funds.

[Acts 1969, 61st Leg., p. 2844, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 1342, ch. 501, § 1, eff. Sept. 1, 1975; Acts 1975, 64th Leg., p. 1354, ch. 511, § 1, eff. June 19, 1975.]

[Sections 17.65 to 17.70 reserved for expansion]

SUBCHAPTER D. TREASURER
AND DEPOSITORY

§ 17.71. **County Depository**

The county depository, selected in compliance with the general laws of the state, shall serve as treasurer of county school funds. The commissioners court of each county shall file with the State Department of Education a copy of the depository bond or a copy of the depository contract showing securities in escrow. No commission shall be paid to the county depository for receiving and disbursing school funds.

[Acts 1969, 61st Leg., p. 2845, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.72. **Bond**

(a) Within 20 days after receipt of a certificate of its selection, the county depository shall execute a good and sufficient bond payable to the county judge.

(b) The bond shall equal the probable amounts of the available school fund which may be on deposit at any one time, plus the permanent county funds as estimated by the county superintendent, or in a county having no superintendent, by the county judge.

(c) The bond shall be conditioned on the depository's good performance of its duties, including but not limited to safekeeping and faithful disbursement of the school fund according to law and payment of such warrants as may be drawn on the fund by competent authority.

(d) In lieu of a bond, the depository may secure the school funds by approved securities or in any other manner authorized by law for securing county funds.

[Acts 1969, 61st Leg., p. 2845, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.73. Apportionment to Districts

(a) The county depository, upon receiving notice from the Central Education Agency of the amount apportioned to the county, shall report the same to the county superintendent, who shall immediately apportion it to the several districts, according to the scholastic census, and notify the county treasurer of the amount apportioned to each district.

(b) The county treasurer shall keep a separate account with each district, showing the amount apportioned according to the certificate of apportionment and the amount paid out to each school and district.

(c) In no case shall the county treasurer pay out any part of the school fund without the approval of the county superintendent.

(d) All balances of the general school fund not appropriated for the current year shall be carried over by the treasurer as part of the county's general school fund for the succeeding year. Unexpended balances of any district not exceeding \$5 per capita, according to the last scholastic census, shall be carried over for the benefit of that school district. Unexpended balances in excess of \$5 per capita, according to the last scholastic census, shall be carried over for the benefit of that school district only to the extent of \$5 per capita, and the excess shall be reapportioned to the school districts of the county.

[Acts 1969, 61st Leg., p. 2846, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.74. County-Unit System

In any county in which the county-unit system has previously been established under either general or special law of this state, and in any county which may hereafter adopt the county-unit system under the provisions of Chapter 18 of this code, the county depository shall secure and handle such funds as may be acquired through operation of that system in the same manner as other funds available for county school purposes.

[Acts 1969, 61st Leg., p. 2846, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 17.75 to 17.80 reserved for expansion]

SUBCHAPTER E. COUNTY SCHOOL LANDS

§ 17.81. Duty of Commissioners Court

It shall be the duty of the commissioners court to provide for the protection, preservation, and disposition of all lands heretofore granted, or which may hereafter be granted, to the county for educational purposes and which constitute the permanent county school fund.

[Acts 1969, 61st Leg., p. 2846, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.82. Sale of School Land

(a) Each county may sell or dispose of school lands in such manner as may be prescribed by the commissioners court of the county.

(b) The proceeds of any such sale shall be invested in bonds of the United States; the State of Texas; counties of the state; independent or common school districts; road precinct, drainage, irrigation, navigation, and levee districts in the state; or incorporated cities or towns; or in interest-bearing bank time deposits with the bank having been designated the depository for that county under the terms and conditions of the depository contract. These bonds and deposits shall be held by the county in trust for the benefit of its public free schools, and only interest thereon may be used and expended annually.

[Acts 1969, 61st Leg., p. 2847, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1512, ch. 405, § 38, eff. May 26, 1971.]

§ 17.83. Rental Proceeds

Besides other available school funds provided by law, rental and lease proceeds from lands previously granted by the state to any county for educational purposes shall be appropriated by the commissioners court of the county in the same manner legally prescribed for the appropriation of interest on bonds purchased with the proceeds from sale of such lands. Likewise, proceeds from the sale of timber on these lands shall be invested by the commissioners court as prescribed in Section 17.82(b) of this code. None of the rental, lease, or timber proceeds shall be applied by the commissioners court to any purpose other than those prescribed in this code.

[Acts 1969, 61st Leg., p. 2847, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 17.84. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing this section, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

[Sections 17.85 to 17.90 reserved for expansion]

SUBCHAPTER F. SOCIAL SECURITY FOR EMPLOYEES

§ 17.91. Authority of Governing Board

The county school trustees or county board of education, as the case may be, of each county in this state may enter into all necessary agreements with the Employees Retirement System of Texas to provide for coverage under the Old Age and Survivors Insurance provisions of the Federal Social Security Act¹ of all persons who qualify under applicable federal regulations and whose salaries, wages or other compensation are paid from the county administration fund, the county transportation fund, or any other fund or funds administered by such governing board. With reference to these agreements, the county governing board shall have the same

authority as that of counties, municipalities, and other political subdivisions with respect to participation of employees in the Federal Old Age and Survivors Insurance program.

[Acts 1969, 61st Leg., p. 2847, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 966, ch. 366, § 1(c), eff. Sept. 1, 1975.]

¹ 42 U.S.C.A. § 401 et seq.

§ 17.92. Employer's Matching Contribution

(a) The minimum employer's matching contributions, required by federal regulations, shall be paid into the fund from which each person is paid his salary, wages, or other compensation, by the state or subdivisions, as the case may be, which is required by law to pay the salary, wages, or other compensation of such person.

(b) If the salary, wages, or other compensation of a person comes from more than one source, each of said sources shall pay its pro rata share of the employer's matching contribution. The administrative costs of the program shall be prorated in like manner.

(c) In the case of instructors and other authorized personnel, if any, employed by the county school governing body for duties in connection with special schools for vocational and educational training of veterans, the employer's matching contributions and pro rata administrative costs for such instructors and employees shall be paid by the board from the operating funds of said special schools and collected in the same manner as other operating expenses of those schools are collected.

(d) The minimum employer's matching contribution shall, in all cases, be in addition to any maximum compensation fixed by law for the persons or employees covered by this subchapter.

[Acts 1969, 61st Leg., p. 2847, ch. 889, § 1, eff. Sept. 1, 1969.]

SUBCHAPTER G. TERMINATING STATE FISCAL SUPPORT FOR COUNTY SCHOOL ADMINISTRATION

§ 17.94. Termination of State Fiscal Support

After December 31, 1978, no state funds shall be used to support the offices of county school superintendent or ex officio county school superintendent or a board of county school trustees or a county school board in counties with no common school districts or rural high school districts but the offices and boards may be supported by ad valorem tax revenue generated in accordance with the provisions of Chapter 18 of this code,¹ or by funds provided by the school districts in accordance with the provisions of a voluntary contract as provided in Section 17.98 of this Chapter.

[Acts 1975, 64th Leg., p. 1275, ch. 478, § 1, eff. June 19, 1975. Amended by Acts 1978, 65th Leg., 2nd C.S., p. 13, ch. 7, § 1, eff. Aug. 14, 1978.]

¹ Section 18.01 et seq.

§ 17.95. Abolition of Certain County School Administrative Offices

(a) On December 31, 1978, all offices of county school superintendent and ex officio county school superintendent and all county boards of school trustees and county school boards in counties with no common school districts or rural high school districts which are not supported by ad valorem tax revenue generated under the provisions of Chapter 18 of this code¹ or by voluntary local contract in accordance with Section 17.98 are abolished.

(b) After December 31, 1978, if at any time all school districts within a county become independent, the office of county school superintendent or ex officio county school superintendent, and the county board of school trustees or the county school board, shall be automatically abolished as of the date the last common or rural high school district becomes independent.

[Acts 1975, 64th Leg., p. 1275, ch. 478, § 1, eff. June 19, 1975. Amended by Acts 1978, 65th Leg., 2nd C.S., p. 13, ch. 7, § 2, eff. Aug. 14, 1978; Acts 1979, 66th Leg., p. 1795, ch. 729, § 1, eff. June 13, 1979.]

¹ Section 18.01 et seq.

§ 17.96. Transfer of Certain Powers and Duties

(a) The powers and duties of abolished offices of county school superintendent and ex officio county superintendents and of abolished county boards of school trustees and county school boards vest in the officials designated in the following subsections of this section, and the officials are not entitled to additional compensation for performing the duties.

(b) The powers and duties of an abolished office of county school superintendent or ex officio county school superintendent relating to the approval of or recommendations concerning the operation of a school district in the county vest in the governing board of the district.

(c) The powers and duties of an abolished office of county school superintendent or ex officio county school superintendent relating to cooperative agreements between districts for the employment of special service teachers, counselors, supervisors, or other personnel vest in the governing board of the regional education service center embracing the county.

(d) The authority to annually prorate the available county school fund, if any, among the several districts in the county vests in the county judge, and he shall certify to the Central Education Agency the amount prorated to each district.

(e) The powers and duties of abolished offices of county school trustees or county school boards concerning annexation of school districts, detachment of territory from school districts, or alteration of school district boundaries vest in the commissioners court of the county.

(f) The powers and duties of abolished offices of county school trustees or county school boards re-

lating to the administration or operation of schools in the county vest in the governing boards of the districts concerned.

(g) All powers and duties of the abolished offices and boards not otherwise vested by this section vest in the county judge.

(h) In a county in which the county board of school trustees and the office of county school superintendent have been abolished, the appeal of a decision of a local school board required by law to be heard by the county school superintendent or the county board of school trustees shall be heard by the commissioner of education in the manner provided by Section 11.13 of this code.

[Acts 1975, 64th Leg., p. 1275, ch. 478, § 1, eff. June 19, 1975. Amended by Acts 1979, 66th Leg., p. 1796, ch. 729, § 2, eff. June 13, 1979.]

§ 17.97. Transfer of Records and Funds

(a) In all counties in which the county school administrative offices are abolished pursuant to Section 17.95 of this subchapter, all unused county administration budget funds remaining at the time the offices are abolished shall revert back to their source.

(b) All records of school districts maintained by county administrative offices that are abolished pursuant to Section 17.95 of this subchapter shall be transferred to the respective school districts concerned except for original financial records, which shall be retained by the county treasurer and made available for examination or for reproduction at district expense where needed.

[Acts 1975, 64th Leg., p. 1275, ch. 478, § 1, eff. June 19, 1975.]

§ 17.98. Composition, Powers, and Duties of County Administrations Established by Contract Among School Districts

Funding for the offices of county school superintendent or ex officio county school superintendent or a board of county school trustees or a county school board may be provided by a voluntary contract among the independent school districts of a county, with such powers and duties as such contract shall provide.

[Acts 1975, 64th Leg., p. 1275, ch. 478, § 1, eff. June 19, 1975.]

§ 17.99. Reclassification of Certain School Districts

On September 1, 1978, all common school districts and rural high school districts located in counties that do not support county school administration from ad valorem tax revenue generated pursuant to the provisions of Chapter 18 of this code shall be reclassified as independent school districts by the Central Education Agency, unless requested not to do so by resolution duly adopted by the board of trustees of such district, and thereafter the districts shall be governed by the provisions of law applica-

ble to independent school districts. Members of the governing boards of a common school district reclassified as an independent school district shall continue to serve as trustees of the district until their respective terms of office expire. Each district shall continue to be governed by the same number of trustees elected for the same terms of office in effect immediately preceding the district's reclassification.

[Acts 1975, 64th Leg., p. 1275, ch. 478, § 1, eff. June 19, 1975. Amended by Acts 1978, 65th Leg., 2nd C.S., p. 14, ch. 7, § 3, eff. Aug. 14, 1978; Acts 1979, 66th Leg., p. 5, ch. 5, § 1, eff. Feb. 22, 1979.]

CHAPTER 18. COUNTYWIDE EQUALIZATION FUND OR COUNTY UNIT SYSTEM OF EQUALIZATION TAXATION

Sec.

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[Sections 18.16 to 18.20 reserved for expansion]

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§ 18.01. Definition

The county unit system is a method by which the voters of a county may, without affecting the operation of any existing school district within the county, create an additional countywide school district which may exercise in and for the entire territory of the county the taxing power conferred on school districts by Article VII, Section 3, of the Texas Constitution, for the purpose of adopting a countywide equalization tax for the maintenance of the public schools.

[Acts 1969, 61st Leg., p. 2849, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.02. Validation and Conversion to Present Law

(a) All actions heretofore taken in establishing in any county a countywide equalization fund or a

county-unit system of any sort, whether established, organized, and/or created by the vote of the people residing in such counties or by the action of the county school trustees or the county board of education, as the case may be, and whether authorized or created by general or special law in this state, are hereby validated in all respects, regardless of whether or not such actions were duly and legally taken in the first instance; and all such county equalization funds and/or county-unit systems resulting from such action and heretofore collecting and distributing countywide equalization funds or functioning as county-unit systems are hereby in all things validated.

(b) All facts of county judges, county school trustees, or county boards of education in such counties in ordering an election or elections, declaring the results of such election, levying, attempting, or purporting to levy county equalization taxes or taxes for or on behalf of a countywide district or a county equalization fund are hereby in all things validated.

(c) All county-unit systems heretofore created and hereby validated are hereby authorized and empowered to levy, assess, and collect the same rate of tax, or not to exceed the rate of tax heretofore authorized or attempted to be authorized by any act of the county governing body or by any election of the taxpaying voters of said county or by any act, whether general or special, by the legislature, or the same rate as is being levied, assessed, and collected therein and heretofore authorized or attempted to be authorized by any act or acts of said counties or by any act, whether general or special, of the legislature.

(d) All counties in which an equalization fund has heretofore been created are hereby authorized to levy, assess, and collect the same rate of tax or not to exceed the rate of tax heretofore authorized or attempted to be authorized by any election of the taxpaying voters of the county or by any act, whether general or special, by the legislature, or the same rate as is being levied, assessed, and collected therein and heretofore authorized or attempted to be authorized by any act or acts of said counties or by any act, whether general or special, of the legislature.

(e) All future administrative procedures, elections, and tax levies in those counties which now have an equalization fund or which are now operating under a county-unit system, shall be controlled by the provisions of this chapter.

[Acts 1969, 61st Leg., p. 2849, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.03. Authorization

(a) Any county in this state may, at an election called for that purpose under the provisions of this chapter and to the extent herein provided, adopt a county-unit system of education for the purpose of levying, assessing, and collecting a school equaliza-

tion tax and for such other administrative purposes as are authorized in this chapter.

(b) Any county in which the county-unit system has been adopted may, if further authorized by a majority of the qualified property taxpaying voters residing therein at an election held for that purpose as provided in this chapter exercise in and for the entire territory of the county, to the extent in this chapter prescribed, the tax power conferred on school districts by Article VII, Section 3, of the Texas Constitution.

[Acts 1969, 61st Leg., p. 2849, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.04. Petition for Election to Adopt County-Unit System

(a) An election to adopt the county-unit system shall be ordered by the county judge of any county upon the presentation of a petition praying for the formation of a countywide school district and signed by the number of qualified voters specified below:

(1) In any county having a population of fewer than 100,000, according to the last federal census, the petition must be signed by at least 100 qualified voters; and

(2) In any county having a population of 100,000 or more, according to the last federal census, the petition must be signed by at least 500 qualified voters.

(b) Upon the receipt of a petition fulfilling the applicable requirements of subsection (a) of this section, the county judge shall order, in compliance with the applicable provision below, an election to determine whether or not the county-unit system shall be adopted in the county.

(c) In these counties with a population of fewer than 100,000, the county judge shall, within 30 days, order an election to be held throughout the county and give notice of the date of the election by publication of the order in some newspaper published in the county for 20 days prior to the date set for the election.

(d) In those counties with a population of 100,000 or more, the county judge shall, within 90 days, order an election to be held throughout the county and give notice by posting, in each precinct for at least 20 days prior to the election, notice of the date of the election and the question to be determined.

[Acts 1969, 61st Leg., p. 2850, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.05. Election to Adopt the County-Unit System

(a) All legally qualified voters in the county shall be allowed to vote at the election to determine whether or not the county shall adopt the county-unit system.

(b) The form of ballot shall be substantially as follows: "For Equalization District" and "Against Equalization District."

(c) The election shall be conducted by the election officer appointed to hold the election of district school trustees in each school district in the county and at the same polling places. The expenses of the election shall be paid from general county funds.

(d) The commissioners court at its next regular meeting following the election, shall canvass the returns of the election and declare the result. If a majority of the votes cast favor the formation of such a district, the court shall declare the county-wide school equalization district duly and legally created and the provisions of this chapter duly adopted.

[Acts 1969, 61st Leg., p. 2850, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.06. Management

(a) In those counties which have adopted or may hereafter adopt the county-unit system, the general management, supervision and control of the county-wide school district shall be vested in the county governing board as specified in Section 17.01 of this code.

(b) In those counties adopting the county-unit system and having a total population of fewer than 100,000, the county governing board shall be designated as the county school trustees.

(c) In those counties adopting the county-unit system and having a total population of 100,000 or more, the county governing board shall be designated as the county board of education.

(d) After the adoption of the provisions of this chapter, the county governing board shall continue to exercise all powers and duties assigned to it in Chapter 17 and in other provisions of this code, and in addition thereto shall perform the other functions assigned to it under the terms of this chapter.

[Acts 1969, 61st Leg., p. 2850, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.07. Petition for Tax Election

(a) On receipt of a petition legally praying for the authority to levy and collect an equalization tax and fulfilling the requirements of this section, the county judge of any county which has adopted the county-unit system shall immediately order an election to be held throughout the county in compliance with the terms of the petition.

(b) The petition must be signed by the applicable number of legally qualified taxpaying voters of the county as specified below:

(1) In those counties with a population of fewer than 500,000, according to the last federal census, the petition must be signed by at least 100 properly qualified taxpaying voters.

(2) In those counties with a population of at least 500,000, according to the last federal census, the petition must be signed by a number equal to at least 10 percent of those voting for governor at the last preceding general election.

(c) The petition may pray for authority to levy and collect an equalization tax at any specified rate not in excess of the maximum for the county as set out in Section 18.12 of this code.

[Acts 1969, 61st Leg., p. 2851, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.08. Order; Notice

(a) If the petition specifies a rate, the county judge shall incorporate that rate in his order; if no rate is specified in the petition, the order of the county shall indicate that the rate shall not be in excess of the maximum under the general law applicable to the county.

(b) The county judge shall give notice of the election by publication of the order at least 20 days prior to said election in some newspaper published in the county.

[Acts 1969, 61st Leg., p. 2851, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.09. Election

(a) The election shall be held not more than 30 days after the date of the order.

(b) Only legally qualified property taxpaying voters, who own property in the county and who have duly rendered the same for taxation, shall be allowed to vote.

(c) The form of the ballot shall be substantially as follows: If no specific tax rate was set in the petition, the proposition shall read: "For county tax" and "Against county tax." If a specific tax rate was incorporated in the petition, the proposition shall read: "For county tax not exceeding _____ cents on the \$100 valuation" and "Against county tax not exceeding _____ cents on the \$100 valuation."

[Acts 1969, 61st Leg., p. 2851, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.10. Canvass; Result

(a) The commissioners court shall, at its next regular meeting, canvass the returns of the election and declare the result.

(b) If a majority of the votes cast shall favor the tax, the court shall certify that fact to the county governing board and to the county tax assessor and collector.

(c) The county governing board, upon receipt of certification of the adoption of the tax, shall be authorized to levy the tax at the rate voted or, if no rate was specified, at a rate not to exceed the maximum for the county as provided in Section 18.12 of this code.

(d) The county tax assessor and collector, upon receipt of certification of the adoption of the tax, shall be authorized to assess and collect the equalization tax as levied by the county governing board.

(e) If a majority of the votes cast oppose the tax, a second election upon the basis of a new petition may be held at any time within two years after the adoption of the county unit system, but if at such second election a majority of the votes cast again oppose the tax, the county unit system shall cease to exist within the county and be reestablished only by a new election as provided in Sections 18.04 and 18.05 of this code.

[Acts 1969, 61st Leg., p. 2852, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.11. Election to Revoke Tax

No election to revoke a tax adopted under the provisions of this chapter shall be ordered until the expiration of three years from the date of the election at which the tax was adopted.

[Acts 1969, 61st Leg., p. 2852, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.12. Maximum Tax Rate

(a) The county-wide equalization tax which may be authorized by the voters under this chapter shall be assessed at rates not to exceed:

(1) 50 cents on the \$100 property valuation in those counties with a total population of 100,000 or more.

(2) \$1 on the \$100 property valuation in those counties with a total population of fewer than 100,000.

(b) In the event the petition requisite to the calling of a tax election, as specified in Section 18.07 of this code, prays for authority to levy and collect an equalization tax at a specific rate less than the maximum for the county as set out in subsection (a) of this section, the maximum for that county shall be the rate specified in the petition.

[Acts 1969, 61st Leg., p. 2852, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.13. Assessment and Collection of Tax

(a) The county equalization tax shall be imposed on all taxable property in the county.

(b) The county tax assessor and collector shall assess and collect the county equalization tax.

(c) The tax collector shall, upon the authorization of the county governing board as provided in Section 18.14 of this code, place to the credit of the common school districts in the county such money as is apportioned to them, the funds to be protected as provided by existing depository laws.

(d) The tax collector shall honor all warrants issued by the county governing board in allocating money from the county equalization fund to independent school districts within the county, and the funds so received by the independent school dis-

tricts shall be protected in accordance with existing depository laws.

[Acts 1969, 61st Leg., p. 2852, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2317, ch. 841, § 4(k), eff. Jan. 1, 1982.]

§ 18.14. Distribution of Equalization Tax Funds

(a) The county governing board shall distribute the moneys collected from the equalization tax according to the provisions of this section.

(b) The funds shall be distributed to the common and independent school districts of the county on the basis of the average daily attendance for the prior year as approved by the State Department of Education.

(c) Any county-line district shall be eligible to receive its per capita apportionment based upon the number of scholastic pupils residing in the county of the equalization district as shown by the average daily attendance for the prior year as approved by the State Department of Education.

(d) The county governing board shall issue warrants (on the per capita basis specified above) against the equalization fund to the school district trustees in each district. However, the apportionment may be made by the county governing board either annually or from time to time as the money is collected.

(e) The county superintendent in each county adopting the county unit system and authorizing the assessment and collection of an equalization tax shall keep a record of all money, both received and paid out, from the county equalization fund.

[Acts 1969, 61st Leg., p. 2853, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 3048, ch. 1009, § 1, eff. June 15, 1971.]

§ 18.15. Effect on Local School Districts

(a) The adoption of the county unit system under the provisions of this chapter shall not have the effect of changing any duties imposed on or powers conferred on the trustees of any common, independent, or other school district within the county.

(b) The several common, independent, or other school districts within any county adopting the provisions of this chapter shall continue to have authority to levy, assess, and collect the maintenance taxes which have theretofore or hereafter may be authorized by the property taxpayers of those districts.

(c) The adoption of the provisions of this chapter shall not affect the right and duty of the respective school districts to levy, assess, and collect taxes within respective districts for the payment of principal and interest on the bonded indebtedness of those districts.

(d) No money received by a common, independent, or other school district from the county equalization tax fund shall be used to pay any present or

future bond issues of the district or interest thereon.

[Acts 1969, 61st Leg., p. 2853, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 18.16 to 18.20 reserved for expansion]

§ 18.21. Petition for Election

In all counties having a population of 350,000 or more according to the last preceding Federal Census, the County Judge of such counties shall, upon the presentation to him of a petition signed by 150 or more of the qualified property taxpaying voters of such county praying for such an election, order an election for the purpose of submitting to the qualified property taxpaying voters of such county the question of whether or not a tax not to exceed one cent on the 100 Dollars valuation of the taxable property in such county shall be levied, assessed and collected in such county for the purpose of creating an Equalization Fund for the public free schools in such counties, to be expended in the equalization of educational opportunities and in the advancement and administration of the public free schools therein.

[Acts 1969, 61st Leg., p. 2854, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.22. Order for Election

Upon the presentation of such petition to the County Judge he shall order an election to be held in such county on the earliest day when a county wide election is being held; and such order shall designate at least one polling place in each school district, or part of school districts, in such county, with such additional polling places as he may deem necessary or advisable, and shall appoint one person, who shall be a qualified voter at such polling place, as presiding officer at such polling place; and such presiding officer may appoint one judge and two clerks to assist in holding such election. The ballots and other election supplies shall be furnished by the Election Board of such County, and such election shall be governed by the General Election Laws, except as may be otherwise provided in this chapter.

[Acts 1969, 61st Leg., p. 2854, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.23. Notice of Election

Notice of such election shall be given by publication of such order in a newspaper of general circulation in such county once each week for three consecutive weeks, or by posting notices thereof in three public places in such county for at least 20 days prior to the date of such election or by both such publication and posting.

[Acts 1969, 61st Leg., p. 2854, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.24. Returns; Declaring Result

The presiding officer at each polling place shall, within five days from the date of holding such election, make due return thereof to the Commissioners' Court of such county, which shall canvass the returns and declare the result thereof; and if a majority of the qualified property taxpaying voters voting at such an election shall vote in favor of such tax, the Commissioners' Court shall thereupon enter its order upon the minutes of such Court declaring the result thereof, and shall certify such fact to the County School Trustees of such county.

[Acts 1969, 61st Leg., p. 2854, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.25. Meeting to Determine Tax Required

If the vote be in favor of such tax, the County School Trustees of such county shall as soon thereafter as practicable hold a meeting for the purpose of determining the amount of money required for equalization purposes, and for the payment of administration expense in such counties, and they shall thereupon make their order setting forth the estimated amount of money required for such purposes, and the rate of tax to be levied to raise such sums, and shall certify the same to the Commissioners' Court; and the Commissioners' Court shall levy the rate so certified to them by the said County School Trustees, not to exceed the rate fixed by this chapter, and cause such tax to be assessed and collected.

[Acts 1969, 61st Leg., p. 2855, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2317, ch. 841, § 4(k), eff. Jan. 1, 1982.]

§ 18.26. County Equalization Fund

The tax herein provided for shall constitute a part of the school funds of said counties, and shall never be levied, assessed or collected for any purpose other than those herein specified, and for the advancement of public free schools in such counties; and when collected, it shall be deposited by the Tax Collector in the County Depository in a fund which shall be known as "County Equalization Fund", and a statement of the amounts collected shall be furnished monthly by the Collector to the County School Trustees.

[Acts 1969, 61st Leg., p. 2855, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.27. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing this section, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 18.28. Expenditure of Funds

Such funds shall be expended by the County School Trustees of such counties for the equalization of educational opportunities in such counties, and for the payment of administration expense, upon warrants signed by the President and the

Secretary of the County School Trustees; and all such expenditures shall be approved monthly by the County School Trustees; provided, however, no part of such fund shall be expended in any school district which does not levy a tax for school purposes of 75 cents or more on the 100 Dollars value of taxable property in such district.

[Acts 1969, 61st Leg., p. 2855, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.29. Duties and Powers

The duties, powers and authorities herein given to the County School Trustees shall be cumulative of all other duties, powers and authorities heretofore or hereafter given such Trustees. This law shall not affect the levy, assessment or collection of any other tax heretofore or hereafter levied, assessed or collected in any school district in such counties, and the tax herein provided for shall be in addition to such other tax, or taxes.

[Acts 1969, 61st Leg., p. 2855, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.30. Payment of Superintendent's Salary and Expense

(a) In the event that the tax herein provided for shall be authorized by the voters of the county to which this chapter applies, then the County Superintendent's salary and all expenses of maintaining his office shall be paid out of the funds realized from the collection of the tax herein provided for.

(b) Until the tax provided for herein shall be authorized and levied, the salary of the County Superintendent and his assistants, and the expenses of maintaining the office of County Superintendent, shall continue to be paid as otherwise provided by law.

[Acts 1969, 61st Leg., p. 2856, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 18.31. Tax Rate in Counties With Population of 500,000

(a) In all counties having a population of 500,000 or more, according to the last preceding or any future federal census, the county judge shall, upon presentation to him of a petition praying for such an election, signed by qualified taxpaying voters of such county in a number equal to 10 percent or more of those voting for governor in the last preceding general election, order an election for the purpose of submitting to the qualified taxpaying voters of such county who own taxable property and who have duly and personally rendered it for taxation, the proposition of whether or not a tax of and at a rate not to exceed five cents on the \$100 valuation of all property subject to school district taxation in such county shall be levied, assessed, and collected for the purpose of creating an equalization fund for the public free schools in such county to be expended for the equalization of educa-

tional opportunities and payment of administrative expense.

(b) Such an election which shall be held in the same manner on the same day at the same polling place and under the same laws and regulations as have previously governed the holding of such elections in such counties; and the election supplies, ballots, and tally sheets shall be furnished by the same authorities and returns shall be made as heretofore provided for such elections. Notices thereof shall be given by publication or by posting as heretofore provided; and if and when authorization is granted, such tax shall be levied, assessed, and collected in the same manner as heretofore provided for such equalization taxes and the administration, depository bank, checking, accounting, and disbursement of such taxes shall be subject to all the rules and statutes governing school funds in such counties; it being the intention of this section only to increase the permissive rate of tax to be levied for such purposes.

[Acts 1971, 62nd Leg., p. 3008, ch. 994, § 5, eff. Aug. 30, 1971.]

CHAPTER 19. CREATION, CONSOLIDATION, AND ABOLITION OF SCHOOL DISTRICTS

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Showing where provisions of former Chapter 19 of the Education Code are now covered in revised Chapter 19.

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19.461	19.004
19.462	19.004

SUBCHAPTER A. GENERAL PROVISIONS

§ 19.001. Definitions

In this chapter:

- (1) "School district" includes an independent school district, a common school district, and a rural high school district.
- (2) "Common school district" includes a rural high school district.
- (3) "Membership" means the number of pupils on the roll of a school district as of a given date.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.002. Permitted Frequency of Proposed Actions

(a) If at an election on a proposition under this chapter the majority of the votes are cast against the proposition, another election for the same purpose may not be held earlier than the corresponding uniform election date three years after the date of the first election. If a majority of the votes are cast in favor of the proposition, an election to reverse the effects of the first election may not be held earlier than the corresponding uniform election date three years after the date of the first election.

(b) If, without an election, an action under this chapter occurs on the order or ordinance of an authority acting in response to a petition and the petitioners' request is rejected, that authority may not consider a subsequent petition on the same request earlier than three years after the date on which the request is rejected. If the request is granted and the order is issued or the ordinance is adopted, a petition to reverse the effects of the order or ordinance may not be considered by the authority earlier than three years after the date of issuance or adoption.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.003. Petition and Election

(a) Except as otherwise provided by this chapter, this section governs:

- (1) the validity of a petition submitted to request an election under this chapter; and
- (2) the conduct of the resulting election.

(b) To be valid, a petition must:

- (1) be submitted to the county judge serving the county in which the appropriate school district is located;
- (2) be signed by at least 10 percent of the registered voters of the appropriate district; and
- (3) state the purpose for which it is being submitted.

(c) Immediately following receipt of a valid petition, the county judge shall order the election to be held on an authorized election date, as prescribed by Section 9b, Texas Election Code (Article 2.01b, Vernon's Texas Election Code), occurring not later than the 60th day after the date of receipt. If an authorized date within that period does not allow sufficient time to comply with other legal requirements or if there is no authorized date within that period, the election shall be ordered for the next authorized date.

(d) The election order shall include the date of the election, the hours during which the polls will be open, the location of the polling places, and the proposition to be voted on.

(e) Not earlier than the 30th day or later than the 10th day before election day, the county judge shall give notice of the election by having a copy of the election order published at least once in a newspaper published at least once each week in the appropriate school district. If no such newspaper is published in the district, the notice shall be published in at least one newspaper of general circulation in the county in which the district is located. The county judge shall give additional notice of the election by having a copy of the election order posted in a public place in each election precinct not later than the 21st day before election day.

(f) The election precincts and polling places usually used in the elections of the appropriate school district shall be used in an election held under this chapter. To the extent practical, the election shall be conducted in accordance with the general election laws.

(g) As soon as practical after the election, the appropriate county commissioners court shall canvass the returns and declare the result of the election.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.004. Allocation of Indebtedness and Personal Property

(a) If under this chapter a school district assumes a portion of the indebtedness of another district, the commissioners court by order shall equitably allo-

cate the indebtedness among the districts involved. If territory from one district is annexed to another or if a district is abolished, the commissioners court shall also equitably allocate among the receiving districts a portion of the personal property of the annexed district or all the personal property of an abolished district. If districts located in more than one county are involved, the commissioners courts of each county in which an involved school district is located must agree on the allocation of indebtedness and personal property.

(b) In allocating the indebtedness and personal property, the commissioners court shall consider the value of the properties involved and the taxable value of the districts involved.

(c) The order of the commissioners court is binding on the school districts and territory affected by the order.

(d) A school district required to assume the indebtedness of another district under this chapter is not required to conduct an election on assumption of the indebtedness. Without an election, the school district assuming the indebtedness may levy and collect taxes necessary to pay principal and interest on the assumed debt so long as the debt is outstanding.

(e) Without an election, a school district may issue refunding bonds for bonds of another district assumed under this chapter.

(f) If an entire district is annexed to or consolidated with another district, if a district is converted from a common to an independent school district, or if a school district is separated from an incorporated city or town, the governing board of the district as changed may, without an election, sell and deliver any unissued bonds voted in the district prior to the change, and may levy and collect taxes in the district as changed for the payment of principal and interest on bonds.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.005. Effective Date of Transfer

(a) Except as provided by this section, the annexation of all or part of the territory of one district to another is effective on the first July 1 that is more than 30 days after the date of the order or ordinance accomplishing the annexation or of the declaration of the results of an election at which the transfer is approved.

(b) On the effective date of the transfer:

- (1) students residing in the territory become residents of the receiving district;
- (2) title to property allocated to the receiving district vests in the district;
- (3) the receiving district assumes any debt allocated to it; and
- (4) the receiving district assumes jurisdiction of the annexed territory for all other purposes.

(c) If the annexation is appealed to the commissioner of education and is approved, the transfer is effective on a date set by the commissioner that is not earlier than the 30th day after the date of the commissioner's decision in the appeal. If the decision of the commissioner is appealed to a district court in Travis County, the transfer, if approved, is effective on a date set by the court.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 303, ch. 28, art. I, part D, § 7, eff. Sept. 1, 1984.]

§ 19.006. Taxing Authority Transfer

(a) If all or part of the territory of a school district is annexed to another district, the receiving district may levy taxes at the rate established in accordance with law for the district as a whole and is not required to conduct an election for the purpose of taxing the territory received.

(b) Conversion of a common school district or rural high school district to an independent school district or separation from municipal control does not affect the taxes levied for school purposes. The new district may levy and collect taxes at the same rate at which the taxes were previously levied and is not required to conduct an election for that purpose.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.007. Boundary Changes Resulting in Appraisal District Changes

(a) This section applies if all or part of territory annexed to a school district is in an appraisal district in which the receiving district does not participate.

(b) If prior to the annexation the receiving district is located in two or more counties and has chosen to participate in a single appraisal district, the boundaries of that appraisal district extend to include the annexed territory. For the tax year in which the annexation is effective, the receiving district may impose taxes on the basis of:

- (1) the valuation arrived at by the appraisal district in which the territory is located before the annexation; or
- (2) the valuation arrived at by a reappraisal requested by the receiving district, and conducted by the appraisal district in which the receiving district participates, in the manner prescribed by Section 25.18(c), Tax Code.

(c) If prior to the annexation the receiving district is in a single county or participates in more than one appraisal district, the receiving district may choose to participate in a single appraisal district in the manner prescribed by Section 6.02, Tax Code, for a newly created district. For the tax year in which the annexation is effective, the receiving district shall impose taxes on the basis of the valuation

arrived at by the appraisal district in which the territory is located before the annexation.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.008. District Trustee Approval of Boundary Changes Required in Certain Counties

(a) Any change in the boundaries of an independent school district governed by an elective board of nine members and located in a county having a population of 100,000 or more is not effective unless approved by a majority of the board of trustees of the district.

(b) An election may not be ordered for the purpose of determining whether or not territory shall be added to any independent school district having a gross average daily attendance of 27,400 for the preceding school year, unless, prior to the ordering of the election, the proposed addition of territory has been approved by a majority vote of the board of trustees of the independent school district to which the territory is proposed to be added.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.009. Appeals

(a) A decision of a commissioners court under this chapter may be appealed in the manner prescribed by Section 11.13 of this code.

(b) If this chapter requires the agreement of or action by two or more commissioners courts, and the commissioners courts fail to agree or take action within a reasonable time set by rule of the State Board of Education, a person aggrieved by the failure may appeal to the commissioner of education for resolution of the issue.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

[Sections 19.010 to 19.020 reserved for expansion]

**SUBCHAPTER B. DETACHMENT;
ANNEXATION**

§ 19.021. Enlarging Districts by Annexing Other Districts

(a) The commissioners court of any county may create enlarged districts by annexing one or more common school districts or one or more independent school districts having less than 250 students in membership on the last day of the preceding school year to an independent school district having 150 or more students in membership on the last day of the preceding school year.

(b) An enlarged district created under this section is an independent school district.

(c) Title to property of each annexed district vests in the enlarged district, and the enlarged district

assumes and is liable for the indebtedness of each annexed district.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.022. Detachment and Annexation of Territory

(a) In accordance with this section, territory may be detached from a school district and annexed to another school district that is contiguous to the detached territory. A petition requesting the detachment and annexation must be presented to the commissioners court of the county to which the receiving district is assigned for administration purposes by the Central Education Agency and to the commissioners court of the county to which the district from which the territory to be detached is assigned for administration purposes. Each commissioners court to which a petition is required to be presented must conduct a hearing and enter an order as provided by this section for the annexation to be effective.

(b) The petition requesting detachment and annexation must:

(1) be signed by a majority of the registered voters residing in the territory to be detached from one district and added to the other; and

(2) give the metes and bounds of the territory to be detached from one district and added to the other.

(c) The proposed annexation must be approved by a majority of the board of trustees of the receiving district.

(d) Unless the petition is signed by a majority of the trustees of the district from which the territory is to be detached, territory may not be detached from a school district under this section if detachment would reduce that district's tax base by a ratio at least twice as large as the ratio by which it would reduce its membership. The first ratio is determined by dividing the assessed value of taxable property in the affected territory by the assessed value of all taxable property in the district, both figures according to the preceding year's tax rolls. The second ratio is determined by dividing the number of students residing in the affected territory by the number of students residing in the district as a whole, using membership on the last day of the preceding school year and the students' places of residence as of that date.

(e) A school district may not be reduced to an area of less than nine square miles.

(f) Immediately following receipt of the petition and notice of the approval as required by this section, the commissioners court shall give notice of the contemplated change by publishing and posting a notice in the manner required for an election order under Section 19.003 of this code. In addition, the commissioners court shall give written notice to the trustees of each affected district. The notice must specify the place and date at which a hearing on the

matter shall be held. At the hearing, affected persons, including the trustees of affected districts, are entitled to an opportunity to be heard.

(g) At the hearing, the commissioners court shall consider the social, economic, and educational effects of the proposed annexation. After the conclusion of the hearing, the commissioners court shall make findings as to the social, economic, and educational effects and shall, on the basis of those findings, adopt an order rejecting the petition or transferring the territory and redefining the boundaries of the districts affected by the transfer. The findings and order shall be recorded in the minutes of the court.

(h) Title to all real property of the annexed district within the territory annexed vests in the receiving district, and the receiving district assumes and is liable for any portion of the annexed district's indebtedness that is allocated to the receiving district under Section 19.004 of this code.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.023. Annexation of Districts in Large Counties

(a) A school district located in a county with a population of 210,000 or more may be annexed to a contiguous independent school district as provided by this section. For purposes of this section, a school district is located in the county in which the greatest area of the district lies.

(b) Annexation is initiated by a petition requesting an election on the question. The petition must be presented to the county judge and must:

- (1) request annexation to a specified independent school district;
- (2) describe the district proposed to be annexed; and

(3) be signed by a majority of the board of trustees of the district seeking annexation or by the required number of registered voters.

(c) The proposed annexation must be approved by a majority of the board of trustees of the independent school district to which the petitioning district seeks to be annexed, and the board shall give notice of approval to the commissioners court.

(d) Immediately following receipt of the petition and notice of approval, the commissioners court shall conduct a hearing at which it considers the social, economic, and educational effects of the proposed annexation. If the proposed annexation appears to the court to be in the best interests of the districts affected, the commissioners court shall order an election to be held within the petitioning district at its expense.

(e) If the receiving district is located in a county different from that in which the petitioning district is located, the petition and notice of receiving district approval must also be presented to the county judge of the county in which the receiving district is

located. The commissioners court of that county shall conduct a hearing under Subsection (d) of this section, except that by the order entered the commissioners court shall agree or disagree that the annexation is in the best interests of the districts involved. The election on annexation may be conducted only if the commissioners court of the county in which the receiving district is located agrees that the annexation is in the best interests of the districts.

(f) The ballot shall be printed to provide for voting for or against the proposition: "Annexation of _____ School District to _____ School District."

(g) An election in the receiving district is not necessary on the question of annexation.

(h) If the majority of votes are cast in favor of the annexation, the commissioners court of the county in which the petitioning district is located and the board of trustees of the receiving district shall each enter an order on its minutes:

- (1) declaring the petitioning district to be duly annexed to the receiving district and subject to all the laws governing the same; and
- (2) redefining the boundaries of the receiving district showing the annexation.

(i) A certified copy of the order of the commissioners court shall be transmitted to the county clerk of each county involved and shall be recorded in the county school district records.

(j) Title to all property of the annexed district vests in the receiving district and the receiving district assumes and is liable for the outstanding indebtedness of the annexed district. Any tax in effect in the receiving independent school district continues and applies to the entire independent district as constituted after annexation is completed.

(k) The receiving district continues as the same district and may operate in all respects as it did prior to the annexation except that the annexed territory shall become liable for all indebtedness, subject to all taxes, and be a part thereof for all purposes as though originally included in the independent district.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.024. Creation of District in Response to Petition for Detachment

(a) A new independent school district may be created by detaching territory from existing contiguous districts and uniting the territory into a new district.

(b) Creation of a new district by detachment is initiated by a petition presented to the commissioners court. The petition must:

- (1) give the metes and bounds of the proposed new district;

(2) be signed by the required percentage of the registered voters residing in each territory to be detached from an existing district; and

(3) be addressed to the commissioners court of the county in which the territory of the proposed district is located or, if the territory is in more than one county, to the commissioners court of each county in which the territory is located.

(c) Immediately following receipt of a valid petition, the commissioners court shall order an election to be held by each school district from which territory is to be detached. The school districts shall order and conduct the election in the manner prescribed by Section 19.003 of this code. The school districts shall report the results of the election to the appropriate commissioners courts, which shall declare the results of the election. The new district is created only if the proposition receives a majority of the votes in each district, not including the territory to be detached, and a majority of the votes in the territory to be detached from each district.

(d) The ballot shall be printed to provide for voting for or against the proposition: "Creation of a new school district from territory that includes the following territory from the _____ School District: _____." The ballot description of the territory to be detached must be sufficient to give general notice of the territory affected.

(e) A new district may not be created with an area of less than nine square miles, and a district may not be reduced to an area of less than nine square miles.

(f) Any district affected, either remaining or newly created, must have sufficient taxable valuations to support an efficient school system.

(g) If all the requirements of this section are met, the commissioners court shall enter an order creating the new school district. If the new district embraces territory in two or more counties, the order must be concurred in by the commissioners court of each county concerned.

(h) At the time the order establishing the district is made, the commissioners court in which the largest portion of the district's territory is located shall appoint a board of trustees for the new independent school district to serve until the next regular election of trustees when a board of trustees shall be elected in compliance with Chapter 23 of this code.

(i) Title to school district real property in the territory detached vests in the new district, and the new district assumes and is liable for any portion of outstanding indebtedness of the district from which the territory was taken that is allocated to the new district under Section 19.004 of this code.

(j) A new district, when created in compliance with this section, has all the rights and privileges of other independent school districts.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.025. Dormant School Districts

(a) If the commissioner of education determines that a school district has failed to operate a school for a full school year, the commissioner shall report to each appropriate commissioners court that the district is dormant.

(b) The commissioners court of a county shall by order annex each dormant school district within the county with an adjoining district or districts. If the dormant district is a county-line district, the commissioners court of each county in which the district is located shall annex the territory of the dormant district that is within that county.

(c) The governing board of the district to which a dormant school district is annexed continues to be the governing board for the new district.

(d) The order of the commissioners court shall define by legal boundary description the territory of the new district as enlarged and shall be recorded in the minutes of the commissioners court.

(e) Title to the real property of the dormant district vests in the district to which the property is annexed. Each district to which territory is annexed assumes and is liable for any portion of the dormant district's indebtedness that is allocated to the receiving district under Section 19.004 of this code.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.026. Territory Not in School District

(a) All real property must be included within the limits of a school district. At any time it is determined that there is territory located in a county but not within the described limits of a school district, the commissioners court shall annex the territory to an adjoining district or districts.

(b) The annexation order shall define by legal boundary description the territory of the new district and shall be recorded in the minutes of the commissioners court.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

[Sections 19.027 to 19.050 reserved for expansion]

SUBCHAPTER C. CONSOLIDATION

§ 19.051. Districts That May Consolidate

(a) By the procedure described in this subchapter, any of the following groups of school districts may consolidate into a single school district:

(1) two or more contiguous independent school districts;

(2) two or more contiguous common school districts; or

(3) one or more independent school districts and one or more common school districts constituting as a whole one continuous territory.

(b) The consolidated district may include area in more than one county.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.052. Petition

Consolidation is initiated by a petition requesting an election on the question. The petition must be signed by the required number of registered voters of each of the districts proposed to be consolidated and must be presented to the county judge of each county in which the school districts are located.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.053. Election Order; Notice

(a) Each county judge receiving a valid petition shall:

- (1) issue an order for an election to be held on the same day in each district included in the proposed consolidated district; and
- (2) give notice of the election.

(b) The ballot in the election shall be printed to provide for voting for or against the proposition: "Consolidation of (name of school districts) into a single school district."

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.054. Canvass; Result

(a) The commissioners court of each county shall canvass the returns of the election in its county. The commissioners shall publish the results separately for each district.

(b) If the votes cast in all districts show a majority in each district voting in favor of the consolidation, the commissioners court of each county shall declare the school districts consolidated.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.055. Consolidation Involving Only Common School Districts

(a) If common school districts are consolidated with each other, regardless of whether or not one or more of the districts is a common county-line district, the consolidated district is a common school district and shall be named and governed as provided by this section.

(b) The trustees of each district participating in the consolidation shall, on notification and at the time and place specified by the commissioners court of each county involved, conduct a joint meeting to:

- (1) select a name by which the new consolidated school district shall be known; and
- (2) designate the county that shall have the supervision of the new consolidated school district.

(c) The ex officio county superintendent of the county having supervision of the new consolidated

school district shall appoint a board of seven trustees for the new consolidated school district who shall serve until the next April election or until their successors qualify.

(d) The new common consolidated school district shall thereafter be governed and controlled as provided by Chapter 22 of this code.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.056. Consolidation Involving Only One Independent School District and One or More Common School Districts

(a) If only one independent school district is consolidated with one or more common school districts, this section applies.

(b) The consolidated district shall bear the name of the independent school district.

(c) Except as provided by Subsection (d) of this section, the board of trustees of the independent school district shall serve as the board of trustees of the consolidated district until the next regular election of trustees, at which time the consolidated district shall elect a board of seven trustees.

(d) If the membership in the independent school district on the last day of the preceding school year is more than five times that of the other district or districts consolidating with it, the trustees of the independent school district shall continue to serve for the terms for which they have been elected and only the vacancies, as they occur, shall be filled from the consolidated district.

(e) The powers, duties, and terms of office of the trustees are governed by Chapter 23 of this code.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.057. Consolidation Involving Two or More Independent School Districts

(a) If two or more independent school districts are included in the consolidation, this section applies.

(b) The consolidated district shall bear the name as prescribed in the petition for consolidation and the name shall include "Consolidated Independent School District."

(c) Except as provided by Subsection (d) of this section, the board of trustees of the independent school district having the greatest membership on the last day of the school year preceding the consolidation shall serve as the board of trustees of the consolidated district until the next regular election of trustees, at which time the consolidated district shall elect a board of seven trustees.

(d) If the membership on the last day of the school year preceding the consolidation in the district with the largest membership is more than five times that of the other district or districts consolidating with it, the trustees of the district with the

largest membership shall continue to serve for the terms for which they have been elected and only the vacancies, as they occur, shall be filled from the consolidated district.

(e) The powers, duties, and terms of office of the trustees are governed by Chapter 23 of this code.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.058. Title to Property; Assumption of Debt

Title to all property of the consolidating districts vests in the consolidated district, and the consolidated district assumes and is liable for the outstanding indebtedness of the consolidating districts.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.059. Dissolution of Consolidated School District

(a) Any consolidated school district may be dissolved by the same procedure provided for consolidation, except that it shall not be necessary to provide polling places in each of the former districts.

(b) If the district is dissolved, each of the former districts is restored as a separate district and classified as an independent school district.

(c) Title to property of the consolidated district that is allocated to each of the restored districts under Section 19.004 of this code vests in the restored districts, and each of the restored districts assumes and is liable for the indebtedness of the consolidated district as allocated under that section.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

[Sections 19.060 to 19.080 reserved for expansion]

SUBCHAPTER D. CREATION OF COUNTY-WIDE INDEPENDENT SCHOOL DISTRICTS

§ 19.081. Eligibility

(a) A countywide independent school district may be created under this subchapter in any county in which:

(1) the total student membership of all districts on the last day of the school year preceding the filing of the petition is not more than 2,500; and

(2) not more than two school districts, excluding county-line districts, have operated schools within the two years preceding the filing of the petition.

(b) Any county-line district in the county is excepted from the proposed countywide district.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.082. Petition; Ballot

(a) Creation of a countywide independent school district is initiated by a petition requesting an elec-

tion on the question. The petition must be signed either by a majority of the members of the board of trustees of the school districts within the county or by the required number of voters of each of the school districts within the county.

(b) The ballot for the election shall be printed to provide for voting for or against the proposition: "Creation of a countywide independent school district."

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.083. Order Creating District

If a majority of the votes are cast in favor of the creation of a countywide independent school district, the commissioners court shall by order:

(1) create the independent school district embracing the entire county and abolish all school districts participating in the election; and

(2) declare the boundaries of the countywide independent school district to be coextensive with the boundaries of the county or, if a county-line school district exists within the county, define the boundaries of the countywide independent school district by metes and bounds, excluding the county-line district.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.084. Appointment of Initial Trustees

Not later than the 10th day following the day on which results of a favorable election are declared, the county judge shall provide for the organization of the district by appointing one trustee from each of the four commissioner precincts within the county and three trustees from the county at large.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.085. Election of Trustees

(a) The county judge shall call the first election of trustees for the first Saturday in April of the year following the election at which the countywide independent school district was created.

(b) Each qualified voter in the district is entitled to vote for one board member from the commissioner precinct in which the elector and the candidate reside and is entitled to vote for three candidates from the county at large.

(c) The commissioners court shall appoint election judges and assistants, cause ballots to be printed and distributed, canvass the votes, declare the results of the election, notify the persons elected, and call a meeting of the new board of trustees on a date not later than the 10th day after the day on which the results of the election are determined.

(d) The seven trustees first elected shall determine by lot which shall serve for a term of one year and which for a term of two years. Those drawing numbers 1, 2, and 3 shall serve for a term of one

year, and those drawing numbers 4, 5, 6, and 7 shall serve for a term of two years.

(e) All subsequent elections of trustees shall be called by the board of trustees in the manner provided in this code for trustee elections in independent school districts. The elections shall be held on the first Saturday in April of each year at places in each commissioner precinct designated by the board of trustees. Each year, either three or four trustees, as the case may be, shall be elected for a term of two years.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.086. Powers

The boards of trustees of independent school districts established under this subchapter, whether appointed or elected, have all the powers, rights, duties, privileges, and qualifications granted in or required by general law relating to independent school districts.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.087. Title to Property; Assumption of Debt; Taxes

(a) Title to all property of the component districts vests in the countywide district, and the countywide district assumes and is liable for the outstanding indebtedness of the component districts.

(b) The maintenance and bond taxes and assessed valuations in each of the several component districts existing at the time of the creation of the independent school district embracing the entire county continue as if authorized for the countywide district until equalized at an election held for that purpose.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

[Sections 19.088 to 19.100 reserved for expansion]

SUBCHAPTER E. SEPARATION FROM MUNICIPAL CONTROL

§ 19.101. Eligibility

Any municipal school district may be separated from municipal control so that the school corporation becomes an independent school district, without the dual character previously possessed by the school corporation and the city or town.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.102. Petition

Separation from municipal control is initiated by a petition signed by 10 percent of the registered voters of the municipal school district. The petition must be presented to the board of trustees of the municipal school district. The board of trustees of

the municipal school district shall certify the petition to the governing body of the city or town.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.103. Hearing

Immediately after receipt of the petition and certification, the governing body of the city or town shall fix a date not later than the 10th day after the date of receipt for the holding of a joint meeting of the governing body of the city or town and the board of trustees of the municipal school district. At the joint meeting, the governing body of the city or town and the board of trustees of the municipal school district, acting jointly as one body, the mayor or chairman of the governing body presiding, shall order an election.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.104. Election

(a) The election shall be held on an authorized election date, as provided by Section 9b, Texas Election Code (Article 2.01b, Vernon's Texas Election Code), occurring not later than the 60th day after the day on which the petition is received. If an authorized date within that period does not allow sufficient time to comply with other legal requirements or if there is no authorized date within that period, the election shall be ordered for the next authorized date. Notice of the election shall be given in the manner prescribed by Section 19.003 of this code.

(b) The ballot shall be printed to provide for voting for or against the proposition: "The separation of the public schools from municipal control."

(c) Except as provided by this section, the election shall be conducted as nearly as possible in compliance with the law governing regular city elections in the town or city.

(d) The governing body of the city or town shall immediately canvass the returns of the election and deliver to the board of trustees of the municipal school district the certified results of the election and a certified copy of the record showing all proceedings relating to the election.

(e) If a majority of the votes are cast in favor of the separation of the public schools from municipal control and if the board of trustees of the school district finds that the election has been in all respects lawfully held and the returns duly and legally made to the governing body of the city or town, the board of trustees shall by resolution declare that the public schools of the municipal school district have been separated from municipal control and that the corporate name of the school district shall thereafter be "_____ Independent

School District," inserting the name of the city or town.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.105. Status After Separation; Property and Debts

(a) The separated school district is an independent school district with all the powers and duties conferred on independent school districts by law.

(b) Title to property of the municipal school district vests in the separated district, and the separated district assumes and is liable for the outstanding indebtedness of the municipal school district.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.106. Trustees

(a) The board of trustees of the separated school district shall consist of seven members.

(b) The members of the board of trustees of the municipal school district shall continue as members of the board of trustees of the independent school district until the terms for which they have been elected or appointed, as the case may be, have expired or until their successors have been elected and have qualified.

(c) If the board of trustees of the municipal school district consisted of fewer than seven members, those serving shall appoint a sufficient number of new trustees to bring the total membership of the board to seven members, the appointees to serve in accordance with the general law governing the election and tenure of office of independent school district trustees.

(d) At the expiration of the terms of office of the existing trustees, election of trustees shall be held in compliance with the general law relating to the election of trustees in independent school districts.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

[Sections 19.107 to 19.120 reserved for expansion]

SUBCHAPTER F. CONVERSION FROM COMMON SCHOOL DISTRICT TO INDEPENDENT SCHOOL DISTRICT

§ 19.121. Eligibility

Any common school district may incorporate for school purposes in accordance with this chapter and become an independent school district.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.122. Petition

Conversion from a common school district to an independent school district is initiated by a petition requesting an election on the question. The petition must:

- (1) describe the common school district; and
- (2) recite the name by which the independent school district should be known.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.123. Election

(a) At the same time the county judge orders the incorporation election, he shall order an election to be held for the selection of a board of seven trustees. Notice of the election for trustees shall be given at the same time and in the same manner as provided for the giving of notice for the incorporation election. The election of trustees shall be held at the same time, under the same rules, and by the same officers as the incorporation election.

(b) The ballot shall be printed to provide for voting for or against the proposition: "Conversion of _____ Common School District into the _____ Independent School District."

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.124. Incorporation; Trustees; Organization

(a) If a majority of the votes are cast in favor of incorporation of the district, the county judge shall enter in the minutes of the commissioners court an order incorporating the school district and the county clerk shall record a certified copy of the order in the appropriate county records. The school district is thereafter incorporated for free school purposes only and is vested with all the rights, powers, and privileges conferred and imposed by law on independent school districts.

(b) The county judge shall issue a certificate of election to each of the seven candidates for the office of trustee who received the greatest number of votes cast. On the issuance of the certificate of election and the taking of the official oath of office, the trustees are qualified and shall immediately undertake their duties.

(c) The trustees elected at the incorporation election shall organize as provided in Chapter 23 of this code, but the district shall conduct a regular trustee election on the first Saturday of the next April. The trustees elected at the incorporation election shall serve only until their respective successors have been elected and qualified.

(d) On notice to the commissioner of education, the independent school district is entitled to receive its share of the available school fund. No incorporated town or village included within the boundaries of the independent school district may thereafter acquire any right to take or assume control of the public free schools within its limits.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.125. Title to Property; Assumption of Debt

Title to all property of the common school district vests in the independent school district, and the independent school district assumes and is liable for the outstanding indebtedness of the common school district.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.126. County-Line Districts

If the district to be converted is a county-line district, the petition shall be presented in and the election conducted by the county in which the greatest area of the district lies. All other counties in which the district lies shall cooperate with the county conducting the election.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

[Sections 19.127 to 19.150 reserved for expansion]

SUBCHAPTER G. ABOLITION OF INDEPENDENT SCHOOL DISTRICT

§ 19.151. Eligibility

Any independent school district may be abolished in the manner provided by this subchapter.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.152. Petition

Abolition of an independent school district is initiated by a petition requesting an election on the question. The petition must be presented to the county judge of each county in which part of the independent school district is situated.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.153. Election

(a) Each county judge receiving a valid petition shall:

- (1) issue an order for an election to be held on the same day in each county; and
- (2) give notice of the election.

(b) The ballot in the election shall be printed to provide for voting for or against the proposition: "Abolition of the _____ Independent School District."

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.154. Order Abolishing District

(a) The commissioners court of each county shall canvass the returns of the election in its county.

(b) If a majority of the total votes cast in the district favor abolishing the district, each commissioners court shall declare the results. The aboli-

tion is effective only if all territory of the district is annexed to other contiguous districts.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.155. Disposition of Territory, Etc.

(a) The property and affairs of the abolished district are governed by this section unless otherwise controlled by the manner in which the district was abolished.

(b) Each county commissioners court shall annex the territory of the abolished independent school district in its county to one or more contiguous districts in the county. The commissioners court may annex territory to a school district only if the board of trustees of that district approves the annexation.

(c) Title to the real property of the abolished district vests in the district to which the property is annexed.

(d) If at the time of its abolishment the independent school district had no outstanding indebtedness, all uncollected taxes on the property of the district for the years up to and including the last day of January of the year immediately following that in which the independent school district is abolished shall be levied and collected, at the same rate and in the same manner as authorized for the independent school district immediately prior to its abolishment, by the school district or districts to which the territory containing the property on which taxes are due has been annexed.

(e) Each school district to which territory from the abolished district is annexed assumes and is liable for the indebtedness of the abolished district that is allocated to the district under Section 19.004 of this code.

(f) Any creditor of an abolished independent school district must file his claim against the district with the county commissioners court within 60 days after the independent school district has been abolished and, if the claim is not allowed, may maintain suit against the abolished independent school district as such. Suit must be brought not later than one year after the date on which the claim is disallowed. Service in a suit, if necessary, may be had on the county judge of each county in which the district was located. The county commissioners court shall defend any suit against an abolished independent school district but may settle the litigation as it considers advisable. This section does not waive any defense available to the abolished district.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

[Sections 19.156 to 19.170 reserved for expansion]

SUBCHAPTER H. ABOLITION OF COMMON SCHOOL DISTRICT

§ 19.171. Authority of Commissioners Court

(a) The commissioners court may abolish and annex any common school district located entirely

within its county if a formal application or request is submitted by the trustees of the common school district. The application or request does not affect the authority of the commissioners court to determine if the common school district should be abolished and annexed.

(b) The commissioners court shall annex the territory of the abolished district to one or more contiguous independent school districts located entirely within its county, in such manner as may be determined by order of the commissioners court.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

§ 19.172. Title to Property; Assumption of Debt

(a) Title to the real property of the abolished school district vests in the district to which the property is annexed.

(b) Each district to which territory of the abolished school district is annexed assumes and is liable for any portion of the abolished district's indebtedness that is allocated to the receiving district under Section 19.004 of this code.

[Amended by Acts 1983, 68th Leg., p. 1380, ch. 285, § 1, eff. Sept. 1, 1983.]

CHAPTER 20. SCHOOL DISTRICT FUNDS

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SUBCHAPTER A. SCHOOL DISTRICT TAX BONDS AND MAINTENANCE TAXES

§ 20.01. Bonds and Bond Taxes

The governing board of each independent school district (including, as to each municipally controlled independent school district, the city council or commission which has jurisdiction thereof), and the governing board of each rural high school district, and the commissioners court of every county, for and on behalf of each common school district under its jurisdiction, shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings in the district and the purchase of the necessary sites therefor, and to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, subject to the provisions and restrictions of Section

20.04 of this code. Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of such governing board or commissioners court. Said bonds, and the interest coupons appertaining thereto, shall be negotiable instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by such governing board or commissioners court in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

[Acts 1969, 61st Leg., p. 2895, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.02. Maintenance Taxes

The governing board of each independent school district (including, as to each municipally controlled independent school district, the city council or commission which has jurisdiction thereof), and the governing board of each rural high school district, and the commissioners court of every county, for and on behalf of each common school district under its jurisdiction, shall be authorized to levy, and cause to be assessed and collected, annual ad valorem taxes for the further maintenance of public free schools in the district, subject to the provisions and restrictions of Section 20.04 of this code.

[Acts 1969, 61st Leg., p. 2895, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.03. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing this section, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 20.04. Bond and Tax Elections

(a) No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the resident, qualified electors of the district, who own taxable property therein and who have duly rendered the same for taxation, voting at an election held for such purpose, at the expense of the district, in accordance with the Texas Election Code, except as hereinafter provided. Each such election shall be called by resolution or order of such governing board or commissioners court, which shall set forth the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters deemed necessary or advisable by such governing board or commissioners court.

(b) In each proposition submitted to authorize the issuance of bonds there shall be included the question of whether the governing board or commissioners court shall be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem

taxes, on all taxable property in the district, either—

(1) sufficient, without limit as to rate or amount, to pay the principal of and interest on said bonds; or

(2) sufficient to pay the principal of and interest on said bonds, provided that the annual aggregate bond taxes in the district shall never be more than the rate (not to exceed \$1 on the \$100 valuation of taxable property in the district) stated in said proposition.

(c) If bonds are ever voted in a district pursuant to Subsection (b)(1) of this section, then all bonds thereafter proposed shall be submitted pursuant to that subsection, and Subsection (b)(2) of this section shall not be applicable to such district. Except as otherwise provided by this section, no bonds shall be issued pursuant to Subsection (b)(1) of this section if the aggregate principal amount of tax bond indebtedness of the district after such issuance would be in excess of 10 percent of the assessed valuation of taxable property in the district according to the then last completed and approved ad valorem tax rolls of the district. A district may issue bonds resulting in an aggregate principal amount of tax bond indebtedness in excess of 10 percent of the district's assessed valuation if:

(1) the bonds are issued for the purpose of constructing and equipping a replacement for a building lost to fire or natural disaster;

(2) the bonds are issued in an amount necessary for that purpose, less the amount paid by insurance covering the loss; and

(3) the resulting aggregate principal amount of tax bond indebtedness does not exceed 16 percent of the district's assessed valuation.

(d) In each proposition submitted to authorize the levy of maintenance taxes there shall be included the question of whether the governing board or commissioners court shall be authorized to levy, and cause to be assessed and collected, annual ad valorem taxes, for the further maintenance of public free schools, of not to exceed the rate (which shall be not more than \$1.50 on the \$100 valuation of taxable property in the district) stated in said proposition.

(e) Notice of each such election shall be given by publishing a substantial copy of the election resolution or order one time, at least 10 days prior to the date set for the election, in a newspaper of general circulation in the district. Such governing board or commissioners court shall canvass the returns and declare the results of such elections.

[Acts 1969, 61st Leg., p. 2895, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1981, 67th Leg., p. 547, ch. 228, § 1, eff. May 28, 1981.]

Acts 1979, 66th Leg., p. 680, ch. 302, relating to school taxes, appraisal of agricultural and timber land, residence homestead exemptions, state payments to replace school district revenue lost due to reduction of the ad valorem tax base, and to a limit on the rate of growth of appropriations, provided in § 1 of art. 10:

"A school district may issue tax bond indebtedness voted prior to August 31, 1979, notwithstanding the 10 percent tax bond indebtedness limitation imposed by Section 20.04(c), Texas Education Code."

Section 2 of the 1981 amendatory act provides:

"The governing board of a school district may order an election for the approval of bonds in anticipation of this Act and bonds authorized by the voters at that election are valid if otherwise authorized and issued in accordance with law."

§ 20.05. Refunding Bonds

(a) In this section:

(1) "Bond" includes a bond, a note, or any other evidence of indebtedness.

(2) "Total debt service" means the amount of principal and unpaid interest on a bond to final maturity.

(b) Each such governing board or commissioners court shall be authorized to refund or refinance all or any part of any of the district's outstanding bonds and matured or unmatured but unpaid interest thereon payable from ad valorem taxes by the issuance of refunding bonds payable from ad valorem taxes. Said refunding bonds shall mature serially or otherwise not more than forty years from their date, and shall bear interest at such rate or rates, as shall be determined within the discretion of such governing board or commissioners court. Said refunding bonds may be issued without an election in connection therewith.

Provided, however, if the Texas Constitution would require an election or vote to permit any procedure, action, or matter pertaining to such refunding bonds, then an election to authorize any such procedure, action, or matter shall be held substantially in accordance with this Chapter 20 of this code to the extent practicable, applicable, and appropriate.

(c) A series or issue of refunding bonds may not be issued unless:

(1) the total debt service on the refunding bonds will amount to less than the total debt service on the bonds being refunded;

(2) if a maximum interest rate was voted for the bonds being refunded, the refunding bonds do not bear interest at a rate higher than such voted maximum rate; and

(3) the refunding bonds are payable from taxes of the same nature as those pledged to the payment of the obligations being refunded thereby.

(d) Said refunding bonds, and any interest coupons appurtenant thereto, shall be negotiable instruments and they may be made redeemable prior to maturity, and may be issued in such form, denomination, and manner, and under such terms, conditions and details, and shall be signed and executed, as provided by the governing board or the commissioners court in the resolution or order authorizing the issuance of said refunding bonds.

(e) The refunding bonds may be:

(1) issued and delivered in lieu of, and upon surrender to the comptroller of public accounts of

Texas and cancellation of, the obligations being refunded thereby, and the comptroller of public accounts shall register the refunding bonds and deliver the same in accordance with the provisions of the resolution or order authorizing the refunding bonds; or

(2) sold for cash in any principal amounts necessary to provide all or any part of the money required to:

(A) pay the principal of any bonds being refunded and the interest to accrue on the bonds to maturity; or

(B) redeem any bonds being refunded before maturity, including principal, any required redemption premium, and the interest to accrue on the bonds to the redemption date.

(f) Such refunding may be accomplished in one or in several installment deliveries. Said refunding bonds also may be issued and delivered in accordance with the provisions of and procedures authorized by any other applicable law.

(g) To refund bonds or to pay or redeem bonds in whole or in part without issuing refunding bonds, the governing board or commissioners court may deposit directly with the paying agent the proceeds from the sale of refunding bonds or any other available funds or resources. The deposit must be in an amount sufficient, after taking into account both the principal and interest to accrue on the assets of any escrow account created under Subsection (h) of this section, to provide for the payment or redemption of the bonds and assumed obligations that are to be refunded or to be paid or redeemed. The deposit constitutes the making of firm banking and financial arrangements for the discharge and final payment or redemption of the bonds being refunded.

(h) The governing board or commissioners court may enter into an escrow or a similar agreement with the paying agent with respect to the safekeeping, investment, reinvestment, administration, or disposition of the deposits, but the deposits may be invested and reinvested only in direct obligations of the United States, including obligations the principal of and interest on which are unconditionally guaranteed by the United States and that mature or bear interest payable at times and in amounts sufficient to provide for the scheduled payment or redemption of the bonds. The governing board or commissioners court shall enter into an appropriate escrow or a similar agreement if any of the bonds are scheduled to be paid or redeemed on a date later than the next succeeding scheduled interest payment date.

(i) If the governing body or commissioners court has entered into an escrow or a similar agreement under Subsection (h) of this section, the refunded bonds are considered to be defeased and may not be included in or considered to be an indebtedness of the district for the purpose of a limitation on outstanding indebtedness or taxation or for any other purpose.

(j) Refunding bonds may be issued under this section to refund any bonds that are scheduled to mature or that are subject to redemption before maturity, not more than 20 years from the date of the refunding bonds. The refunding bonds may be sold at public or private sale under the procedures, at the price, and on the terms determined by the governing board or commissioners court. In addition, the bonds may be sold bearing interest at the rate determined by the governing board or commissioners court, but not to exceed the maximum rate prescribed by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 717k-2, Vernon's Texas Civil Statutes). The bonds shall mature not more than 40 years after their date as determined by the governing board or commissioners court. The governing board or commissioners court may pledge to the payment of any refunding bonds any surplus income to be available from the investment or reinvestment of any deposit made as authorized by this section or any other available revenues, income, or resources.

(k) The refunding bonds may be issued in an additional amount sufficient to pay the costs and expenses of issuing the bonds and sufficient to fund any debt service reserve, contingency, or other similar fund considered necessary or advisable by the governing board or commissioners court.

[Acts 1969, 61st Leg., p. 2896, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 1142, ch. 256, § 1, eff. May 27, 1983.]

§ 20.06. Examination of Bonds by the Attorney General

All bonds issued pursuant to this subchapter, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller of public accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

[Acts 1969, 61st Leg., p. 2897, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.07. Bonds are Legal Investments

All bonds issued pursuant to this subchapter shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic. Said bonds also shall be eligible

and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

[Acts 1969, 61st Leg., p. 2897, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.08. Previously Voted Bonds and Taxes

All tax bonds voted in any school district in accordance with law but unissued at the effective date of this code may be issued in the manner provided by the law in effect at the time such bonds were voted, or issued in the manner provided in this subchapter, to the extent pertinent and applicable, without an additional election; and all maintenance taxes heretofore voted in any school district in accordance with law may be levied and collected in the manner provided by the law in effect at the time such bonds were voted, or issued in the manner provided in this subchapter, to the extent pertinent and applicable, without an additional election.

[Acts 1969, 61st Leg., p. 2897, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 20.09 to 20.20 reserved for expansion]

SUBCHAPTER B. SCHOOL DISTRICT REVENUE BONDS

§ 20.21. Gymnasia, Stadia, and Other Recreational Facilities

The governing board of each independent school district (including, as to each municipally controlled independent school district, the city council or commission which has jurisdiction thereof) and the governing board of each rural high school district, and the commissioners court of every county, for and on behalf of each common school district under its jurisdiction, shall be authorized and have the power to acquire, purchase, construct, improve, enlarge, equip, operate, and maintain gymnasia, stadia, or other recreational facilities for and on behalf of its district, and such facilities may be located within or without the district.

[Acts 1969, 61st Leg., p. 2898, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.22. Revenue Bonds

For the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip gymnasia, stadia, or other recreational facilities, such board or commissioners court shall be authorized to issue its revenue bonds to be payable from and secured by liens on and pledges of all or any part of any of the revenues from any rentals, rates, charges, or other revenues from any or all of such facilities, in the manner hereinafter provided. Said bonds may be additionally secured by mortgages

and deeds of trust on any real property on which any of said facilities are or will be located, or any real or personal property incident or appurtenant to said facilities, and the board or the commissioners court may authorize the execution and delivery of trust indentures, mortgages, deeds of trust or other forms of encumbrances to evidence same. Said bonds may be issued to mature serially or otherwise not to exceed 50 years from their date. In the authorization of any such bonds, each board or the commissioners court may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other types of bonds, under such terms or conditions as may be set forth in the resolution or order authorizing the issuance of said bonds, all within the discretion of the board or commissioners court. Said bonds, and any interest coupons appertaining thereto, shall be negotiable instruments (provided that such bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rates, as shall be determined and provided by the board or commissioners court in the resolution or order authorizing the issuance of said bonds. If so permitted in the bond resolution or order, any required part of the proceeds from the sale of the bonds may be used for paying interest thereon during the period of the construction of any facilities to be provided through the issuance of said bonds, and for the payment of operation and maintenance expenses of said facilities to the extent, and for the period of time, specified in said bond resolution, and also for the creation of reserves for the payment of the principal of and interest on the bonds; and such moneys may be invested, until needed, to the extent, and in the manner provided, in said bond resolution or order.

[Acts 1969, 61st Leg., p. 2898, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.23. Rentals, Rates, and Charges

The board or commissioners court shall be authorized to fix and collect rentals, rates, and charges, from students and others for the occupancy or use of any of said facilities, in such amounts and in such manner as may be determined by such board or commissioners court.

[Acts 1969, 61st Leg., p. 2898, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.24. Pledge of Revenues

The board or commissioners court shall be authorized to pledge all or any part of any of its revenues from the aforesaid facilities to the payment of any bonds issued hereunder, including the payment of principal, interest, and any other amounts required or permitted in connection with said bonds. When

any of the revenues from said facilities are pledged to the payment of bonds, the rentals, rates and charges for the occupancy or use thereof shall be fixed and collected in such amounts as will be at least sufficient to provide for all payments of principal, interest, and any other amounts required in connection with said bonds, and, to the extent required by the resolution or order authorizing the issuance of said bonds, to provide for the payment of operation, maintenance, and other expenses.

[Acts 1969, 61st Leg., p. 2899, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.25. Refunding Bonds

Any revenue bonds issued by any such board or commissioners court under this subchapter, and any revenue bonds issued by any such board or commissioners court under any other Texas statute and payable from revenues from any such facilities may be refunded or otherwise refinanced by such governing board or commissioners court, and in such case all pertinent and appropriate provisions of this subchapter shall be fully applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds the board or commissioners court may, in the same authorizing proceedings, refund or refinance bonds issued pursuant to this code and bonds issued pursuant to any other such Texas statute and combine all said refunding bonds and any other additional new bonds to be issued pursuant hereto into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other type of bonds. All refunding bonds shall be issued and delivered under such terms and conditions as may be set forth in the authorizing proceedings.

[Acts 1969, 61st Leg., p. 2899, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.26. Examination of Bonds by the Attorney General

All bonds issued pursuant to this subchapter, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller of public accounts of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

[Acts 1969, 61st Leg., p. 2899, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.27. Bonds Eligible as Investments and Security

All bonds issued pursuant to this subchapter shall be legal and authorized investments for all banks, trust companies, building and loan associations, sav-

ings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

[Acts 1969, 61st Leg., p. 2899, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 20.28 to 20.40 reserved for expansion]

SUBCHAPTER C. MISCELLANEOUS PROVISIONS

§ 20.41. Proceeds; Use for Water, Sewer or Gas Connections

Whenever bonds are hereafter voted and issued by school districts for the statutory purpose of construction and equipment of school buildings in the district and the purchase of the necessary sites therefor, the bond proceeds may be used, among other things, to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of an incorporated city or town, including home rule cities, or other municipal corporation, or private utility company (whether or not the water, sewer, or gas lines of such city, town, or other municipal corporation adjoin the school site or sites), so that the school district may afford its public free school buildings of the water, sewer, or gas services offered by such city, town, or other municipal corporation, or private utility company.

[Acts 1969, 61st Leg., p. 2900, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.42. Investment of Bond Proceeds in Obligations of United States; Interest Bearing Secured Time Bank Deposits

From and after the effective date of this code, any school district within the state which has or may have on hand any sums of money which are proceeds received from the issue and sale of bonds or certificates of indebtedness of any such school district, either before or after the effective date of this code, which proceeds are not immediately needed for the purposes for which such bonds or certificates of indebtedness were issued and sold, may, upon order of the board of trustees of such school district, place the proceeds of such bonds or certificates of indebtedness on interest bearing time deposit, secured in the manner provided in Section 23.79 of this code, with a state or national banking

corporation within this state the deposits of which are insured by the Federal Deposit Insurance Corporation, or invest the proceeds of such bonds or certificates of indebtedness in bonds of the United States of America or in other obligations of the United States of America, as may be determined by the board of trustees of the school district; but such interest bearing secured time deposits or bonds or other obligations of the United States of America shall be of a type which cannot be cashed, sold or redeemed for an amount less than the sum deposited or invested therein by such school district; and when such sums so placed or so invested by a school district are needed for the purposes for which the bonds or certificates of indebtedness of the school district were originally authorized, issued and sold, such time deposits or bonds or other obligations of the United States of America in which such sums have been placed or invested shall be cashed, sold or redeemed and the proceeds thereof shall be used for the purposes for which the bonds or certificates of indebtedness of the school district were originally authorized, issued and sold.

[Acts 1969, 61st Leg., p. 2900, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2167, ch. 829, § 1, eff. Aug. 27, 1979.]

§ 20.43. Interest Bearing Time Warrants

(a) Any school district in the State of Texas in need of funds to repair or renovate school buildings; purchase school buildings and school equipment; to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities; or in need of funds with which to employ an individual firm or corporation deemed to have special skill and experience to compile taxation data for use by its board of equalization; and said school district is financially unable out of available funds to make such repairs, renovations of school buildings, purchase school buildings, purchase school equipment, to equip school properties with necessary heating, water, sanitation, lunchroom or electric facilities or is unable to pay such individual or corporation for the performance of the professional duties hereinabove mentioned, may, subject to the provisions hereof, issue interest-bearing time warrants, in amounts sufficient to make such purchase and improvements, to pay all or part of the compensation of such individual, firm or corporation to compile such data, any law to the contrary notwithstanding. Such warrants shall mature in serial installments of not more than five years from their date of issue, and to¹ bear interest at a rate not to exceed the maximum rate provided by Section 2(a), Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes). Such warrants shall upon maturity be payable out of any available funds of such school district in the order of their maturity dates. Any such interest-bearing time warrants so issued may be issued and sold by such district for not less than their face value, and the proceeds thereof used to provide funds required for the purpose for which they are

issued. Such warrants shall be entitled to first and prior payment out of any available funds of such district as they become due. Included in such purposes is the payment of any amounts owed by said school districts, which indebtedness was incurred in carrying out any of such purposes.

(b) No such interest-bearing time warrants shall be issued or sold by a common school district or rural high school district until the same shall have been approved by the county board of school trustees; and said board shall, upon application of such school district, inquire into the financial conditions and needs of such district, and shall not approve the issuance of such interest-bearing time warrants unless in its opinion said district is in need of such repair and renovation of school building, and school equipment and to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities, and will be able with the resources in prospect to liquidate said warrants at their maturity.

(c) No school district in the State of Texas shall issue such interest-bearing time warrants in excess of five percent of the assessed valuation of the district, for the year in which such interest-bearing time warrants are issued; nor shall the payment of such interest-bearing time warrants in any one year exceed the anticipated surplus income of the district for the year in which the warrants are issued. Based on the budget of the district for said year, such anticipated income to be computed by taking the entire expected income of such school district from every source for the year in which such interest-bearing time warrants are issued, less teachers' salaries, bus aid included in the foundation fund, and that part of the local maintenance tax earmarked for salaries and known in the Gilmer-Aiken Law as the economic index or fund assignment. The anticipated income computation as herein defined shall be exclusive of all bond taxes. No school district shall have outstanding at any one time warrants totaling in excess of \$120,000 under the provisions of this section.

(d) In every instance wherein interest-bearing time warrants or other evidence of indebtedness have been issued by school districts within the State of Texas for any of the purposes herein provided for, the act of the board of trustees, and/or governing board of such district in issuing such interest-bearing time warrants are each and all hereby expressly validated. The indebtedness thus attempted to be created by such action is hereby declared to be the indebtedness of such district and shall be paid out of available funds as herein provided.

(e) Whenever any such interest-bearing time warrants have been issued under this section, and so long as any of them may be outstanding the officer in charge of the collection of delinquent taxes shall pay the same to legal depository of the district, to be deposited and held in a special fund for the payment of such interest-bearing time warrants,

and except as herein otherwise provided, no part thereof shall be applied or used for any other purpose.

(f) Interest and penalties on delinquent taxes shall be deemed a part of such taxes for the purpose of this section. Should any delinquent taxes, including interest and penalties, be cancelled, waived, released or reduced either by such school district or in any other way, with or without its consent, the amount of the loss so sustained shall be paid by the district to the special fund provided for herein out of funds not otherwise pledged to such special fund.

(g) All school districts issuing interest-bearing time warrants shall have the power to fix lien on and encumber and mortgage any and all property purchased with the proceeds of such warrants, and to fix a lien on and encumber any property, including teacherages owned by the district to secure the payment of legally incurred obligations. Provided, however, there shall never be a valid lien authorized or fixed on any school building wherein actual classroom instruction of pupils attending such school is being carried on or conducted.

(h) The word "interest-bearing time warrant" as used in this section means promissory note, interest-bearing time warrant, obligation or other evidence of indebtedness issued under this section.

(i) Taxes levied in any year to pay principal and interest of bonds and which taxes subsequently become delinquent for the purpose of this section, shall not be included in the term taxes or revenues or delinquent taxes as herein used.

[Acts 1969, 61st Leg., p. 2900, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1512, ch. 405, § 39, eff. May 26, 1971; Acts 1978, 65th Leg., 2nd C.S., p. 14, ch. 7, § 4, eff. Aug. 14, 1978; Acts 1981, 67th Leg., p. 1848, ch. 431, § 1, eff. June 11, 1981; Acts 1983, 68th Leg., p. 1248, ch. 270, § 1, eff. Aug. 29, 1983.]

1 So in enrolled bill.

Section 5 of the 1983 amendatory act provides:

"This Act is intended to clarify existing law concerning the maximum allowable interest rates on certain school district obligations."

§ 20.44. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing this section, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 20.45. Pledge of Delinquent Taxes as Security for Loan

The board of trustees of any school district of Texas is hereby authorized to pledge its delinquent school taxes levied for local maintenance purposes for specific school years as security for a loan, and such delinquent taxes pledged shall be applied against the principal and interest of the loan as they are collected. Provided, there shall be no pledging of delinquent taxes levied for school bonds for pur-

poses herein set out. Funds secured through such loans may be employed for any legal maintenance expenditure or purpose of the school district. Provided further, that such loans may bear interest at a rate not to exceed the maximum rate provided by Section 2(a), Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes).

[Acts 1969, 61st Leg., p. 2903, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 1249, ch. 270, § 2, eff. Aug. 29, 1983.]

Section 5 of the 1983 amendatory act provides:

"This Act is intended to clarify existing law concerning the maximum allowable interest rates on certain school district obligations."

§ 20.46. Additional Tax for Construction, Repair and Equipment of School Buildings; Purchase of Sites; Election

(a) Any school district, whether created under general or special law, having all or a portion of its territory situated in a county having a population of more than 190,000 according to the last preceding federal census, shall have the authority to levy an ad valorem tax, not to exceed 50 cents per \$100 valuation, for the purpose of paying the cost of the purchase, construction, repair, renovation or equipment of public free school buildings and the purchase of necessary sites therefor, provided, however, that no bonds or other evidence of indebtedness may be issued payable in whole or in part from the tax herein authorized; and provided further that no contract shall be made which will encumber more than the revenues to be collected from said tax in any one fiscal year.

(b) This additional tax for the maintenance of public free schools shall not be levied or collected until such time as it has been approved by a majority of the resident, qualified, property-taxpaying voters who own taxable property within the district which has been duly rendered for taxation, participating in an election called for that purpose, have approved the additional maintenance tax. Nothing herein shall prohibit the submission of other propositions at such election; provided, however, that the proposition for the additional maintenance tax shall not be included in any other maintenance tax proposition, but shall be voted upon separately.

(c) It is the intent of this section to confer upon the school districts situated in large counties the right and power to make contracts for the expenditure of current funds for the same purpose as it may issue bonds, without the necessity of issuing bonds and paying the interest on such obligations, and shall be construed to this end and as not being in conflict with the provisions of any other law regulating the issuance of bonds. The election for the additional maintenance tax shall be called and held in the manner provided by Section 20.04(a) and (e) of this code.

(d) The provisions of this statute shall not preclude the use of other tax revenues for such revenues to be so used.

[Acts 1969, 61st Leg., p. 2903, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 20.47. Additional Tax for Construction, Repair and Equipment of Schools in Counties With Population in Excess of 150,000; Purchase of Sites; Election

(a) Any school district whether created under general or special law, having all or a portion of its territory situated in a county having a population of more than 150,000 according to the last preceding federal census and having or acquiring the authority to levy under then existing law an ad valorem tax of not to exceed \$1.75 per \$100.00 of assessed valuation for maintenance purposes, shall have the authority to levy, apportion and expend out of any such maintenance tax levy \$.50 per \$100.00 of assessed valuation for the purpose of paying the cost of purchase, construction, repair, renovation and equipment of public free school buildings and purchase of sites therefor; provided, however, that no bonds or other evidences of indebtedness may be issued payable in whole or in part from the maintenance tax so levied and allocated and provided further that no contract shall be made which will encumber more than the revenues on hand and to be collected from said tax in any one fiscal year.

(b) The levy, allocation and expenditure of such portion of the maintenance tax as herein provided, may be made after such action has been approved by a majority of the resident, qualified property tax paying voters, who own taxable property within the district which has been duly rendered for taxation, participating in an election called for that purpose. This section shall not affect maintenance taxes levied for the year 1958 and prior years by any school district adopting same.

(c) It is the intent of this section to confer upon school districts to which it is applicable now or hereafter, the right and power to make contracts for the expenditure of maintenance funds for the same purpose as it may issue bonds, without the necessity of issuing bonds and paying the interest on such obligations and this section shall be construed to this end and as not being in conflict with the provisions of any other law regulating the issuance of bonds. The election for the allocation and expenditure of such maintenance tax as provided herein shall be called and held in the manner provided by Section 20.04(a) and (3)¹ of this code.

(d) The provisions of this statute shall not preclude the use of any tax revenues for the same or different purposes as herein specified to the extent it is now lawful for such revenues to be used.

[Acts 1969, 61st Leg., p. 2904, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Probably should read "(e)".

§ 20.48. Authorized Expenditures

(a) The public free school funds shall not be expended except as provided in this section.

(b) The state and county available funds shall be used exclusively for the payment of teachers' and superintendents' salaries, fees for taking the scholastic census, and interest on money borrowed on short time to pay salaries of teachers and superintendents, when these salaries become due before the school funds for the current year become available; provided that no loans for the purpose of payment of teachers shall be paid out of funds other than those for the then current year.

(c) Local school funds from district taxes, tuition fees of pupils not entitled to free tuition and other local sources may be used for the purposes enumerated for state and county funds and for purchasing appliances and supplies, for the payment of insurance premiums, janitors and other employees, for buying school sites, buying, building and repairing and renting school houses, and for other purposes necessary in the conduct of the public schools to be determined by the board of trustees, the accounts and vouchers for county districts to be approved by the county superintendent; provided, that when the state available school fund in any city or district is sufficient to maintain the schools thereof in any year for at least eight months, and leave a surplus, such surplus may be expended for the purposes mentioned herein.

(d) All independent school districts having within their limits a city with a population of 150,000 or more according to the last preceding federal census, or embracing at least 170 square miles of territory, having \$850 million or more assessed value of taxable property on the latest approved tax roll, and having a growth in student average daily attendance of 11 percent or more for each of the preceding five years as determined by the Central Education Agency, shall, in addition to the powers now possessed by them for the use and expenditure of local school funds and for the issuance of school bonds, be expressly authorized and empowered, at the option of the governing body of any such school district, in the buying of school sites and/or additions to school sites and in the building of school houses, to issue and deliver notes of the school district, negotiable or non-negotiable in form, representing all or a part of the purchase price or cost to the school district of the land and/or building so purchased or built, and to secure such notes by a vendor's lien and/or deed of trust lien against such land and/or building, and, by resolution or order of the governing body of the school district made at or before the delivery of such notes, to set aside and appropriate as a trust fund, and the sole and only fund, for the payment of the principal of and interest on such notes such part and portion of the local school funds, levied and collected by the school district in that year and/or subsequent years, as the governing body of the school district may deter-

mine, provided that in no event shall the aggregate amount of local school funds set aside in or for any subsequent year for the retirement of such notes exceed, in any one such subsequent year, 10 percent of the local school funds collected during such year. The district may issue the notes only if approved by majority vote of the resident, qualified electors voting in an election conducted in the manner provided by Section 20.04 of this code for approval of bonds.

(e) The governing body of an independent school district that governs a junior college district under Subchapter B, Chapter 130, of this code in a county with a population of more than one million may dedicate a specific percentage of the local tax levy to the use of the junior college district for facilities and equipment or for the maintenance and operating expenses of the junior college district. To be effective, the dedication must be made by the governing body on or before the date on which the governing body adopts its tax rate for a year. The amount of local tax funds derived from the percentage of the local tax levy dedicated to a junior college district from a tax levy may not exceed the amount that would be levied by five percent of the effective tax rate for the tax year calculated as provided by Section 26.04, Tax Code, on all property taxable by the school district. All real property purchased with these funds is the property of the school district, but is subject to the exclusive control of the governing body of the junior college district for as long as the junior college district uses the property for educational purposes.

(f) Funds from a junior college district branch campus maintenance tax levied by a school district board of trustees under Section 130.087 of this code may be used as provided by that section.

[Acts 1969, 61st Leg., p. 2904, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1889, ch. 764, § 1, eff. June 13, 1979; Acts 1983, 68th Leg., p. 2196, ch. 409, § 2, eff. Aug. 29, 1983; Acts 1983, 68th Leg., p. 5373, ch. 987, § 1, eff. June 19, 1983.]

§ 20.481. Use of County Available Fund Apportionment for Vocational and Technical Schools

Where any public school district or accumulation of districts of this state operates a school designated as an area vocational school for vocational and technical school purposes and/or which participates in such a designated area vocational school program, its annual county available school fund apportionment, if any, shall be employed in the operation of such school and/or in financing facilities therefor notwithstanding any laws to the contrary; provided further, that any such school district(s) shall not be held accountable for or charged with county available school funds in determination of eligibility for minimum foundation school program funds.

[Acts 1971, 62nd Leg., p. 3008, ch. 994, § 4, eff. Aug. 30, 1971.]

§ 20.49. Borrowing Money for Current Maintenance Expenses

(a) Independent or consolidated school districts are hereby authorized to borrow money for the purpose of paying maintenance expenses and to evidence such loans with negotiable notes; provided that at no time shall said loans exceed 75% of the previous year's income. Such notes shall be payable from any available funds of the district. The term "maintenance expenses" or "maintenance expenditures" as used in this section means any lawful expenditure of the school district other than payment of principal of and interest on bonds.

(b) Such notes may be issued only after a budget has been adopted for the current school year. A budget, within the meaning of this section, may be amended or a new budget may be adopted at any time.

(c) Such notes shall be authorized by resolution adopted by a majority vote of the board of trustees, signed by the president or vice president and attested by the secretary of said board. The notes shall bear interest at a rate not to exceed the maximum rate provided by Section 2(a), Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes).

(d) Any such note may contain a certification that it is issued pursuant to and in compliance with this section, and pursuant to a resolution duly adopted by the board of trustees, and such certification shall constitute sufficient evidence that said note is a valid and binding obligation of the district.

(e) This section is cumulative of and is not intended to replace or impair the provisions of Section 20.48 of this code.

[Acts 1969, 61st Leg., p. 2905, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1982, 67th Leg., 3rd C.S., p. 1, ch.1, § 1, eff. Sept. 10, 1982; Acts 1983, 68th Leg., p. 1249, ch. 270, § 3, eff. Aug. 29, 1983.]

Section 5 of the 1983 amendatory act provides:

"This Act is intended to clarify existing law concerning the maximum allowable interest rates on certain school district obligations."

§ 20.50. Contracts for Athletic Facilities

(a) Any independent school district, acting by and through its board of trustees, is hereby authorized to enter into a contract with any corporation, or any city or any institution of higher learning of the State of Texas (State University or College) located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by, or under the control of, any such entity. Such contract may be for any period, not exceeding 75 years, and may contain such terms and conditions as may be agreed upon between the parties.

(b) The district may enter into such contract for the use of such stadium and other athletic facilities for any purpose related to sports activities and other physical education programs for the students

at the public free schools operated and maintained by such independent school district.

(c) The consideration for any such contract may be paid from any source available to such independent school district; but it¹ voted, as hereinafter provided, such independent school district shall be authorized to pledge to the payment of said contract an annual maintenance tax in an amount sufficient, without limitation, to provide all of such consideration. If so voted and pledged, such maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to independent school districts for other maintenance taxes.

(d) No maintenance tax shall be pledged to the payment of any such contract or assessed, levied or collected unless an election is held in the independent school district and any such maintenance tax is duly and favorably voted by a majority of the resident, qualified electors of the independent school district who own taxable property therein and who have duly rendered the same for taxation, voting at said election. Each such election shall be called by order of the board of trustees of the independent school district. The election order shall set forth the date of the election, the polling place or places, and any other matters deemed advisable by the board of trustees. Notice of said election shall be given by publishing a substantial copy of the order calling the election one time, at least ten days prior to the election, in a newspaper of general circulation in the district. Except as herein otherwise specifically provided, any such election shall be held in accordance with the Texas Election Code.

[Acts 1969, 61st Leg., p. 2906, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ So in enrolled bill; probably should read "if".

§ 20.51. Issuance of Time Warrants by Districts Entitled to Certain Federal Aid

Text as added by Acts 1973, 63rd Leg., p. 53, ch. 36, § 1

(a) This section applies to any independent school district and to any common school district within the State of Texas, whether created by general law or special Act of the Legislature, which is entitled to payments for maintenance and operation of schools under the Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended.¹

(b) The board of trustees of an independent school district or of a common school district described in Subsection (a) of this section may, upon a determination that there are insufficient funds to properly operate and maintain the district's schools, make and enter an order in their minutes directing:

- (1) the issuing of time warrants sufficient to obtain funds for operation and maintenance of the district's schools and payment of existing accounts already obligated for these purposes;

(2) the levying of a tax sufficient to pay the principal and interest on the warrants where a sufficient maintenance tax had theretofore been authorized by a vote of the legally qualified voters in the district; and

(3) the creation of an interest and sinking fund.

(c) The board shall deposit in the sinking fund, created by the order in Subsection (b) of this section, an amount from each year's maintenance taxes sufficient to pay the principal and interest on outstanding warrants when they become due and payable, and the funds may only be used to pay the principal and interest on the warrants.

(d) The warrants shall be payable serially and annually for a period of years not to exceed eight, and shall bear interest at a rate not to exceed six percent per annum, with the option to call any part or all of the warrants for payment on any interest installment or paying date, and may provide for the payment of interest on a quarterly or semiannual basis.

(e) The president of the board shall sign the warrants and the secretary shall countersign them.

(f) The board may not sell the warrants for less than par value and accrued interest.

(g) The board may not issue time warrants exceeding the amount to which the independent school district or the common school district was entitled on January 1, 1972, to receive as payments for maintenance and operation of schools under the Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended, plus any anticipated payments for maintenance and operation of schools to which the independent school district or the common school district would be entitled through the expiration of the fiscal year of the United States Government which commences July 1, 1973, in accordance with the pertinent provisions of the aforesaid Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as it existed on January 1, 1972.

(h) The board may not issue or execute a warrant after the expiration of four years from June 1, 1972.

(i) Upon the issuance of any warrants provided for in this section, the affidavit of the president and secretary of the board of trustees that the warrants have been issued in conformity with this section, and the statement on the face of each warrant so issued or executed that they are made in compliance with and under the authority of this section, shall be prima facie evidence of the validity of the warrants.

(j) This section shall not be construed as repealing any laws now in existence authorizing the issuance of interest-bearing time warrants, but this section shall be cumulative of all existing laws and Acts.

[Acts 1973, 63rd Leg., p. 53, ch. 36, § 1, eff. April 12, 1973.]

120 U.S.C.A. § 236 et seq.

For texts as added by Acts 1973, 63rd Leg., p. 81, ch. 51, § 4, and Acts 1973, 63rd Leg., p. 286, ch. 135, § 1, see §§ 20.51, post

§ 20.51. Certificates of Indebtedness; Issuance by Certain School and Junior College Districts

Text as added by Acts 1973, 63rd Leg., p. 81, ch. 51, § 4

(a) Any school district, including a junior college district, situated in a county containing a population of 200,000 or more, according to the last preceding federal census, may issue interest-bearing certificates of indebtedness for the purpose of providing funds for the erection and equipment of school buildings within the boundaries of the district or refinancing outstanding certificates as herein provided. The term "certificates," as used in this section, includes all obligations authorized to be issued hereunder, and the term shall include interest thereon, unless clearly indicated by the context that another meaning is intended.

(b) The governing body of the district shall make provision for the payment of the certificates issued under the authority of this section by the appropriation and pledge of local school funds derived and to be derived from maintenance taxes levied and assessed or to be levied and assessed under authority of Sections 20.02 and 130.122 of this code, Chapter 273, Acts of the 53rd Legislature, 1953, as amended (Article 2784g, Vernon's Texas Civil Statutes), or other similar law now in existence or hereinafter enacted which limits the amount of tax which may be levied for maintenance purposes, as distinguished from bond requirements. The appropriation and pledge may be in the nature of a continuing irrevocable pledge to apply the first moneys collected or to be collected annually from the tax levy to the payment of the obligations or by the irrevocable present levy and appropriation of the amount of the maintenance tax as is required to meet the annual debt service requirements of the obligations, in which event the governing body shall covenant to annually set aside the amount in the annual tax levy, showing the same is a portion of the maintenance tax. The governing body shall annually budget the amount required to pay the debt service requirements, principal and interest, of the obligations which may be scheduled to become due in any fiscal year. Nothing herein shall be construed as permitting the levy of a maintenance tax in excess of the amount approved by the resident qualified property taxpaying voters of the district.

(c) No district at any one time shall have certificates outstanding and unpaid in principal amount in excess of \$250,000 unless the excessive amount becomes the obligation of the district by assumption as contemplated by Subsection (k) of this section or the new certificates are being issued to refund or refinance outstanding obligations as contemplated by Subsection (i) of this section.

(d) The principal amount of certificates which may be authorized at any one time and the scheduling of their principal maturity shall be further restricted as follows:

(1) where the assessed valuation is more than \$1 million and less than \$15 million the limiting factor is 25 cents.

(2) where the assessed valuation is \$15 million or more but less than \$35 million the limiting factor is 15 cents.

(3) where the assessed valuation is \$35 million or more the limiting factor is 5 cents.

(e) Assessed valuation means the valuation for school district purposes on the tax rolls of the district last approved prior to the authorization of the certificates. The limiting factor for a particular district, as set forth in the foregoing schedule, shall be multiplied by the assessed valuation of the district and the product shall be the maximum amount of debt service requirements on the certificates which may be scheduled to become due in any fiscal year on a cumulative basis. No district which has an assessed valuation less than \$1 million may issue certificates under this section.

(f) Certificates authorized to be issued hereunder shall be payable at such times, be in such form and denomination or denominations either in coupon form or registered as to principal and interest, either or both, and may contain such options for redemption prior to the scheduled maturity, and be payable at such place or places and contain such other provisions as the governing body of the district may determine, but in no event shall any certificate mature over a period in excess of 25 years from the date thereof, or bear interest at a rate in excess of seven percent per annum.

(g) Except where issued in exchange for certificates outstanding as provided in Subsection (i), the certificates shall be sold for cash at not less than the face or par value plus accrued interest and the proceeds applied for the purpose for which the same were issued, provided, however, that all accrued interest and premium received, if any, shall be deposited in the interest and sinking fund established for the payment of the obligations. The cost of issuing the obligations, including attorneys', printing, and fiscal fees, may be paid from the proceeds received from the sale thereof, except where such certificates are sold under the provisions of Subsection (i).

(h) The certificates, including interest thereon whether issued in coupon or registered form, shall be deemed and construed to be a security within the meaning of Chapter 8, dealing with "Investment Securities," of the Uniform Commercial Code,¹ and the provisions shall be applicable thereto from and after their approval by the Attorney General of Texas and registration by the comptroller of public accounts.

(i) Each governing body may refund or refinance outstanding certificates by the issuance of new in-

terest-bearing certificates within the limitations and conditions provided herein. The new certificates shall be issued and delivered in lieu of and upon surrender to the Comptroller of Public Accounts of Texas and the cancellation of the obligations being refunded thereby, and the comptroller shall register the new certificates and deliver them in accordance with the order authorizing their issuance. The new certificates may be issued and delivered in accordance with the provisions of Chapter 503, Acts of the 54th Legislature, 1955, as amended (Article 717k, Vernon's Texas Civil Statutes).

(j) A certified copy of all proceedings relating to the authorization of the certificates shall be submitted to the Attorney General of Texas and if he finds the certificates to have been authorized in accordance with the provisions of this section, he shall execute a certificate or opinion to that effect which shall be filed in the office of the comptroller of public accounts, who shall register the certificates which shall thereafter be incontestable for any cause.

(k) Certificates issued under the provisions of this section shall be an indebtedness of the school district issuing them, but the holder thereof shall not have the right to demand payment thereof out of any fund or funds other than those pledged to its payment. In the event the boundary lines of any issuing district are changed while the certificates remain outstanding, the indebtedness shall be adjusted or assumed as provided under general law for the adjustment of bond indebtedness payable from taxation.

(l) All certificates issued under this section shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees and guardians, and for any sinking funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas. The certificates shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas, and shall be lawful and sufficient security for deposits at their face value when accompanied by all unmaturing coupons, if any, appurtenant thereto.

(m) For the purpose of this section, the governing body of a common school district shall be the commissioners court of the county having administrative jurisdiction. The governing body of an independent school district, a rural high school district, or a junior college district shall be its duly elected board of trustees, and the governing body of a municipality controlled school district shall be the city or town council or commission. Certificates shall be authorized by order of the governing body of the district.

(n) The provisions of this section shall be cumulative of existing laws relating to the financing of the

cost of erecting and equipping school buildings by school districts, it being the legislative intent that this section shall be complete authority for the issuance, sale, and delivery of certificates by school districts.

(o) Nothing in this section shall be construed to violate any provision of the federal or state constitutions and all acts done hereunder shall be done in such manner as may conform thereto whether herein expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the district shall have the power by resolution to provide an alternative procedure conformable to the constitutions.

[Acts 1973, 63rd Leg., p. 81, ch. 51, § 4, eff. Aug. 27, 1973.]

¹ See V.T.C.A. Bus. & C. § 8.101 et seq.

For texts as added by Acts 1973, 63rd Leg., p. 53, ch. 36, § 1, and Acts 1973, 63rd Leg., p. 286, ch. 135, § 1, see §§ 20.51, ante and post

Amendment by Acts 1973, 63rd Leg., p. 1776, ch. 651, § 1

Acts 1973, 63rd Leg., p. 1776, ch. 651, § 1, effective June 16, 1973, purports to amend Civil Statutes, art. 2784g-2, § 1 [now, subsec. (a) of this section], without reference to repeal of said article by Acts 1971, 63rd Leg., p. 90, ch. 51, § 19, effective August 27, 1973. As so amended, § 1 of article 2784g-2 reads: "(a) Any school district, including a junior college district, may issue interest bearing Certificates of Indebtedness for the purpose of (1) providing funds for the erection and equipment of school buildings within the boundaries of the district, (2) refinancing outstanding certificates as herein provided, or (3) purchasing sites for the future construction of public school facilities. The term certificates, as used in this Act, shall include all obligations authorized to be issued hereunder and the term shall include interest thereon, unless clearly indicated by the context that another meaning is intended."

§ 20.51. Athletic Stadium Authorities

Text as added by Acts 1973, 63rd Leg., p. 286, ch. 135, § 1

(a) Athletic stadium authorities without taxing power may be created as hereinafter provided.

(b) As used in this section:

(1) "District" means any independent school district in this state.

(2) "Stadium" means the structural and associated facilities designed for staging and holding athletic contests and other events.

(3) "Authority" means an athletic stadium authority created under this Act.

(4) "Board" or "board of directors" means the board of directors of the authority.

(5) "Bond resolution" means the resolution authorizing the issuance of revenue bonds.

(6) "Trust indenture" means the mortgage, deed of trust, or other instrument pledging revenues of or creating a mortgage lien on properties, or both, to secure the revenue bonds issued by the authority.

(7) "Trustee" means the trustee under the trust indenture.

(c) If the boards of trustees of two districts find that it is to the best interest of the districts to create an athletic stadium authority to include the districts, each board of trustees shall adopt a resolution creating an authority and designating the name by which it shall be known. The authority shall be a body politic and corporate. It shall have a seal, may sue and be sued, and may make, amend, and repeal its bylaws.

(d) The authority shall be governed by a board of directors consisting of seven members. The members of the board shall serve terms ending May 1, providing the terms do not exceed two years, or until their successors are appointed and qualified. The board of trustees of each district shall each appoint three of the directors, and the appointees shall by majority vote appoint a seventh director.

(e) The board of directors shall elect from among the directors a president and vice-president, and shall elect a secretary and a treasurer who may or may not be directors, and may elect such other officers as may be authorized by the authority's bylaws. The offices of secretary and treasurer may be combined. The president has the same right to vote on all matters as other members of the board. A majority of the members of the board constitutes a quorum, and when a quorum is present, action may be taken by a majority vote of directors present. The board may employ a manager and such other employees, experts, and agents as it may see fit, but it may delegate to the manager the power to employ and discharge employees. The board may employ legal counsel.

(f) The authority shall have the power to construct, enlarge, furnish, and equip stadia, purchase existing stadia, furnishings, and equipment for its stadia, and to operate and maintain stadia. A stadium need not be located inside the district or districts.

(g) The authority may issue revenue bonds to provide funds for any of its purposes. The bonds shall be payable from and secured by a pledge of all or any part of the revenue to be derived from the operation of the stadium or stadia and any other revenues resulting from the ownership of stadium properties. The bonds may be additionally secured by a mortgage or deed of trust on property of the authority.

(h) The bonds shall be authorized by resolution adopted by a majority vote of a quorum of the

board of directors, and shall be signed by the president or vice-president and countersigned by the secretary, or either or both of their facsimile signatures may be printed thereon. The seal of the authority shall be impressed or printed thereon. The bonds shall mature serially or otherwise in not to exceed 40 years. The bonds may be registrable as to principal, or as to both principal and interest. Appropriate provisions may be inserted in the resolution authorizing the execution and delivery of bonds for the conversion of registered bonds into bearer bonds and vice versa. Provisions may be made in the bond resolution or trust indenture for the substitution of new bonds for those lost or mutilated. When bonds shall have once been approved by the attorney general and registered by the comptroller as prescribed in Subsection (1) of this section, it shall not be necessary to obtain the approval of the attorney general or registration by the comptroller as to such converted or substituted bonds.

(i) All bonds issued pursuant to this Act shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking fund of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their face value, when accompanied by all unma-tured coupons appurtenant thereto.

(j) Bonds constituting a junior lien on the revenue or properties may be issued unless prohibited by the bond resolution or trust indenture. Parity bonds may be issued under conditions specified in the bond resolution or trust indenture.

(k)(1) Any district, acting by and through its board of trustees, is authorized to enter into a contract with any athletic stadium authority organized under this section for the use of any stadium or stadia owned by any that¹ entity. Such contract may be for any period, not exceeding 75 years, and may contain such terms and conditions as may be agreed on between the parties.

(2) The district may enter into a contract for the use of the stadium or stadia for any purpose related to sports activities and other physical education programs for the students at the public free schools operated and maintained by the district.

(3) The consideration payable by the district under a contract may be paid from any source available to the district; and if voted, the district is authorized to pledge to the payment of the contract an annual maintenance tax in an amount

sufficient, without limitation, to provide all or part of the consideration. If so voted and pledged, the maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to independent school districts for other maintenance taxes. No maintenance tax shall be pledged to the payment of any contract or assessed, levied, or collected unless an election is held by and in the district, and the maintenance tax for that purpose is duly and favorably voted by a majority of the resident, qualified electors of the district who own taxable property therein and who have duly rendered the property for taxation, voting at the election. Each election shall be called by order of the board of trustees of the district. The election order shall set forth the date of the election, the proposition to be submitted and voted on, the polling place or places, and any other matters deemed advisable by the board of trustees. Notice of election shall be given by publishing a substantial copy of the order calling the election one time, at least 10 days prior to the election, in a newspaper of general circulation in the district. Except as herein otherwise specifically provided, the election shall be held in accordance with the Texas Election Code.

(l) Bonds issued under this section and the record relating to their issuance shall be submitted to the attorney general, and if he finds that they have been issued in accordance with this section and constitute valid and binding obligations of the authority and are secured as recited therein he shall approve them, and they shall be registered by the Comptroller of Public Accounts of the State of Texas, who shall certify such registration thereon. Thereafter they shall be incontestable.

(m) It is the duty of the board of directors to charge sufficient rates for services rendered by the stadium or stadia and to utilize other sources of its revenues so that revenues will be produced sufficient to pay all expenses in connection with the ownership, operation, and upkeep of the stadium or stadia, to pay the interest on the bonds as it becomes due, to create a sinking fund to pay the bonds as they become due, and to create and maintain a bond reserve fund and other funds as provided in the bond resolution or trust indenture. The bond resolution or trust indenture may prescribe systems, methods, routines, and procedures under or in accordance with which the stadium or stadia shall be operated.

(n) The authority may select a depository or depositories according to the procedures provided by law for the selection of independent school district depositories.

(o) Recognizing the fact that the property owned by authority will be held for public purposes only and will be devoted exclusively to the use and benefit of the public, it shall be exempt from taxation of every character.

(p) For the purpose of carrying out any power conferred by this section, the authority shall have the right to acquire the fee simple title to land and other property and easements by condemnation in the manner provided by Title 52, Revised Civil Statutes, as amended,² relating to eminent domain. The authority is declared to be a municipal corporation within the meaning of Article 3268 of Title 52.³ The amount of and character or interest in land, other property, and easements thus to be acquired shall be determined by the board of directors.

(q) In addition to other powers, the authority has the right to invest the proceeds of its bonds, until such money is needed, in the direct obligations of or obligations unconditionally guaranteed by the United States government, to the extent authorized in the bond resolution or trust indenture or in both.

(r) The board of directors is authorized to accept donations, gifts, and endowments to be held and administered as may be required by the respective donors, to the extent that such requirements would not contravene law.

[Acts 1973, 63rd Leg., p. 286, ch. 135, § 1, eff. May 18, 1973.]

¹ So in enrolled bill.

² Civil Statutes, art. 3264 et seq. (generally repealed; see, now, Property Code, § 21.001 et seq.).

³ Repealed; see, now, Property Code, §§ 21.021, 21.044, 21.062, 21.063.

For texts as added by Acts 1973, 63rd Leg., p. 53, ch. 36, § 1, and Acts 1973, 63rd Leg., p. 81, ch. 51, § 4, see §§ 20.51, ante

§ 20.52. Authorized but Unissued Bonds

This section shall apply to any independent school district which has previously voted or authorized school bonds for a specific purpose or purposes and the purpose or purposes have been accomplished by other means or have been abandoned and all or a portion of the bonds authorized remain unissued. In those cases, the board of trustees of the independent school district may, on its own motion, order an election for the purpose of submitting to the qualified voters of the district the proposition of whether or not the authorized but unissued bonds may be issued, sold, and delivered for other and different purposes specified in the election order and the election notice. The election shall be ordered, held, and conducted in the same form and manner as that at which the bonds were originally authorized. If a majority of those voting at the election vote in favor of the sale and delivery of the unissued bonds and the use of the proceeds of the bonds for the purpose or purposes specified in the election order and the election notice, the board of trustees of the independent school district shall be authorized to issue, sell, and deliver the bonds and use the proceeds of the bonds for the purpose or purposes authorized at the election.

[Acts 1979, 66th Leg., p. 2201, ch. 836, § 1, eff. June 14, 1979.]

§ 20.53. Authority to Charge Fees

(a) A school board is authorized to require payment of fees in the following areas:

(1) in any program where the resultant product in excess of minimum requirements and at the pupil's option becomes the personal property of the pupil, not to exceed cost of materials;

(2) membership dues in student organizations or clubs and admission fees or charges for attending extracurricular activities when membership or attendance is voluntary;

(3) a security deposit for the return of materials, supplies, or equipment;

(4) personal physical education and athletic equipment and apparel, although any pupil may provide his or her own if it meets reasonable requirements and standards relating to health and safety established by the school board;

(5) items of personal use or products which a student may purchase at his or her own option such as student publications, class rings, annuals, and graduation announcements;

(6) fees specifically permitted by any other statute;

(7) any authorized voluntary student health and accident benefit plan;

(8) a reasonable fee not to exceed the actual annual maintenance cost for the use of musical instruments and uniforms owned or rented by the district;

(9) items of personal apparel which become the property of the student and which are used in extracurricular activities;

(10) parking fees and fees for identification cards;

(11) driver training courses, provided that such fees shall not exceed the difference between the average statewide cost per student in the programs for the prior school year or the actual district cost per student in such programs for the current school year, whichever is less, and the payment per student from state funds for such programs; or

(12) courses offered for credit where the activity necessitates the use of facilities not available on the school premises, and participation in the course is optional on the part of the student.

(b) A school board is not authorized to charge fees in the following areas:

(1) textbooks, workbooks, laboratory supplies, or other supplies necessary for participation in any instructional course except as authorized under this code;

(2) field trips which are required as a part of a basic education program or course;

(3) any specific form of dress necessary for any required educational program or diplomas;

(4) instructional costs for necessary school personnel employed in any course or educational program required for graduation;

(5) library books required to be utilized for any educational course or program, except that fines may be assessed for lost, damaged, or overdue books;

(6) admission fees, dues, or fees for any activity the pupil is required to attend as a prerequisite to graduation;

(7) any admission or examination cost for any required educational course or program; or

(8) lockers.

(c) The State Board of Education pursuant to administrative procedures and consistent with the general policy of this state shall have the power to specify further authorized and prohibited fees and to adopt rules and regulations for the purposes of such policies.

(d) Students may be required to furnish personal or consumable items including pencils, paper, pens, erasers, and notebooks.

(e) This section does not preclude the operation of a school store wherein pupils may purchase school supplies and materials.

(f) A school district shall adopt reasonable procedures for waiving a deposit or fee if a pupil and his or her parent or guardian is unable to pay it. This policy shall be posted in a central location in each school facility, in the school policy manual, and in the student handbook.

(g) This section shall not be construed to prohibit a school board from charging reasonable fees for goods and services provided in connection with any postsecondary instructional program, including but not limited to vocational-technical, adult, veterans, continuing education, community services, evening school, and general educational development programs.

[Acts 1977, 65th Leg., 1st C.S., p. 34, ch. 1, § 17, eff. Sept. 1, 1977.]

SUBCHAPTER D. STATE PAYMENTS TO REPLACE SCHOOL TAXES LOST BECAUSE OF STATE-MANDATED REDUCTION OF THE AD VALOREM TAX BASE

This subchapter was added by Acts 1979, 66th Leg., p. 692, ch. 302, art. 8, § 1. Section 2 of art. 8 of said Act provided:

"Pursuant to the provisions of The Tax Relief Amendment to the Texas Constitution [Acts 1978, 65th Leg., 2nd C.S., p. 54, H.J.R. No. 1], it is the intent of the legislature that this article fulfill the constitutional mandate to replace school district revenues lost as a result of implementation of The Tax Relief Amendment. It is further the intent of the legislature that the revenues distributed under the provisions of this article be utilized by school districts in such a manner as to provide the tax relief adopted by the voters of this

state under the provisions of The Tax Relief Amendment."

§ 20.81. Expired

Former § 20.81, relating to replacement of lost school district revenue, added by Acts 1979, 66th Leg., p. 692, ch. 302, art. 8, § 1, expired August 31, 1981, under the terms of former § 20.85(i) which was added by the same Act.

§ 20.82. Taxable Value Lost on Residence Homesteads

The amount of taxable value actually lost by application of Article 7150.5, Revised Civil Statutes of Texas, 1925,¹ is the sum of the amounts of residence homestead exemptions granted under Article 7150.5 to each residence homestead, except that the amount of the exemptions applicable to a residence homestead for the purpose of this subsection may not exceed its market value according to the school district's tax roll.

[Acts 1979, 66th Leg., p. 692, ch. 302, art. 8, § 1, eff. May 31, 1979.]

¹ Repealed; see, now, Tax Code.

§ 20.83. Taxable Value Lost on Agricultural and Timber Land

The amount of taxable value lost by application of Articles 7174A and 7174B, Revised Civil Statutes of Texas, 1925,¹ is the difference between the total of the market values or, if some parcels qualified for assessment under Article VIII, Section 1-d, of the Texas Constitution, the productive values, as determined by the school district in the 1978 tax year, of all parcels that are appraised as provided by Article 7174A or 7174B and the total of the productive values of those parcels as provided by Article 7174A or 7174B, as determined by the school district for the current year. In the case of property which is in a different district in the current year than in the 1978 tax year, the taxable value lost under the provisions of this section shall be calculated under rules adopted by the School Tax Assessment Practices Board consistent with the treatment of other land under this section.

[Acts 1979, 66th Leg., p. 692, ch. 302, art. 8, § 1, eff. May 31, 1979.]

¹ Repealed; see, now, Tax Code, §§ 23.51 et seq. and 23.71 et seq., respectively.

§ 20.84. Application for Payment

(a) To receive the payment prescribed by this subchapter, a school district must file a completed application for the payment with the School Tax Assessment Practices Board, on a form prescribed by that board in conjunction with the commissioner of education, before November 1. However, for good cause the board may extend the filing deadline by not more than 60 days.

(b) In prescribing the form, the board shall ensure that it requires a school district to provide all

the information necessary to administer this subchapter.

[Acts 1979, 66th Leg., p. 692, ch. 302, art. 8, § 1, eff. May 31, 1979.]

§ 20.85. Expired

Former § 20.85, relating to procedure for payments, added by Acts 1979, 66th Leg., p. 692, ch. 302, art. 8, § 1, expired by its own terms on August 31, 1981.

§ 20.86. Agency Audits

(a) At least once in each two-year period, the Central Education Agency with the assistance of the School Tax Assessment Practices Board shall conduct an audit of each school district tax office to determine if the district's applications under this subchapter are accurate, if the tax office administration of Articles 7150.5, 7174A, and 7174B, Revised Civil Statutes of Texas, 1925,¹ conforms to the requirements of law, and if the market values the district's tax office assigns to property affected by those articles are consistent with and not higher than the market values assigned to other, similar property not affected by those articles.

(b) If the agency determines by audit or otherwise that a district has received a greater payment under this subchapter than it was entitled to receive because it improperly granted residence homestead exemptions, improperly granted eligibility pursuant to Article 7174A or 7174B, assigned excessive value to property affected by Article 7150.5, 7174A, or 7174B, or otherwise overstated the amount it was entitled to receive, the agency shall notify the district of its determination and the reasons for it and shall reduce the amount of the next and, if necessary, subsequent certifications under Section 20.85 of this code or payments of state aid under Sections 16.254(b) and 16.254(c) of this code until the amount of the overpayment is recovered.

[Acts 1979, 66th Leg., p. 692, ch. 302, art. 8, § 1, eff. May 31, 1979.]

¹ All repealed; see, now, Tax Code.

§ 20.87. Challenge of Board or Agency Determinations

(a) A school district may challenge a determination by the School Tax Assessment Practices Board or the Central Education Agency under Section 20.85 or 20.86 of this code by filing a petition with the appropriate agency specifying the grounds for the challenge within 30 days after the date on which the district receives notice of the agency's determination.

(b) The appropriate agency shall hold a hearing on the challenge within 60 days after the date on which it receives the petition. After the hearing, the agency shall issue an order based on evidence presented at the hearing reversing, modifying, or affirming its determination.

[Acts 1979, 66th Leg., p. 692, ch. 302, art. 8, § 1, eff. May 31, 1979.]

§ 20.88. Effect of Land Use Change

Prior to April 1, each school district shall notify the Central Education Agency of the amount of payments received during the prior 12 months under the provisions of Section 5 of Article 7174A,¹ Revised Civil Statutes of Texas, 1925, Section 6 of Article 7174B,² and Section 1-d(f) of Article VIII of the Texas Constitution. Fifty percent of this amount shall be deducted from either current or subsequent payments under this subchapter or payments of state aid under Sections 16.254(b) and (c).

[Acts 1979, 66th Leg., p. 692, ch. 302, art. 8, § 1, eff. May 31, 1979.]

¹ Repealed; see, now, Tax Code, § 23.55.

² Repealed; see, now, Tax Code, § 23.76.

SUBCHAPTER E. GUARANTEED BONDS

§ 20.901. Definitions

In this subchapter:

- (1) "Board" means the State Board of Education.
- (2) "Commissioner" means the commissioner of education.
- (3) "Fund" means the permanent school fund.
- (4) "Paying agent" means the financial institution that is designated by a school district as its agent for the payment of the principal of and interest on guaranteed bonds.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]

Section 3 of the 1983 Act provides:

"This Act takes effect on adoption of the constitutional amendment proposed by S.J.R. 12, Acts of the 68th Legislature, Regular Session, 1983. If that amendment is not adopted, this Act has no effect."

S.J.R. No. 12 was adopted by vote of the people on November 8, 1983.

§ 20.902. Guarantee

On approval by the commissioner, bonds issued under Subchapter A of this chapter, including refunding bonds, are guaranteed by the corpus and income of the permanent school fund.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]

Effective date of 1983 Act, see note under § 20.901.

§ 20.903. Limitation; Value Estimates

(a) The commissioner may not approve bonds for guarantee if the approval would result in the total amount of outstanding guaranteed bonds exceeding an amount equal to two times the cost value or market value, whichever is less, of the permanent school fund, exclusive of real estate, as estimated by the board and certified by the State Auditor.

(b) Each year, the State Auditor shall analyze the status of guaranteed bonds as compared to the cost value and market value of the permanent school fund. Based on that analysis, the State Auditor shall certify whether the amount of bonds guaranteed is within the limit prescribed by this section.

(c) The commissioner shall prepare and the board shall adopt an annual report on the status of the guaranteed bond program.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]
Effective date of 1983 Act, see note under § 20.901.

§ 20.904. Eligibility

To be eligible for approval by the commissioner, bonds must be issued under Subchapter A of this chapter by an accredited school district.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]
Effective date of 1983 Act, see note under § 20.901.

Section 2 of the 1983 Act provides:

"In accordance with the provisions of this Act, the commissioner of education may approve for guarantee any eligible bonds issued after the effective date of this Act, including refunding bonds for bonds issued or sold before the effective date of this Act."

§ 20.905. Application for Guarantee

(a) A school district seeking the guarantee of eligible bonds shall apply to the commissioner.

(b) The application must include:

- (1) the name of the school district and the principal amount of the bonds to be issued;
- (2) the name and address of the district's paying agent for those bonds; and
- (3) the maturity schedule, estimated interest rate, and date of the bonds.

(c) The application must be accompanied by a fee set by rule of the board in an amount designed to cover the costs of administering the guarantee program.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]
Effective date of 1983 Act, see note under § 20.901.

§ 20.906. Investigation

(a) Following receipt of an application for the guarantee of bonds, the commissioner shall conduct an investigation of the applicant school district in regard to:

- (1) the district's accreditation; and
- (2) the total amount of outstanding guaranteed bonds.

(b) If following the investigation the commissioner is satisfied that the school district's bonds should be guaranteed under this subchapter, the commissioner shall endorse the bonds.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]
Effective date of 1983 Act, see note under § 20.901.

§ 20.907. Guarantee Endorsement

(a) The commissioner shall endorse bonds approved for guarantee with:

- (1) his signature or a facsimile of his signature; and
- (2) a statement relating the constitutional and statutory authority for the guarantee.

(b) The guarantee is not effective unless the attorney general approves the bonds under Section 20.06 of this code.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]
Effective date of 1983 Act, see note under § 20.901.

§ 20.908. Notice of Default

Immediately following a determination that a school district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, but not later than the fifth day before maturity date, the school district shall notify the commissioner.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]
Effective date of 1983 Act, see note under § 20.901.

§ 20.909. Payment From Permanent School Fund

(a) Immediately following receipt of notice under Section 20.908 of this code, the commissioner shall cause to be transferred from the appropriate account in the permanent school fund to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.

(b) Immediately following receipt of the funds for payment of the principal or interest, the paying agent shall pay the amount due and forward the canceled bond or coupon to the State Treasurer. The State Treasurer shall hold the canceled bond or coupon on behalf of the fund.

(c) Following full reimbursement to the fund with interest, the State Treasurer shall further cancel the bond or coupon and forward it to the school district for which payment was made.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]
Effective date of 1983 Act, see note under § 20.901.

§ 20.910. Bonds Not Accelerated on Default

If a school district fails to pay principal or interest on a guaranteed bond when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the school district's default.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]
Effective date of 1983 Act, see note under § 20.901.

§ 20.911. Reimbursement of Fund

(a) If the commissioner orders payment from the fund on behalf of a school district, he shall direct the comptroller of public accounts to withhold the amount paid, plus interest, from the first state money payable to the school district. The amount withheld shall be deposited to the credit of the fund.

(b) In accordance with the rules of the board, the commissioner may authorize reimbursement to the fund with interest in a manner other than that provided by this section.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]
Effective date of 1983 Act, see note under § 20.901.

§ 20.912. Repeated Defaults

(a) If two or more payments from the fund are made on the guaranteed bonds of a school district and the commissioner determines that the school district is acting in bad faith under the guarantee, the commissioner may request the attorney general to institute appropriate legal action to compel the school district and its officers, agents, and employees to comply with the duties required of them by law in regard to the bonds.

(b) Jurisdiction of proceedings under this section is in district court in Travis County.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]

Effective date of 1983 Act, see note under § 20.901.

§ 20.913. Rules

The board may adopt rules necessary for the administration of the bond guarantee program.

[Acts 1983, 68th Leg., p. 671, ch. 154, § 1.]

Effective date of 1983 Act, see note under § 20.901.

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SUBCHAPTER A. GENERAL PROVISIONS

§ 21.001. Scholastic Year

Text of section effective until September 1, 1985

The scholastic year shall commence on the first day of September of each year and end on the thirty-first day of August thereafter.

[Acts 1969, 61st Leg., p. 2910, ch. 889, § 1, eff. Sept. 1, 1969.]

For text of section effective September 1, 1985, see § 21.001, post

§ 21.001. Scholastic Year

Text of section effective September 1, 1985

(a) The scholastic year shall commence on the first day of September of each year and end on the thirty-first day of August thereafter.

(b) The attendance of students for the first semester of the regular school term may not begin earlier than September 1.

[Acts 1969, 61st Leg., p. 2910, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 405, ch. 28, art. V, part B, § 1, eff. Sept. 1, 1985.]

For text of section effective until September 1, 1985, see § 21.001, ante

Article V, part B, § 2, of the 1984 amendatory act provides: "This part applies beginning with the 1985-1986 school year."

§ 21.002. Scholastic Month

A school month shall consist of not less than 20 school days, inclusive of holidays.

[Acts 1969, 61st Leg., p. 2910, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.003. Scholastic Week

A school week shall consist of five days, inclusive of holidays.

[Acts 1969, 61st Leg., p. 2910, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.004. School Day

A school day shall be taught for not less than seven hours each day, including intermissions and recesses.

[Acts 1969, 61st Leg., p. 2910, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.005. Holidays

The public schools shall not be closed on legal holidays unless so ordered by the board of trustees.

[Acts 1969, 61st Leg., p. 2910, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.006. Names of School Districts

(a) Whenever the board of trustees of any school district in this state shall determine that the name of the district should be changed or amended by adding or deleting any word or words therefrom or any name or names of cities or towns, the board of trustees may, by resolution, change the name of the district.

(b) Notice of the change in name shall be given to the Central Education Agency by sending to the commissioner of education a copy of the resolution, attested by the president and secretary of the board of trustees of the school district. The district, under its changed name, shall be deemed to be a continuation of the district, as formerly named, for all purposes.

[Acts 1969, 61st Leg., p. 2910, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.007. Qualifications of Trustees

No person shall be elected as a trustee of a school district in this state unless he is a qualified voter. This section does not apply to a school district trustee elected or appointed before August 30, 1965.¹

[Acts 1971, 62nd Leg., p. 3009, ch. 994, § 6, eff. Aug. 30, 1971.]

¹ Effective date of source statute: Acts 1965, 59th Leg., p. 1017, ch. 501.

§ 21.008. Semester System

(a) Each school district shall operate for either two or three semesters during each school year, at the option of the district. The semesters must provide the required number of days of instruction for students and inservice education and preparation for teachers, except as provided under Section 16.052(b) of this code.

(b) The State Board of Education shall prepare a curriculum based on the operation of the schools on a two- or three-semester basis. The curriculum shall be so structured that material formerly covered in three three-month quarters is covered in two or three semesters. The curriculum for operation of the schools for three semesters shall be based on at least 70-minute class periods.

(c) Each district shall operate schools on a semester basis in accordance with this section.

[Acts 1975, 64th Leg., p. 894, ch. 334, § 2, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 101, ch. 46, § 3, eff. April 5, 1977; Acts 1977, 65th Leg., 1st C.S., p. 43, ch. 1, § 24, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 603, ch. 280, § 1, eff. May 24, 1979; Acts 1984, 68th Leg., 2nd C.S., p. 296, ch. 28, art. 1, part C, § 15, eff. Sept. 1, 1984.]

[Sections 21.009 to 21.030 reserved for expansion]

SUBCHAPTER B. ADMISSION AND ATTENDANCE

§ 21.031. Admission

(a) All children who are citizens of the United States or legally admitted aliens and who are over the age of five years and under the age of 21 years on the first day of September of any scholastic year shall be entitled to the benefits of the Available School Fund for that year.

(b) Every child in this state who is a citizen of the United States or a legally admitted alien and who is over the age of five years and not over the age of 21 years on the first day of September of the year in which admission is sought shall be permitted to attend the public free schools of the district in which he resides or in which his parent, guardian, or the person having lawful control of him resides at the time he applies for admission.

(c) The board of trustees of any public free school district of this state shall admit into the public free schools of the district free of tuition all persons who are either citizens of the United States or legally admitted aliens and who are over five and not over 21 years of age at the beginning of the scholastic year if such person or his parent, guardian or person having lawful control resides within the school district.

(d) In order for a person under the age of 18 years to establish a residence for the purpose of attending the public free schools separate and apart from his parent, guardian, or other person having lawful control of him under an order of a court, it must be established that his presence in the school

district is not for the primary purpose of attending the public free schools. The board of trustees shall be responsible for determining whether an applicant for admission is a resident of the school district for purposes of attending the public schools, and may adopt reasonable guidelines for making a determination as necessary to protect the best interest of students.

(e) A child placed in foster care by an agency of the state or a political subdivision shall be permitted to attend the public free schools in the district in which the foster parents reside free of any charge to the foster parents or the agency. No durational residence requirement may be used to prohibit such a child from fully participating in any activity sponsored by the school district.

(f) A student enrolled in high school in grade 9, 10, 11, or 12 who is placed in temporary foster care by the Department of Human Resources at a residence outside the residence district for the school or outside the school district is entitled to complete high school at the school in which the student was enrolled at the time of placement without payment of tuition.

(g) In addition to the penalty provided by Section 37.10, Penal Code, a person who knowingly falsifies information on a form required for enrollment of a student in a school district is liable to the district if the student is not eligible for enrollment in the district but is enrolled on the basis of the false information. The person is liable, for the period during which the ineligible student is enrolled, for the greater of:

(1) the maximum tuition fee the district may charge under Section 21.063 of this code; or

(2) the amount the district has budgeted for each student as maintenance and operating expenses.

(h) A school district may include on an enrollment form notice of the penalties provided by Section 37.10, Penal Code, and of the liability provided by Subsection (g) of this section for falsifying information on the form.

[Acts 1969, 61st Leg., p. 2910, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 896, ch. 334, § 4, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1012, ch. 376, § 1, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 1125, ch. 537, § 1, eff. June 11, 1979; Acts 1981, 67th Leg., p. 1010, ch. 386, § 1, eff. Aug. 31, 1981; Acts 1983, 68th Leg., p. 409, ch. 83, § 1, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 5394, ch. 997, § 1, eff. Aug. 29, 1983.]

§ 21.0311. Tuition for Certain Children From Other States

(a) Notwithstanding any other provision of this code, a child who resides at a child-caring institution and whose maintenance expenses are paid in whole or in part by another state may not be admitted to a public school unless the child-caring institution pays tuition for the child equal to the actual cost of educating a child enrolled in a similar educational program in the district.

(b) The State Board of Education shall establish formulas governing the calculation of tuition rates. All tuition charges shall be submitted to the commissioner of education for approval.

(c) The attendance of the child shall not be counted for purposes of allocating state funds to the district.

[Acts 1975, 64th Leg., p. 1345, ch. 504, § 1, eff. Sept. 1, 1975.]

§ 21.0312. Tuition for Certain Military Dependents

A school district may charge tuition for the attendance of a student who is not domiciled in Texas and resides in military housing that is exempt from taxation by the district. The tuition rate may not exceed an amount equal to the district's average expenditure per student from local funds.

[Acts 1981, 67th Leg., p. 2540, ch. 675, § 9, eff. Sept. 1, 1981.]

§ 21.032. Compulsory Attendance

(a) Unless specifically exempted by Section 21.033 of this code or under other laws, every child in the state who is as much as seven years of age, or who is less than seven years of age and has previously been enrolled in first grade, and who has not completed the academic year in which his 16th birthday occurred shall be required to attend the public schools in the district of his residence or in some other district to which he may be transferred as provided or authorized by law a minimum of 170 days of the regular school term of the district in which the child resides or to which he has been transferred.

(b) A child enrolled in prekindergarten or kindergarten must attend class or have an excused absence for a minimum of 85 days during each semester for which the child is enrolled.

[Acts 1969, 61st Leg., p. 2911, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1981, 67th Leg., p. 2226, ch. 525, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4908, ch. 871, § 1, eff. Sept. 1, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 399, ch. 28, art. IV, part E, § 1, eff. Sept. 1, 1984.]

Section 2 of the 1981 amendatory act provided that it took effect beginning with the 1981-1982 school year which, under the provisions of § 21.001, began on September 1, 1981.

§ 21.033. Exemptions

(a) The following classes of children are exempt from the requirements of compulsory attendance:

(1) any child in attendance upon a private or parochial school which shall include in its course a study of good citizenship;

(2) any child who is handicapped as defined in Section 21.503 of this code and who cannot be appropriately served by the resident district in accordance with the requirements of Section 21.032 of this code;

(3) any child who has a physical or mental condition of a temporary and remediable nature

which renders such child's attendance infeasible and who holds a certificate from a qualified physician specifying the temporary condition, indicating the treatment prescribed to remedy the temporary condition, and covering the anticipated period of the child's absence from school for the purpose of receiving and recuperating from such remedial treatment; and

(4) any child expelled in accordance with the requirements of law.

(b) This section does not relieve a resident district as defined by Section 16.104 of this code of its fiscal and administrative responsibilities under that section or of its responsibility to provide a handicapped child with a free appropriate public education.

[Acts 1969, 61st Leg., p. 2911, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1513, ch. 405, § 10, eff. May 26, 1971; Acts 1973, 63rd Leg., p. 769, ch. 342, § 1, eff. June 12, 1973; Acts 1975, 64th Leg., p. 2378, ch. 734, § 2, eff. June 21, 1975; Acts 1979, 66th Leg., p. 1321, ch. 602, § 21, eff. Aug. 27, 1979; Acts 1984, 68th Leg., 2nd C.S., p. 400, ch. 28, art. IV, part B, § 2, eff. Sept. 1, 1984.]

§ 21.0331. Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979

See, now, § 16.104.

§ 21.034. Reports

(a) The failure of any child within the compulsory attendance age to enroll in school shall be determined upon the basis of the reports prescribed by this section.

(b) The county superintendent of each county shall furnish to the superintendent of schools of each school district in the county, or to the principal in the event there be no superintendent, a complete list of all children belonging in the district as shown by the last scholastic census and the record to 1 transfers to and from the district.

(c) Each superintendent or principal shall report to the county superintendent the names of all children subject to the provisions of this subchapter who have not enrolled in the school.

(d) The superintendent, principal, or other official of any private, denominational, or parochial school shall furnish the county superintendent a list of all children of scholastic age enrolled in the school and the district in which each child was enumerated in the public school census.

(e) From the lists supplied by the public school superintendents and principals and by the officials of any private, denominational, or parochial schools, the county superintendent shall compile a list for each district showing all children who are shown by the census to be of scholastic age but who have not enrolled in any school. The list for each district

shall be furnished to the person or persons serving as attendance officer for the district.

[Acts 1969, 61st Leg., p. 2911, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ So in enrolled bill.

§ 21.035. Violations of Attendance Requirements

(a) Violations of the compulsory attendance law by absence after enrollment shall be determined upon the basis of the provisions of this section.

(b) Any child not excepted from compulsory school attendance may be excused, as provided by this section, for temporary absence resulting from personal sickness, illness or death in the family, quarantine, weather or road conditions making travel dangerous, or any other unusual cause acceptable to the teacher, principal, or superintendent of the school in which the child is enrolled.

(c) The reason for an excused absence must be stated in writing and signed by the parent or other person standing in parental relation to the child.

(d) The person discharging the duties of attendance officer of the school may investigate any case in which an excused absence is requested.

(e) Any teacher giving instruction to any child within the compulsory attendance age shall promptly report any unexcused absence to the person serving as attendance officer for the school.

(f) A school district shall excuse a student from attending school for the purpose of observing religious holy days if before the absence the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student under this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where he will observe the holy days. A student whose absence is excused under this subsection shall not be penalized for such absence and shall be counted as if he attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under this subsection shall be allowed a reasonable time to make up school work missed on those days. In accordance with the customary and generally applicable educational practices in the school district, the school district may appropriately respond if the student fails to satisfactorily complete such school work. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance. With the advice and assistance of the state commissioner of education, the State Board of Education may adopt rules consistent with this subsection that are necessary to administer this subsection uniformly.

[Acts 1969, 61st Leg., p. 2912, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 1902, ch. 610, § 1, eff. Sept. 1, 1975; Acts 1983, 68th Leg., p. 2148, ch. 392, § 1, eff. Sept. 1, 1983.]

Section 2 of the 1983 amendatory act provided that it took effect beginning with the 1983-1984 school year which, under the provisions of § 21.001, began on September 1, 1983.

§ 21.036. School Attendance Officer

In compliance with the terms of this section, a school attendance officer may be elected by either of the following types of governing bodies:

(1) The county school trustees of any county having a scholastic population of more than three thousand (3,000).

(2) The board of trustees of any independent school district having a scholastic population of more than two thousand (2,000).

[Acts 1969, 61st Leg., p. 2912, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.037. Selection of Attendance Officer

(a) Authorization to elect a school attendance officer shall be derived from the provisions of this section.

(b) A petition requesting and explaining the need for a school attendance officer and signed by at least 50 resident freeholders of the area involved shall be presented to the county school trustees or the trustees of the independent school district, as the case may be.

(c) The governing body, upon receipt of a petition as prescribed as ¹ Subsection (b) of this section, shall set a date for a public hearing and give notice thereof by publication in a newspaper published at the county seat for three consecutive weeks or, if there be no such newspaper, by posting printed notices in two public places within the area and one at the courthouse door of the county.

(d) If, after the public hearing, the governing body is of the opinion that a school attendance officer is necessary to the proper enforcement of the compulsory attendance law and that the school concerned will be benefited by such an officer, the governing body may elect an attendance officer.

(e) An elected attendance officer may be compensated from the available school funds belonging to the county or independent school district.

(f) An elected attendance officer may, at the option of the county or independent district governing body, be the probation officer or some officer or officers of the juvenile court of the county.

[Acts 1969, 61st Leg., p. 2912, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Probably should read "in".

§ 21.038. Where No Attendance Officer Selected

In those counties and independent school districts where no attendance officer has been elected, the duties of attendance officer shall devolve upon the school superintendents and peace officers of the

counties and districts, but no additional compensation may be paid for the services.

[Acts 1969, 61st Leg., p. 2913, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.039. Powers and Duties of Attendance Officer

(a) A school attendance officer shall have the following powers and duties:

(1) to investigate all cases of unexcused absences from school;

(2) to administer oaths and to serve legal process;

(3) to enforce the provisions of the compulsory attendance law;

(4) to keep records of all cases of any kind investigated by him in the discharge of his duties;

(5) to make all reports of his work required of him by the commissioner of education; and

(6) to proceed in juvenile court against any incorrigible pupil, or against any recalcitrant person having parental control as provided in Section 4.25 of this code.

(b) A school attendance officer shall not invade or enter any private home or private residence or any part thereof without the permission of the owner or tenant except to serve lawful process upon a parent, guardian, or other person standing in parental relation to a child affected by the compulsory attendance law.

(c) A school attendance officer shall not forcibly take corporal custody of any child anywhere without permission of the parent, guardian, or other person standing in parental relation to the child except in obedience to a valid process issued by a court of competent jurisdiction.

[Acts 1969, 61st Leg., p. 2913, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.040. Permissive Attendance

The board of trustees of any school district may, upon such terms as it may deem just and proper, admit pupils either over or under the school age, either in or out of the district, but in admitting such pupils the board shall see to it that the schools are not overcrowded to the neglect and injury of pupils within the scholastic age.

[Acts 1969, 61st Leg., p. 2913, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.041. Absences

(a) A student may not be given credit for a class if the student has more than five days of unexcused absence during a semester.

(b) In this section, "unexcused absence" means an absence not excused under Section 21.035 of this code.

[Acts 1984, 68th Leg., 2nd C.S., p. 399, ch. 28, art. IV, part D, § 1, eff. Sept. 1, 1984.]

[Sections 21.042 to 21.060 reserved for expansion]

SUBCHAPTER C. TRANSFERS AND SCHOOL ASSIGNMENTS

§ 21.061. Transfer of Student

(a) Any child, other than a high school graduate, who is over 6 and under 21 years of age at the beginning of any scholastic year may annually transfer from his school district of residence to another Texas district, provided that both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to transfer.

(b) Such a transfer agreement shall locally be filed and preserved as a receiving district record for audit purposes of the Central Education Agency.

[Acts 1969, 61st Leg., p. 2913, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1514, ch. 405, § 42, eff. May 26, 1971.]

§ 21.062. Transfer of State Funds

Upon the filing and certification of the transfer of any such child in the manner timely and in the form prescribed by regulations of the State Board of Education, the state per capita apportionment shall transfer with the child; and for purposes of computing state allotments to districts eligible under the Foundation School Program Act, the attendance of the child prior to the date of transfer shall be counted by the transfer sending district and the attendance of the child after the date of transfer shall be counted by the transfer receiving district.

[Acts 1969, 61st Leg., p. 2914, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1514, ch. 405, § 42, eff. May 26, 1971; Acts 1971, 62nd Leg., p. 3340, ch. 1024, art. 2, § 8, eff. Sept. 1, 1971.]

§ 21.063. Tuition Fee for Transfer Students

The receiving district may charge a tuition fee to the extent that the district's actual expenditure per student in average daily attendance, determinable by its board of trustees, exceeds the sum the district benefits from state aid sources as provided in Section 21.062 of this code. However, unless a tuition fee is prescribed and set out in transfer agreement prior to its execution by the parties, no increase in tuition charge shall be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year.

[Acts 1969, 61st Leg., p. 2914, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1514, ch. 405, § 42, eff. May 26, 1971.]

§§ 21.064, 21.065. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(1), eff. May 26, 1971

§ 21.066. Repealed by Acts 1979, 66th Leg., p. 1796, ch. 729, § 9, eff. June 13, 1979

§§ 21.067 to 21.072. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(1), eff. May 26, 1971

§ 21.073. Transfer to District of Bordering State

(a) Any child who would be entitled to attend the public school of any district situated on the border

of Louisiana, Arkansas, Oklahoma, or New Mexico and who may find it more convenient to attend the public school in a district in one of those contiguous states may have the state and county per capita apportionment of the available school funds paid to the school district of the contiguous state and may have additional tuition, if necessary, paid by the district of his residence on such terms as may be agreed upon by the trustees of the receiving district and the trustees of the residence district.

(b) Such arrangements must be approved by the county superintendent and the county school trustees of the Texas county of residence.

(c) The restrictions of Sections 21.068-21.072¹ of this code with regard to the payment of high school tuition shall not apply to transfers to contiguous state high schools.

[Acts 1969, 61st Leg., p. 2917, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Repealed.

§ 21.074. Transfers in Discretion of Governing Board

(a) In conformity with the provisions of Sections 21.075-21.078 of this code, the board of trustees of any school district or any board of county school trustees shall have authority to transfer and assign any pupil or pupils from one school facility or classrooms to another within its jurisdiction.

(b) Such transfers may not be made by any general or blanket order but must be made upon an individual basis as specified herein.

(c) The authority herein granted may be exercised by the board directly or may be delegated by it to the superintendent of schools or to any other person or persons employed by the board.

[Acts 1969, 61st Leg., p. 2917, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.075. Factors to be Considered

(a) In the assignment, transfer, or continuance of pupils among and within the schools, or within the classroom and other facilities thereof, the following factors and the effect or result thereof shall be considered, with respect to the individual pupil as well as other relevant matters:

- (1) available room and teaching capacity in the various schools;
- (2) availability of transportation facilities;
- (3) effect of the admission of new pupils upon established or proposed academic programs;
- (4) suitability of established curricula for the particular pupil;
- (5) adequacy of the pupil's academic preparation for admission to a particular school and curriculum;
- (6) scholastic aptitude and relative intelligence or mental energy or ability of the pupil;
- (7) psychological qualification of the pupil for the type of teaching and associations involved;

(8) effect of the admission of the pupil upon the academic progress of other students in the particular school or facility thereof;

(9) effect of the admission of the pupil upon prevailing academic standards at a particular school;

(10) psychological effect upon the pupil of attendance at a particular school;

(11) possibility or threat of friction or disorder among pupils or others;

(12) possibility of breaches of the peace or ill will or economic retaliation within the community;

(13) home environment of the pupil;

(14) maintenance or severance of established social and psychological relationships with other pupils and with teachers;

(15) choice and interest of the pupil;

(16) morals, conduct, health, and personal standards of the pupil; and request or consent of parents or guardians and the reasons assigned therefor.

(b) The board or the person acting for the board shall not consider a factor in its evaluation any matter relating to the national origin of the pupil or the pupil's ancestral language.

[Acts 1969, 61st Leg., p. 2917, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.076. Assignment on Basis of Sex

A board may require the assignment of pupils to any or all schools within its jurisdiction on the basis of sex, but assignments of pupils of the same sex among schools reserved for that sex shall be made in the light of the factors set out in Section 21.075(a) of this code.

[Acts 1969, 61st Leg., p. 2918, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.077. Petition of Parent

The parent or person standing in parental relation to any pupil may by petition in writing either:

- (1) request the transfer or assignment of the pupil to a designated school or to a school to be designated by the board; or
- (2) file objections to the assignment of the pupil to the school to which he has been assigned.

[Acts 1969, 61st Leg., p. 2918, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.078. Hearing; Action on Petition; Appeal

(a) Upon receipt of a petition of either type described in Section 21.077 of this code, the board shall:

- (1) if no hearing is requested, act upon the petition within 30 days and notify the petitioner of its conclusion; or
- (2) if a hearing is requested, designate a time and place for the holding of a hearing within 30 days.

(b) Whenever a hearing is requested, it shall be conducted by the board in compliance with the provisions of this section.

(c) The hearing shall be final on behalf of the board except as specified in Subsection (f) of this section.

(d) The petitioner may present evidence relevant to the individual pupil.

(e) The board may conduct investigations as to the objection or request, examine the pupil or pupils involved, and employ agents, professional or otherwise, for the purpose of such examinations and investigations.

(f) The decision of the board, either with or without hearing, shall be final unless the pupil or the parent, guardian, or custodian of the pupil as next friend, shall file exception to the action of the board as constituting a denial of any right of the pupil guaranteed under the constitution of the United States.

(g) In the event exception is filed on the ground that the decision of the board constitutes a denial of a right of the pupil guaranteed under the constitution of the United States and the board does not within 15 days reconsider its final action, an appeal may be taken from the final action of the board, on that ground alone, to the district court of the county in which the board is located, in which event:

(1) the petition must be filed within 30 days from the date of the board's final decision;

(2) the petition must state the facts relevant to the pupil as bearing on the alleged denial of his rights under the constitution of the United States; and

(3) the petition must be accompanied by bond, with sureties approved by the clerk of the court, conditioned to pay all costs of appeal if the same shall not be sustained.

[Acts 1969, 61st Leg., p. 2918, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.079. Transfers Between Districts or Counties

The boards of trustees of two or more adjoining districts or the boards of county school trustees of two or more adjoining counties may, by mutual agreement and under the same rules specified in Sections 21.075–21.078 of this code, arrange for the transfer and assignment of any pupil or pupils from the jurisdiction of one board to that of another, in which event the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

[Acts 1969, 61st Leg., p. 2919, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.080. Transfer of Children or Wards of Employees of State Schools

A school age child or ward of an employee of a State school for the mentally retarded which is constituted as a school district who resides within the boundaries of the State school property but who is not a student at the State school is entitled to attend school in a school district adjacent to the State school free of any charge to his parents or guardian provided such parent or guardian is required by the Superintendent of the State school to live on the grounds of the State school for the convenience of the State of Texas. In such instance, any tuition charge required by the admitting school district shall be paid by the school district constituting the State school out of funds allotted to it by the Central Education Agency.

[Acts 1971, 62nd Leg., p. 1815, ch. 540, § 1, eff. June 1, 1971. Amended by Acts 1973, 63rd Leg., p. 71, ch. 47, § 1, eff. June 1, 1973.]

§ 21.081. Transfer of Children of Employees of Texas Youth Council Facilities

A school age child of an employee of a facility of the Texas Youth Council is entitled to attend school in a school district adjacent to the district in which he resides free of any charge to his parents or guardian. Any tuition charge required by the admitting school district shall be paid by the school district from which the student transfers out of any funds appropriated to the facility by the legislature.

[Acts 1977, 65th Leg., p. 1454, ch. 592, § 1, eff. Aug. 29, 1977. Amended by Acts 1979, 66th Leg., p. 1053, ch. 483, § 1, eff. June 7, 1979.]

[Sections 21.082 to 21.100 reserved for expansion]

SUBCHAPTER D. COURSES OF STUDY

§ 21.101. Required Curriculum

Text of subsecs. (a) and (b) effective until June 1, 1985

(a) Each school district that offers kindergarten through grade 12 shall offer a well-balanced curriculum that includes:

- (1) English language arts;
- (2) other languages, to the extent possible;
- (3) mathematics;
- (4) science;
- (5) health;
- (6) physical education;
- (7) fine arts;
- (8) social studies;
- (9) economics, with emphasis on the free enterprise system and its benefits;
- (10) business education;
- (11) vocational education; and
- (12) Texas and United States history as individual subjects and in reading courses.

(b) The State Board of Education by rule shall designate subjects comprising a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.

Text of subsecs. (a) and (b) effective June 1, 1985

(a) Each school district that offers prekindergarten through grade 12 shall offer a well-balanced curriculum that includes:

- (1) English language arts;
- (2) other languages, to the extent possible;
- (3) mathematics;
- (4) science;
- (5) health;
- (6) physical education;
- (7) fine arts;
- (8) social studies;
- (9) economics, with emphasis on the free enterprise system and its benefits;
- (10) business education;
- (11) vocational education; and
- (12) Texas and United States history as individual subjects and in reading courses.

(b) The State Board of Education by rule shall designate subjects comprising a well-balanced curriculum to be offered by a school district that does not offer prekindergarten through grade 12.

(c) The State Board of Education by rule shall designate the essential elements of each subject listed in Subsection (a) of this section and shall require each district to provide instruction in those elements at appropriate grade levels. In order to be accredited, a district must provide instruction in those essential elements as specified by the state board.

(d) Local instructional plans may draw upon state curriculum frameworks and program standards as appropriate. The responsibility for enabling all children to participate actively in a balanced curriculum which is designed to meet individual needs rests with the local school district. Districts are encouraged to exceed minimum requirements of the law. A primary purpose of the public school curriculum in Texas shall be to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage.

(e) The State Board of Education shall provide for optional subjects in addition to those provided by Subsection (a) of this section as appropriate for districts that require choices in order to address unique local needs. In addition, the commissioner of education may permit a school district to vary from the required curriculum as necessary to avoid hardship to the district.

(f) Not later than the 30th day preceding the day on which each regular session of the legislature convenes, the State Board of Education shall transmit to the governor, the lieutenant governor, and

the legislature a report on the status of curriculum in the public schools. The report shall include recommendations for legislative changes necessary to improve, modify, or add to the curriculum.

(g) The State Board of Education and local school districts shall foster the continuation of the tradition of teaching American and Texas history and the free enterprise system in regular subject matter and in reading courses in the public free schools of Texas and in the adoption of textbooks.

[Acts 1969, 61st Leg., p. 2919, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1981, 67th Leg., p. 727, ch. 274, § 1, eff. Aug. 31, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 396, ch. 28, art. IV, part B, § 2, eff. June 1, 1985.]

Section 3 of the 1981 amendatory act provides:

"The State Board of Education shall implement the requirements of Section 21.101, Texas Education Code, as amended by this Act, in a timely and appropriate manner. To the extent possible, the board shall begin implementation for the 1981-1982 school year. The board may require compliance with the requirements of laws repealed by this Act [§§ 21.102 to 21.108 and 21.112 to 21.12], not including Sections 4.15 and 4.16, Texas Education Code, until the board fully implements Section 21.101."

§ 21.102. Driver Education

(a) The Central Education Agency shall develop a program of organized instruction in driver education and traffic safety for public school students who are 15 years of age or older.

(b) With the approval of the State Board of Education, the commissioner of education shall establish standards for the certification of professional and paraprofessional personnel who conduct the programs in the public schools.

[Formerly § 16.177, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part E, § 1, eff. Sept. 1, 1984.]

A former § 21.102 was repealed by Acts 1981, 67th Leg., p. 728, ch. 274, § 2, eff. Aug. 31, 1981.

§ 21.103. Tutorial Services

(a) Each school district shall provide tutorial services at the district's schools.

(b) A district may require a student whose grade in a subject for a grade reporting period is lower than 70 on a scale of 100 to attend tutorials in the subject during the following reporting period twice per week or more, as determined by the district.

(c) A district is not required to provide transportation for students attending tutorials.

[Acts 1984, 68th Leg., 2nd C.S., p. 395, ch. 28, art. IV, part A, § 2, eff. Sept. 1, 1984.]

A former § 21.103 was repealed by Acts 1981, 67th Leg., p. 728, ch. 274, § 2, eff. Aug. 31, 1981.

§§ 21.104 to 21.108. Repealed by Acts 1981, 67th Leg., p. 728, ch. 274, § 2, eff. Aug. 31, 1981

§ 21.109. Language of Instruction

(a) English shall be the basic language of instruction in all schools.

(b) It is the policy of this state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered or permitted in those situations when such instruction is necessary to insure their reasonable efficiency in the English language so as not to be educationally disadvantaged.

[Acts 1969, 61st Leg., p. 2920, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1514, ch. 405, § 43, eff. May 26, 1971; Acts 1973, 63rd Leg., p. 863, ch. 392, § 4, eff. Aug. 27, 1973.]

§ 21.110. Military Instruction

(a) In all school districts wherein military instruction is conducted pursuant to a state or federal law requiring the district to give bond or otherwise indemnify the State of Texas or the United States or any authorized agency of either in an amount and upon conditions determined by any agency under authority of and pursuant to such law for the care, safe-keeping, and return of property furnished, the board of trustees of the school district shall have authority to:

(1) make contracts with the proper governmental agency with respect to the teaching of such courses in military training; and

(2) execute, as principal or surety, a bond or bonds to secure the contracts for the purpose of procuring arms, ammunition, animals, uniforms, equipment, supplies, means of transportation, or other needed property.

(b) In those school districts wherein military instruction is given as provided in Subsection (a) of this Section, available school funds may be expended to:

(1) procure from any guaranty or surety company any bond or bonds authorized above, in such amount and on such conditions as may be required by the governmental agency; or

(2) reimburse the State of Texas or the United States for any loss pursuant to the terms of any contract entered into.

[Acts 1969, 61st Leg., p. 2920, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.111. Vocational and Other Educational Programs

(a) The board of trustees of any public free school district of this state, subject to rules and regulations of the State Board of Education heretofore and hereafter adopted, is hereby authorized and empowered to conduct and supervise vocational classes and other educational programs for students of all ages; and whenever it deems necessary to expend local maintenance funds for the cost thereof.

(b) For purposes of conducting and/or supervision by the district of such vocational classes and other educational programs for students of any and all ages, said board of trustees is hereby authorized and empowered to purchase, acquire or lease real or

personal property; to contract or enter into agreements with any department or agency of the United States or this state, subject to rules and regulations prescribed by the State Board of Education appertaining to such educational programs; and to contract or enter into agreements with any person, partnership, firm or corporation pertaining to the local operation and supervision of such programs by the district.

[Acts 1969, 61st Leg., p. 2921, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 296, ch. 28, art. I, part C, § 16, eff. Sept. 1, 1984.]

§ 21.111. Contracts With Other Schools for Vocational Classes

(a) The board of trustees of a school district may contract with another school district or with a public or private post-secondary educational institution or trade or technical school, which is regulated by the State, as designated in the State Plan for Vocational Education to provide vocational classes for students in the district.

(b) A pupil who attends vocational classes at another school pursuant to a contract authorized in Subsection (a) shall be included in computations of average daily attendance by the school district in which he is regularly enrolled.

(c) Any agreement entered into under the provisions of this section shall be subject to the rules and regulations of the State Board of Vocational Education, and the cost to the State shall not exceed the cost that would result if the classes were operated by the school district entering into the agreement.

(d) The instructors and instructional materials and equipment utilized in the classes shall be subject to the approval of the Central Education Agency.

(e) The instructors teaching in private schools, which are contracting with public schools for instruction of public school students, shall be eligible for the same in-service teacher education opportunities provided by the State for public school teachers.

[Acts 1971, 62nd Leg., p. 1740, ch. 507, § 1, eff. May 31, 1971.]

§ 21.112. Approval and Review of Vocational Programs

(a) The State Board of Education shall adopt rules for vocational-technical education in public schools.

(b) Each vocational program must be approved by the State Board of Education. Each district shall review each vocational education program at least once every five years to reestablish approval status. Criteria to be used for granting continued approval shall be set forth in the rules of the State Board of Education.

(c) Priority shall be given to requests for vocational programs specifically identified on a list of priority occupations approved by the State Board of Edu-

cation. The state board shall annually update the priority list for use by school districts in planning vocational programs.

(d) Prior to requesting a new vocational program, a district shall undertake a cost study to determine if it is more cost-effective to operate its own program than to undertake a contractual agreement with another school district, with a public or private postsecondary institution, or with a trade or technical school to provide the vocational program for students in the school district.

(e) All new, additional, and continuing vocational programs shall offer competency-based instruction. Instruction must be based on the essential elements approved by the State Board of Education. A competency profile must be maintained for each student enrolled.

(f) All new and additional vocational program requests must include a plan for articulation between the proposed vocational program and existing postsecondary programs in the area.

(g) The State Board of Education rules shall set forth minimum enrollments for each type of vocational program. The minimum enrollment must be maintained by a district in order to receive full funding. The rules must also contain procedures for adjusting funding entitlements downward for enrollments below minimum levels.

(h) A district may employ vocational personnel on 10-, 11-, or 12-month contracts, in accordance with the rules adopted by the State Board of Education.

(i) A district may assign vocational teachers to teach other subject areas in which the teachers are certified or to other duties as necessary. Vocational funding for the teachers assigned nonvocational duties will be reduced by an amount equal to the portion of the school day during which those duties are performed.

(j) A district may use vocational program facilities and equipment for nonvocational instructional programs. Each district shall develop guidelines denoting responsibility for program facilities and equipment when being used for nonvocational instructional purposes.

(k) A district shall give priority to using employer-based facilities for vocational training in occupations in which rapid technological advancements make it impractical to develop in-school laboratory programs.

(l) Working in conjunction with the State Job Training Coordinating Council, the State Board of Education and public school districts shall consider developing training programs for adults, to include displaced workers, using existing school facilities and personnel at times when the facilities or personnel are not being used for in-school students.

(m) From funds available under Section 16.155 of this code, the State Board of Education may establish incentives for districts to utilize industry per-

sonnel as part-time instructors or as a part of team teaching.

(n) Beginning with the 1985-1986 school year, each district enrolling a student in a vocational program shall consider the suitability of established vocational curricula for the student and the adequacy of the student's academic preparation for admission to a particular vocational curriculum. A district may enroll students with special learning needs in vocational programs specifically designed to serve those needs, in accordance with rules adopted by the State Board of Education.

[Acts 1984, 68th Leg., 2nd C.S., p. 448, ch. 28, art. VI, part H, § 1, eff. Sept. 1, 1984.]

A former § 21.112 was repealed by Acts 1981, 67th Leg., p. 728, ch. 274, § 2, eff. Aug. 31, 1981.

§ 21.113. Master Plan for Vocational Education

(a) The State Board of Education shall prepare and annually update a master plan for vocational education in Texas which sets forth objectives for vocational education for the next school year and long-term goals for the following five years.

(b) The master plan design must include the provision of vocational programs through public school districts and public postsecondary institutions and the support of those programs by private employers and proprietary schools. The vocational programs must be designed to meet the needs of new and emerging occupations listed on the State Board of Education priority list of occupations and to meet the needs of special population groups such as handicapped persons, disadvantaged persons, and adults.

(c) The master plan must include procedures designed to ensure that:

(1) all secondary and postsecondary students in Texas have the opportunity to participate in vocational education programs;

(2) the state complies with requirements for supplemental federal vocational education funding; and

(3) vocational education is established as a part of the total education system of the State of Texas.

(d) The State Board of Education shall develop the master plan with information and advice from the Advisory Council for Technical-Vocational Education in Texas, from other concerned departments and agencies of state government, from local school districts and postsecondary institutions, from local advisory councils, and from private and proprietary organizations and institutions. The State Board of Education shall hold a public hearing annually prior to its final approval of the master plan or update of the master plan.

(e) It is the intent of the legislature that the plan be designed to meet the needs of the State of Texas for vocational education, in contrast to a plan which is only a document for compliance with federal laws and regulations.

(f) The State Board of Education shall issue annually, not later than September 30, a schedule of activities involved in preparing and updating the master plan and shall make the schedule available to all persons concerned with the planning of vocational education in the state.

(g) The State Board of Education shall evaluate quantitatively and qualitatively vocational programs and the progress under and compliance with the master plan and shall biennially report its findings to the legislature, the governor, and the Advisory Council for Technical-Vocational Education in Texas.

[Acts 1984, 68th Leg., 2nd C.S., p. 448, ch. 28, art. VI, part H, § 1, eff. Sept. 1, 1984.]

A former § 21.113 was repealed by Acts 1981, 67th Leg., p. 728, ch. 274, § 2, eff. Aug. 31, 1981.

§§ 21.114 to 21.121. Repealed by Acts 1981, 67th Leg., p. 728, ch. 274, § 2, eff. Aug. 31, 1981

See, now, § 21.101.

[Sections 21.122 to 21.130 reserved for expansion]

SUBCHAPTER E. KINDERGARTEN

Effective June 1, 1985, the heading of this subchapter is amended by Acts 1984, 68th Leg., 2nd C.S., p. 397, ch. 28, art. IV, part B, § 3, to read: "SUBCHAPTER S. KINDERGARTEN AND PREKINDERGARTEN".

§ 21.131. Free Kindergarten

Text of section effective until June 1, 1985

The board of trustees of any school district in Texas is hereby authorized to establish and maintain as a part of the public free schools of said district one or more kindergartens for the training of children residing in said district who are under the scholastic age and who are at least five years of age.

[Acts 1969, 61st Leg., p. 2921, ch. 889, § 1, eff. Sept. 1, 1969.]

For text of section effective June 1, 1985, see § 21.131, post

§ 21.131. Free Kindergarten

Text of section effective June 1, 1985

The board of trustees of each school district in Texas shall establish and maintain as a part of the public free schools of said district one or more kindergartens for the training of children residing in said district who are at least five years of age at the beginning of the scholastic year.

[Acts 1969, 61st Leg., p. 2929, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 397, ch. 28, art. IV, part B, § 4, eff. June 1, 1985.]

For text of section effective until June 1, 1985, see § 21.131, ante

§ 21.132. Petition and Election

(a) The board of trustees of any school district shall, upon the petition of 20 percent of the qualified voters residing within the school district, call an election within 60 days of the filing of such petition to determine by a majority vote of the legally qualified voters residing in such district whether or not the district shall establish and maintain a kindergarten as a part of the public free schools of such district. Such petition shall be filed between April 1 and June 1 of any year.

(b) At such election the ballot shall have printed thereon the following: "FOR public kindergarten"; and "AGAINST public kindergarten."

(c) If a majority of the votes cast at such election favor the exercise of the power herein granted, the board of trustees shall establish and maintain such kindergarten, or kindergartens, as such board deems in the best interests of the residents of the district as a part of the public free schools of the district for the training of children under the scholastic age down to and including five years residing in the district, and shall establish such courses of training, study, and discipline, and such rules and regulations governing such kindergartens as such board shall deem best.

[Acts 1969, 61st Leg., p. 2922, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.133. Establishment

After voter approval of a kindergarten for a school district, the board of trustees shall establish the kindergarten by the commencement date of the next scholastic year following the year in which the election is held. The cost of establishing and maintaining such kindergartens shall be paid from the special school tax of said districts. The kindergartens shall be a part of the public school system and shall be governed, as far as practicable, in the same manner and by the same officers as are or may be provided by law for the government of the other public schools of the state.

[Acts 1969, 61st Leg., p. 2922, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.134. Subsequent Elections

If an election should be called and held hereunder in any school district and the proposition should fail to receive a majority of the votes cast, then no additional election shall be called on such proposition in such school district until at least one year after the date that such prior election was held.

[Acts 1969, 61st Leg., p. 2922, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.135. Operation of Kindergartens on Full-Day or Half-Day Basis

A public school kindergarten may be operated on a half-day or a full-day basis at the option of the governing board of the school district.

[Acts 1971, 62nd Leg., p. 2409, ch. 759, § 1, eff. Aug. 30, 1971.]

§ 21.136. Prekindergarten

Text of section added effective September 1, 1985

(a) Any school district may offer prekindergarten classes, but a district shall offer prekindergarten classes if the district identifies 15 or more eligible children.

(b) To be eligible for enrollment in a prekindergarten class a child must be at least four years of age and must be:

- (1) unable to speak and comprehend the English language; or
- (2) from a family whose income, according to standards set by the State Board of Education, is at or below subsistence level.

(c) Prekindergarten classes shall be operated on a half-day basis. A district is not required to provide transportation for prekindergarten classes, but transportation, if provided, is included for funding purposes as part of the regular transportation system.

(d) On application of a school district, the commissioner of education may exempt a district from the application of this section if the district would be required to construct classroom facilities in order to provide prekindergarten classes.

(e) The cost of the program is shared by the state and district in the same percentages used to determine the state/local shares under Chapter 16 of this code. The state's share is paid from the foundation school fund and may not exceed \$50 million a year. If that amount will not fully fund the program, the commissioner shall proportionately reduce each district's allocations.

(f) This section becomes effective with the 1985-1986 school year.

[Acts 1984, 68th Leg., 2nd C.S., p. 395, ch. 28, art. IV, part B, § 1, eff. Sept. 1, 1985.]

Article IV, part B, § 6, of the 1984 amendatory act provides: "This part takes effect June 1, 1985, and applies beginning with the 1985-1986 school year."

Under the provisions of § 21.001(a) the school year begins on September 1, 1985.

[Sections 21.137 to 21.160 reserved for expansion]

SUBCHAPTER F. SCHOOL BUSES

§ 21.161. General Rule

Except as specifically authorized by this subchapter all motor vehicles used for transporting school children (including buses, bus chassis, and bus bodies, tires and tubes, but excluding passenger cars), purchased by or for any school district participating in the Foundation School Program, shall be purchased by and through the State Board of Control.

[Acts 1969, 61st Leg., p. 2922, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.162. Emergency Purchase

Any of the items specified in Section 21.161 of this code may, in instances where an emergency requires an immediate purchase thereof, be purchased by any school district or the school trustees of any county provided the purchase is reported to and approved by the Board of Control.

[Acts 1969, 61st Leg., p. 2922, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.163. Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979

§ 21.164. Purchase With Donated Money, Etc.

Without the approval of the Board of Control, the board of trustees of any school district may purchase buses, bodies, chassis, tires, or tubes with funds provided by gifts or by profits from athletic contests or other school enterprises in no way supported by tax funds or grants or appropriations from any governmental agency, either state or federal.

[Acts 1969, 61st Leg., p. 2923, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.165. Purchase Through Board of Control¹

(a) The purchase of motor vehicles (including buses, bus chassis, bus bodies, tires, and tubes) by the Board of Control shall be made in compliance with the provisions of this section.

(b) The purchase must be made on the basis of competitive bids submitted under such rules and regulations as may be made by the Board of Control.

(c) The purchase must be authorized by a requisition, which may be submitted by either a board of county school trustees or the board of trustees of a school district. The requisition must include a general description of the article or articles desired, as well as any other applicable matter specified in this section.

(d) If the requisition is for the purchase of a motor vehicle, bus, bus body, or bus chassis, it must be approved by either the county school board when funded under law or the board of trustees of a school district and by the commissioner of education.

(e) If the requisition is for the purchase of tires and tubes, it must be approved by the county superintendent or the chief administrative officer of a school district.

(f) If the requisition is for the purchase of special equipment required, because of climatic or road conditions, to guarantee adequate safety and comfort of school children, the requisition must describe the special conditions and requirements so that the Board of Control may purchase equipment which it determines to be adapted or designed for the conditions or requirements.

(g) The requisition must contain a certification as to the funds that will be available to pay for the article or articles requisitioned.

[Acts 1969, 61st Leg., p. 2923, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1321, ch. 602, § 19, eff. Aug. 27, 1979.]

¹ Board of Control abolished and State Purchasing and General Services Commission created by Acts 1979, 66th Leg., p. 1908, ch. 773. See Civil Statutes, art. 601b.

§ 21.166. Financing

(a) Any school district financially unable to comply with the requirements of immediate payment for any motor vehicle, including buses, bus bodies, or bus chassis purchased by it, may, subject to the provisions hereunder, issue interest-bearing time warrants in amounts sufficient to make such purchase, any other law to the contrary notwithstanding.

(b) The warrants shall mature in serial installments not more than five years from the date of issue, and shall bear interest at a rate not to exceed the maximum rate provided by Section 2(a), Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes). The warrants shall be issued and sold at not less than their face value.

(c) The proceeds of the sale of the warrants shall be used to provide the funds required for the purchase requisitioned.

(d) The warrants shall upon maturity and in the order of their maturity dates be payable out of any available funds of the school district and, as they become due, shall be entitled to first and prior payment out of such funds.

(e) Full records of all warrants issued and sold shall be kept by the school district and reported to the Board of Control.

[Acts 1969, 61st Leg., p. 2923, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 1250, ch. 270, § 4, eff. Aug. 29, 1983.]

Section 5 of the 1983 amendatory act provides:

"This Act is intended to clarify existing law concerning the maximum allowable interest rates on certain school district obligations."

§ 21.167. Sale of Buses

When any school buses owned by any county or school district are to be sold, traded in, or otherwise disposed of, they must be disposed of by the Board of Control¹ or by the county school trustees or the trustees of the school district under such rules and regulations as the Board of Control may provide.

[Acts 1969, 61st Leg., p. 2924, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1321, ch. 602, § 20, eff. Aug. 27, 1979.]

¹ Board of Control abolished and State Purchasing and General Services Commission created by Acts 1979, 66th Leg., p. 1908, ch. 773. See Civil Statutes, art. 601b.

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§ 21.168. Rules and Regulations

The Board of Control shall have the power to make rules or adopt regulations to effectuate the purpose of the purchase and sale provisions of this subchapter.

[Acts 1969, 61st Leg., p. 2924, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.169. Compliance

Compliance with the purchase and sale provisions of this subchapter shall be a condition precedent to participation in the Foundation School Fund. Any school district failing or refusing to comply shall be ineligible to share in the Foundation School Fund for one year from the date of such failure or refusal or violation of the terms hereof.

[Acts 1969, 61st Leg., p. 2924, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.170. Repealed by Acts 1979, 66th Leg., p. 1326, ch. 602, § 35(a), eff. Aug. 27, 1979

§ 21.171. Regulations of Department of Education

The boards of trustees of all school districts providing transportation for pupils and all drivers used in that service shall abide by any and all regulations pertaining thereto which may be promulgated by the State Department of Education as authorized in Section 11.12 of this code.

[Acts 1969, 61st Leg., p. 2924, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.172. Transportation to Nearest College or University

(a) Any school district may furnish transportation by school bus or other conveyance to and from the nearest college or university for residents of the district who are enrolled at the college or university. Neighboring school districts may contract with each other to provide this transportation service for residents of the districts.

(b) Nothing in this section affects the transportation cost allotment to which any school district is entitled under the Minimum Foundation School Program.

[Acts 1971, 62nd Leg., p. 1516, ch. 405, § 45, eff. May 26, 1971.]

§ 21.173. Standees

(a) Except as otherwise provided by this section, a school district that receives funding under Subsection (h) of Section 16.156 of this code may not require or allow a child to stand on a school bus that is in motion.

(b) A school district may apply to the commissioner of education for permission to operate a school bus with standees. If the commissioner finds good cause, the commissioner may order that the district

be permitted to operate the school bus with standees.

(c) If a district's application under Subsection (b) of this section is not acted on within a reasonable amount of time as determined by rule of the State Board of Education permission to operate buses with standees is considered to have been granted without regard to subsequent action by the commissioner.

(d) A school district that operates a bus with standees under Subsection (b) or (c) of this section may not operate one or more buses with standees for more than a total of 10 days during any school year, and the district may not permit more than one child per seat to stand while a bus is in motion.

(e) The State Board of Education shall adopt rules necessary to carry out this section. The rules shall include guidelines describing situations that justify operation of a bus with standees and shall provide a mechanism that ensures that applications under Subsection (b) of this section are acted on without delay.

[Acts 1979, 66th Leg., p. 1325, ch. 602, § 29, eff. Aug. 27, 1979. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 441, ch. 28, art. VI, part F, § 2, eff. Sept. 1, 1984.]

§ 21.174. Public School Transportation System

(a) The county school boards, where funded under law, or local district school boards, subject to approval by the state commissioner of education, are authorized to establish and operate an economical public school transportation system within their respective counties or school districts.

(b) In establishing and operating such transportation systems, the county or local district school boards shall:

(1) requisition buses and supplies from the state board of control as provided for in this subchapter;

(2) prior to June 1 of each year, with the commissioner's approval, establish school bus routes in their respective counties or districts for the succeeding school year;

(3) employ school bus drivers certified in accordance with standards and qualifications promulgated jointly by the State Board of Education and the Texas Department of Public Safety as required by law; and

(4) be responsible for the maintenance and operation of school buses.

[Formerly § 16.202, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1314, ch. 602, § 12, eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part F, § 1, eff. Sept. 1, 1984.]

§ 21.175. Use of Buses for Extracurricular Activities, Etc.

(a) The county or district school boards and the state commissioner of education shall promulgate regulations in regard to the use of school buses, for

other than transporting eligible children to and from school. Under rules and regulations of the State Board of Education, the appropriate allocation in the county transportation fund, when approved by the county school board, or the district transportation fund, when approved by the board of trustees of the independent school district operating its own transportation system, may be used for school bus transportation of its pupils and necessary personnel on extracurricular activities and field trips sponsored by the respective district.

(b) Subject to the rules of the State Board of Education, a school district or county school board governing a countywide transportation system may contract with nonschool organizations for the use of school buses. The district may provide services relating to the maintenance and operation of the buses in accordance with the terms of the contract.

[Formerly § 16.204, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1884, ch. 750, § 1, eff. June 16, 1977; Acts 1977, 65th Leg., p. 2191, ch. 864, § 1, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 773, ch. 339, § 1, eff. Aug. 27, 1979; Acts 1979, 66th Leg., p. 1314, ch. 602, § 12, eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part F, § 1, eff. Sept. 1, 1984.]

§ 21.176. Approved School Bus Routes

School buses shall be operated to and from school on approved school bus routes and no variations shall be made therefrom. The penalty for varying from authorized routes and for unauthorized use of buses shall be the withholding of transportation funds from the offending county or school district. In the event the violation is committed by a district which receives no Foundation School Program funds, the penalty provisions of Section 4.02 of this code shall be applied.

[Formerly § 16.205, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part F, § 1, eff. Sept. 1, 1984.]

§ 21.177. Routes and Systems: Evaluation and Approval

(a) All bus routes and transportation systems shall be reviewed by the state commissioner of education and he shall be responsible for establishing criteria for evaluating the several transportation systems of this state, but all the criteria shall be subject to approval by the State Board of Education.

(b) The commissioner shall evaluate all transportation systems as rapidly as possible.

(c) No new bus routes or extensions shall be approved prior to the survey of the transportation system of the district or county requesting them.

(d) In approving a transportation system for a district or county, consideration shall be given to providing transportation for only those pupils who reside in hazardous areas or live two or more miles

from the school they attend except handicapped pupils. No consideration shall be given to providing transportation for pupils transferred from one district to another when their grades are taught in their home district unless transferred as provided by law and transportation has been approved as provided by law.

(e) There shall be no duplication of bus routes and services within sending districts by buses operated by two school districts and/or counties except on approval by the state commissioner of education.

[Formerly § 16.207, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., 1st C.S., p. 48, ch. 1, § 35, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1314, ch. 602, § 12, eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part F, § 1, eff. Sept. 1, 1984.]

§ 21.178. Rules

The State Board of Education shall adopt rules for enforcing the provisions of this subchapter.

[Formerly § 16.209, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part F, § 1, eff. Sept. 1, 1984.]

§ 21.179. Appeals

Appeals to the commissioner of education and to a district court of Travis County may be had from policy decisions of the school boards affecting transportation.

[Formerly § 16.210, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1314, ch. 602, § 12, eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part F, § 1, eff. Sept. 1, 1984.]

§ 21.180. Purchase of Vehicles

(a) Motor vehicles used for the purpose of transporting school children, including school buses, their chassis and/or bodies purchased through the state board of control, shall be paid for by the state board of control as set out in applicable laws. The legislature may appropriate out of any money in the state treasury not otherwise appropriated a sum not exceeding \$250,000, or as much thereof as necessary, for the state board of control to be used for such purposes.

(b) Any sum appropriated shall be known as the school bus revolving fund. When motor vehicles and school buses are delivered to the various schools coming within the provisions of this subchapter, the governing bodies of those schools shall reimburse the state board of control for the money expended for such school buses including their chassis and/or bodies and the money shall be deposited by the state board of control in the school bus revolving fund.

[Formerly § 16.211, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part F, § 1, eff. Sept. 1, 1984.]

§ 21.181. Contract With Transportation Company or System

(a) As an alternative to maintaining and operating a complete public school transportation system under this subchapter, a county or district school board may contract with a public or commercial transportation company or system for all or any part of its public school transportation if the board is able to obtain an economically advantageous contract, provided that the commercial transportation company or system:

(1) requires its school bus drivers to be certified by the Central Education Agency; and

(2) uses only those school buses in transporting public school students that satisfy safety requirements imposed by law on school buses operated by public school transportation systems.

(b) A contract is economically advantageous if the cost of the service contracted for is equal to or less than the total cost to the school district for providing its own complete bus service. The total cost to the school district is the state transportation cost allotment plus the supplementary funds necessarily provided by the local school district to provide complete transportation services.

(c) This section in no way prohibits the local school board from supplementing the state transportation cost allotment with local funds necessary to provide complete transportation services.

(d) The State Board of Education shall adopt rules for the administration of this section.

(e) Contracts for alternative public school transportation may include provisions for transporting students to and from approved school activities.

(f) Upon approval of the contract by the State Board of Education, the portion of the annual transportation allotment which is to be used to finance the contract for alternative transportation services shall be included in the annual transportation cost allotment for the respective county or district.

[Acts 1979, 66th Leg., p. 1314, ch. 602, § 12, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 3765, ch. 580, §§ 1, 2, eff. Aug. 29, 1983. Renumbered from § 16.212 and amended by Acts 1984, 68th Leg., 2nd C.S., p. 436, ch. 28, art. VI, part F, § 1, eff. Sept. 1, 1984.]

[Sections 21.182 to 21.200 reserved for expansion]

SUBCHAPTER G. TEACHERS' EMPLOYMENT CONTRACTS

§ 21.201. Definitions

As used in this subchapter, the following terms shall have the meaning ascribed to them in this section.

(1) "Teacher" means a superintendent, principal, supervisor, classroom teacher, counselor, or other full-time professional employee, except paraprofessional personnel, who is required to hold a valid certificate or teaching permit.

(2) "Board" and "board of trustees" means the governing board of a public school district.

(3) "School district" means any public school district in this state.

(4) "Term contract" means any contract of employment for a fixed term between the school district and a teacher.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981.]

Section 1 of the 1981 Act provides:

"This Act shall be known as 'The Term Contract Nonrenewal Act.'"

§ 21.202. Teacher Evaluations

The board of trustees of each school district shall provide by written policy for the periodic written evaluation of each teacher in its employ at annual or more frequent intervals. Such evaluation shall be considered by the board of trustees prior to any decision by the board not to renew the term contract of any teacher.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981.]

§ 21.203. Nonrenewal of Term Contracts

(a) The board of trustees of each school district may choose not to renew the employment of any teacher employed under a term contract effective at the end of the contract period.

(b) The board of trustees of each school district shall establish policies consistent with this subchapter which shall establish reasons for nonrenewal. Reasons for nonrenewal must include the failure of a person required to take an examination under Section 13.047 of this code to perform satisfactorily on at least one examination under that section on or before June 30, 1986.

(c) The board of trustees of each school district shall establish policies and procedures for receiving recommendations from its school administration for the nonrenewal of teacher term contracts, excepting only the general superintendent of schools.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 354, ch. 28, art. III, part A, § 3, eff. Sept. 1, 1984.]

§ 21.204. Notice

(a) In the event the board of trustees receives a recommendation for nonrenewal, the board, after consideration of the written evaluations required by Section 21.202 of this subchapter and the reasons for the recommendation, shall, in its sole discretion, either reject the recommendation or shall give the teacher written notice of the proposed nonrenewal on or before April 1 preceding the end of the employment term fixed in the contract.

(b) In the event of failure to give such notice of proposed nonrenewal within the time herein specified, the board of trustees shall thereby elect to employ such employee in the same professional capacity for the succeeding school year.

(c) The notice of proposed nonrenewal required in this section shall contain a statement of all the reasons for such proposed action.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981.]

§ 21.205. Hearing

(a) If the teacher desires a hearing after receiving notice of the proposed nonrenewal, the teacher shall notify the board of trustees in writing within 10 days after receiving the notice of nonrenewal. The board shall provide for a hearing to be held within 15 days after receiving written notice from the teacher requesting a hearing. Such hearing shall be closed unless an open hearing is requested by the employee.

(b) The hearing shall be conducted in accordance with rules promulgated by the district.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981.]

§ 21.206. Decision of Board

(a) If the teacher fails to request a hearing, the board shall take such action as it deems lawful and appropriate and shall notify the employee in writing of that action within 15 days of the expiration of the 10-day period for requesting a hearing.

(b) If the teacher requests a hearing, the board shall take such action as it deems lawful and appropriate and shall notify the teacher in writing of that action within 15 days following the conclusion of the hearing.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981.]

§ 21.207. Appeal

(a) If the teacher is aggrieved by the decision of the board of trustees, he may appeal to the State Commissioner of Education pursuant to Section 11-13 of this code. The commissioner may not substitute his judgment for that of the board of trustees, unless the decision below was arbitrary, capricious, unlawful, or not supported by substantial evidence.

(b) Either party may appeal the commissioner's decision to a district court in Travis County.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 304, ch. 28, art. I, part D, § 8, eff. Sept. 1, 1984.]

§ 21.208. Superintendents

If a majority of the board of trustees of any school district shall determine that the term contract of the general superintendent of schools should be considered for nonrenewal, the provisions of this subchapter shall apply, except that there need not be a recommendation from the designated school administration.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981.]

§ 21.209. Probation

The board of trustees of any school district may provide by written policy for a probationary period not to exceed the first two years of continuous employment in the district, in which case the provisions of this subchapter shall not apply during such probationary period.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981.]

§ 21.210. Discharge for Cause

Nothing in this subchapter shall prohibit a board of trustees from discharging a teacher for cause during the term of the contract.

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981.]

§ 21.211. Exemptions

This subchapter does not apply to teachers who are employed under the provisions of the probationary or continuing contract law as set out in Subchapter C of Chapter 13 of this code.¹

[Acts 1981, 67th Leg., p. 2847, ch. 765, § 2, eff. Aug. 31, 1981.]

¹ Section 13.101 et seq.

§§ 21.212 to 21.216. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(1), eff. May 26, 1971

[Sections 21.217 to 21.250 reserved for expansion]

SUBCHAPTER H. RECORDS AND REPORTS**§ 21.251. Teachers' Records and Reports**

(a) Each teacher in the public free schools of this state shall keep a daily register showing the names, ages, courses of study, and attendance records of all pupils which the teacher is instructing.

(b) The register shall be open to the inspection of all parents, school officers, and all other persons who may be interested.

(c) Each teacher shall make a monthly report following the directives of either the county superintendent or the State Board of Education. The monthly reports must be approved by a majority of the board of trustees of the district and must be filed by the board of trustees with the county superintendent at the time vouchers for teachers' salaries are presented.

(d) Each teacher shall, at the end of the school term, make such reports as may be prescribed by the State Board of Education. Until such reports are made, the trustees shall not approve a voucher for the last month of the teacher's salary, nor shall the county treasurer pay the same.

[Acts 1969, 61st Leg., p. 2930, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 297, ch. 28, art. I, part C, § 17, eff. Sept. 1, 1984.]

§ 21.252. Reports to State Board

The State Board of Education shall require of judges acting as ex-officio county superintendents of public schools, of county, city, and town superintendents, of county and city treasurers and depositories, and of treasurers and depositories of school boards, and of other school officers and teachers, such school reports relating to the school fund and to other school affairs as it may deem proper for collecting information and advancing the interests of the public schools, and shall furnish the county, city, and town superintendents, treasurers, and depositories, and other school officers and teachers for the use of such teachers and officers the necessary blanks and forms for making such reports and carrying out such instructions as may be required of them.

[Acts 1969, 61st Leg., p. 2930, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 297, ch. 28, art. I, part C, § 18, eff. Sept. 1, 1984.]

§ 21.253. Registration Card

All teachers, librarians, school presidents, superintendents, principals, or other school officers employed by all schools supported wholly or partly by the state, shall fill out and send to the State Department of Education, before the expiration of the first school month of each annual session, a registration card, supplied by the State Department of Education, which card shall furnish blanks for useful statistical information; and the teachers, librarians, school presidents, superintendents, and principals shall not be paid the salary for the first month's services, except on the presentation of a receipt certifying that the registration card has been received by the State Department of Education.

[Acts 1969, 61st Leg., p. 2930, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.254. Withholding of Salary

The monthly salary of any county judge acting as ex-officio county superintendent of public schools, or any county, district, city or town superintendent, or principal or any teacher or librarian in any school supported wholly or partly by the state, or any assessor, county treasurer, treasurer in county school depository or treasurer of any school district depository, shall be withheld by the officials or authorities paying the said salary, on notification by the commissioner of education that the county judge, acting as ex-officio county superintendent of public schools, or the county, district, city, or town superintendent or principal, teacher, librarian, assessor, county treasurer, treasurer of county school depository or treasurer of school district depository has refused or failed to make the reports required of him; provided, that this notification shall not be sent by the commissioner of education until at least two written requests have been made for the desired information and until 30 days have elapsed from the time of the first request without the receipt of the information required; in such case the

aforesaid monthly salary shall be withheld until a notice is received from the commissioner of education, certifying that the information requested has been furnished by the delinquent person.

[Acts 1969, 61st Leg., p. 2930, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.255. Financial Reports to Commissioners or Department of Education; Forms

(a) All financial reports made by or for school districts, either independent or common, or by their officers, agents or employees, to the commissioner or to the Department of Education, shall be made on forms prescribed or approved by the state auditor.

(b) It shall be the duty of the state auditor to combine as many forms as possible to the end that multiplicity of reports is avoided. Such forms shall call for all information required by law or the commissioner, as well as such information as is deemed necessary by the state auditor.

(c) The provisions of this section shall take precedence over any other law of this state in conflict herewith.

[Acts 1969, 61st Leg., p. 2931, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.256. Annual Audit; Report

(a) The board of school trustees of each and every school district of the state, whether created under general or special law, shall have its school district fiscal accounts audited annually at district expense by a Texas certified or public accountant holding a permit from the Texas State Board of Public Accountancy. Such annual audit shall be completed following the close of each such fiscal year.

(b) Such independent audit shall meet at least the minimum requirements as shall be, and in such form as may be prescribed by the State Board of Education and approved by the state auditor.

(c) Each treasurer (depository) receiving or having control of any school fund of any school district shall keep a full and separate itemized account with each of the different classes of its school funds coming into his hands; provided further, the treasurer's records of the district's itemized accounts and records shall be made available to audit.

(d) A copy of the annual audit report, approved by the board of school trustees, shall be filed by the district with the Central Education Agency within 120 days of the close of the fiscal year for which audit was made. Where the board of trustees declines or refuses to approve its auditor's report, it shall nevertheless file with the Central Education Agency a copy of the audit report with its statement detailing reasons for failure to approve same.

(e) The audit reports shall be reviewed by the Central Education Agency, and the commissioner of education shall notify the board of trustees of objec-

tions, violations of sound accounting practices or law and regulation requirements, or of recommendations concerning same should he desire to make any. Where the audit report reflects that penal laws have been violated, the commissioner of education shall address such information to the appropriate county or district attorney, and to the attorney general. The commissioner of education shall have access to all vouchers, receipts, district fiscal and financial records, and such other school records as he may deem needed and appropriate for the review, analysis, and passing on audit reports.

(f) The audit report shall be submitted in lieu of the treasurer's (depository) report heretofore required to be filed annually with the commissioner of education.

[Acts 1971, 62nd Leg., p. 3009, ch. 994, § 8, eff. Aug. 30, 1971. Amended by Acts 1977, 65th Leg., p. 1378, ch. 549, § 1, eff. June 15, 1977.]

§ 21.257. Academic Achievement Record for Advanced Program

(a) Each school district shall report the academic achievement record of a student who has completed an advanced high school program on a transcript form adopted by the State Board of Education. The transcript form adopted by the State Board of Education must be designed to clearly distinguish it from a transcript used for the academic achievement record of a student who has not completed an advanced high school program.

(b) The State Board of Education by rule shall prescribe standards for determining what constitutes an advanced high school program under this section.

[Acts 1983, 68th Leg., p. 637, ch. 142, § 1, eff. Aug. 29, 1983.]

A former § 21.257, added by Acts 1983, 68th Leg., p. 4610, ch. 784, § 1, was renumbered as § 21.259 by Acts 1984, 68th Leg., 2nd C.S., p. 455, ch. 28, art. VII, § 2.

§ 21.258. Performance Report

(a) Each board of trustees shall publish an annual performance report which shall be available to the public and filed with the State Board of Education describing the district's educational performance and giving financial information related to the costs incurred by the district.

(b) The State Board of Education by rule shall prescribe the form and content of the report. At a minimum, the report must include the following information by campus:

- (1) evaluations of the quality of education;
- (2) scores on tests with national norms;
- (3) reports of performance trends improvement or lack of improvement;
- (4) statements of costs for instruction, instructional administration, and central administration;
- (5) attendance data and dropout rates;
- (6) reports on discipline;

(7) data on employees, trends in employment, and turnover; and

(8) teacher ratios by grade groupings and by program.

(c) A report under this section must also include information about the number of students in each classroom, excluding instrumental and choral music classrooms, per class period. The report must specify, by grade, the number of classrooms, excluding instrumental and choral music classrooms, in which in any class period the number of students exceeds:

- (1) for kindergarten through 8th grade, 20;
- (2) for high school, 25; and
- (3) for special education, 10.

(d) The State Board of Education may authorize the combination of this report with other reports and financial statements required by law or rule.

(e) Each district shall also annually report to the commissioner the number of teachers on the career ladder, the number of teachers at each level, and the sex and ethnicity of those teachers. That information shall be collected in a biennial report to the legislature, with the information reported by school district.

(f) Reports to the legislature under this section shall be filed with the Legislative Budget Board and the appropriate committees of each house.

[Acts 1984, 68th Leg., 2nd C.S., p. 406, ch. 28, art. V, part C, § 1, eff. Sept. 1, 1984.]

§ 21.259. Microfilming Records and Reports by School Districts

(a) A school district may adopt a plan for microphotographing or microfilming records and reports to accurately and permanently copy, reproduce, or originate records and reports on film. The plan must:

- (1) specify the types of records and reports for recording on microfilm;
- (2) require indices to microfilm records and reports;
- (3) require the microfilm to meet requirements of the United States of American Standards Institute for archival quality, density, resolution, and definition unless the school board of trustees determines that the microfilm is intended only for short-term use;
- (4) require a person to certify that the microfilm record or report is a correct duplication of the original record or report; and
- (5) guarantee the public free access to information in microphotographs and microfilms to which they are entitled by law.

(b) A microfilm record or report of a school district is an original record or report and, if made in compliance with this section, shall be accepted by a court or agency of this state as an original record. A copy on paper or film of a microfilm record or report that is certified by a record keeper of the school district shall be accepted by a court or agen-

cy of this state as a certified copy of an original record or report.

(c) An original record or report which is microfilmed in compliance with a plan adopted under this section may be destroyed at the direction of the school board of trustees, unless required to be preserved by state or federal law.

(d) An original record or report of the school district which is not microfilmed in compliance with a plan adopted under this section or is determined to be worthless by the school board of trustees may be destroyed at the direction of the board of trustees, unless required to be preserved by the state or federal law.

(e) If the subject matter of an original record or report is in litigation, the original record or report may not be destroyed until the litigation is settled or final judgment is rendered.

(f) Before an original record or report that has been microfilmed may be destroyed, the school district must notify the state, librarian and state archivist. If the state librarian or state archivist determines that the record or report is needed for the state library, the district shall transfer the record or report to the librarian or archivist.

[Acts 1983, 68th Leg., p. 4610, ch. 784, § 1, eff. Aug. 29, 1983. Renumbered from § 21.257 by Acts 1984, 68th Leg., 2nd C.S., p. 455, ch. 28, art. VII, § 2, eff. Sept. 1, 1984.]

[Sections 21.260 to 21.300 reserved for expansion]

SUBCHAPTER I. DISCIPLINE, LAW AND ORDER

§ 21.301. Removal of Incurable Pupils; Alternative Education Program

(a) The board of trustees of a school district or the board's designate, on finding a pupil guilty of incorrigible conduct, may remove the pupil to an alternative education program. The board or its designate may not suspend or expel the pupil except as provided by Section 21.3011 of this code.

(b) To find a pupil guilty of incorrigible conduct, the board of trustees or the board's designate, at a hearing that provides procedural due process, must find:

- (1) that the pupil's continued presence in the regular classroom program or at the home campus presents a clear, present, and continuing danger of physical harm to the pupil or to other individuals; or
- (2) that:

(A) the pupil has engaged in serious or persistent misbehavior that threatens to impair the educational efficiency of the school;

(B) the misbehavior violates specific, published standards of student conduct for the school district; and

(C) all reasonable alternatives to the pupil's regular classroom program, including a variety

of discipline management techniques, have been exhausted.

(c) The pupil's parent or a representative is entitled to notice of and to participate in a disciplinary proceeding under this section.

(d) Except as provided by this subsection, the term of a removal under this section may not exceed the end of the semester during which the conduct that directly led to the removal occurred. If the conduct occurred during the final six-week reporting period of a semester, the term of the removal may exceed the end of that semester but may not exceed the end of the next semester.

(e) The board of trustees or its designate shall make reasonable efforts to provide for the continuing education of a pupil removed under this section, including providing for the pupil to be in:

- (1) a supervised educational setting, such as:
 - (A) in-school suspension;
 - (B) reassignment of classes;
 - (C) transfer to a different school campus;
 - (D) transfer to a school-community guidance center; and
 - (E) assignment to a community-based alternative school; or
- (2) an unsupervised educational setting, including home-based instruction.

(f) A pupil who is removed for being truant or tardy may not be placed in an unsupervised educational setting.

(g) A teacher may remove a pupil from class in order to maintain effective discipline in the classroom. The principal shall respond by employing disciplinary alternatives consistent with local policy.

(h) The board of trustees or the board's designate shall recommend for disciplinary action a pupil who has accrued more than five days of unexcused absence during a semester or more than 10 days of unexcused absence during a school year.

(i) A decision to remove a pupil made under Subsection (a) of this section may be appealed to the board of trustees.

(j) Pending an appeal under Subsection (i) of this section, a pupil may not be denied the privileges of the pupil's home campus unless the board of trustees or the board's designate determines that the pupil's continued presence at the home campus presents a continuing danger of physical harm to the pupil or to other individuals.

(k) Each school district shall develop an alternative education program for pupils found guilty of incorrigible conduct that provides for keeping the pupils in an educational environment with the school district's supervision. Each school district shall submit for approval to the State Board of Education

an outline of its program developed under this subsection.

[Acts 1969, 61st Leg., p. 2931, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1130, ch. 541, § 1, eff. Aug. 27, 1979; Acts 1984, 68th Leg., 2nd C.S., p. 443, ch. 28, art. VI, part G, § 3, eff. Sept. 1, 1984.]

§ 21.3011. Expulsion of Incurrigible Pupil

(a) A pupil who has assaulted a teacher or other individual on school property may be removed immediately from class and expelled without resort to an alternative education program under Section 21.301 of this code if, in the opinion of the board of trustees or the board's designate, the pupil's continued presence in the class presents a clear, present, and continuing danger of physical harm to the pupil or to other individuals on school property.

(b) If the board of trustees or the board's designate determines that a pupil, after having been placed in an alternative education program under Section 21.301 of this code, has continued to be guilty of incorrigible conduct to the extent that keeping the pupil in the program or the schools would seriously impair the ability of the program or the schools to provide education to other students and that no further reasonable efforts to provide for the continuing education of the pupil can be made, the board or its designate by written order may expel the pupil from the school system. The board or its designate shall set a term for the expulsion, which may not extend beyond the current term of the school year except as provided by Section 21.301(d) of this code.

(c) A decision to expel a pupil under this section may be appealed to the board of trustees.

(d) The board or its designate shall deliver a copy of the order expelling the pupil to the pupil and the pupil's parent or guardian. The board or its designate shall also deliver a copy of the order to the authorized officer of the juvenile court in the county in which the pupil resides. The officer shall determine whether a petition should be:

- (1) filed alleging that the pupil is in need of supervision; or
- (2) referred to an appropriate state agency.

(e) Each school district shall provide each teacher and administrator with a copy of Section 21.301 of this code and this section and a copy of any local policies related to those sections.

[Acts 1984, 68th Leg., 2nd C.S., p. 443, ch. 28, art. II, part G, § 3, eff. Sept. 1, 1984.]

§ 21.302. Proceedings in Juvenile Court

The school attendance officer shall proceed in juvenile court against any child within the compulsory school attendance age who is reported to him as being insubordinate, disorderly, vicious, or immoral in conduct, or who persistently violates the reasonable rules and regulations of the school which he attends, or who otherwise persistently misbe-

haves in such a manner as to render himself an incorrigible.

[Acts 1969, 61st Leg., p. 2931, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.303. Parole

The judge of the juvenile court shall have the power to parole any child found by him to be guilty of the charges brought by the school attendance officer and to require the parent or the person standing in parently¹ relation to the child to execute a bond in a sum not less than \$10, conditioned that the child shall attend school regularly and comply with all the rules and regulations of the school.

[Acts 1969, 61st Leg., p. 2931, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ So in enrolled bill.

§ 21.304. Violation of Parole

(a) The principal or superintendent shall report to the school attendance officer any child who violates the conditions of his parole.

(b) The school attendance officer shall proceed in juvenile court against any child reported to him as having violated the conditions of his parole.

(c) The judge of the juvenile court shall give the child a fair and impartial hearing and, if he is found guilty of violating the conditions of the parole, shall declare the bond to be forfeited and order the proceeds paid into the available school fund of the district.

(d) On finding a child guilty of violation of a first parole, the judge may again parole the child, requiring such bond as he may deem prudent and requiring the child again to enter school. On finding a child guilty of violation of a second parole, the judge shall commit the child to a suitable training school as determined by the judge of the juvenile court and the parent of the child convicted.

[Acts 1969, 61st Leg., p. 2932, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.305. Maintenance of Law and Order

(a) In order to maintain law, peace, and order in the operation of the public schools, the board of trustees of any school district may, when in the opinion of the governing board such action is necessary, exercise the powers described in this section.

(b) To prevent violence and to maintain peace and order, the board may call upon the governor for assistance through the Department of Public Safety, but neither the Texas National Guard nor other military force shall be used for the direction or control of the operation of or attendance at such schools.

(c) The board may close the school or schools and suspend operation for such period as the board finds it necessary to maintain order and public peace if:

(1) the governor by written proclamation finds that violence or the danger thereof cannot be prevented except by resort to military force or occupation of a public school;

(2) the board of trustees finds that violence or the danger thereof cannot be prevented except by resort to military force or occupation of a public school; or

(3) the National Guard or any other military troops or personnel are employed or used upon order of any federal authority on public school property or in the vicinity of any public school for direction or control of the order, operation, or attendance at such school.

(d) The board, upon finding that violence or the danger thereof cannot be prevented except by resort to military force or occupation of the public schools, may certify such fact to the governor, in which event it shall be the duty of the governor to close the school and suspend its operation until such time as the school board shall certify to the governor that such closure is no longer necessary in the maintenance of order and public peace. Upon certification that closure is no longer necessary, the governor must cancel and annul the closure and issue a proclamation to that effect.

[Acts 1969, 61st Leg., p. 2932, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.306. Effect of Closing Schools

(a) If a school is closed under authority of Section 21.305 of this code, the provisions of this section are applicable.

(b) School officials, teachers, and other employees shall continue to receive the salaries provided by the terms of their employment, but such persons may be assigned to other duties as may be determined by the board having jurisdiction over the school.

(c) Neither state aid as provided by law nor school accreditation shall be affected.

(d) The board may authorize and provide for the transfer of pupils to another school in the district upon petition of the parents or persons standing in loco parentis.

(e) Compulsory attendance laws shall not be applicable to pupils whose schools are closed.

(f) The local board, in cooperation with the State Board of Education, shall use all personnel, funds, and facilities necessary and available to provide out-of-classroom instruction for the pupils concerned and to facilitate the reopening of the school at the earliest possible time that peace and order can be maintained without the use or occupation of military forces.

[Acts 1969, 61st Leg., p. 2932, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.307. Assistance of Attorney General

In order to help prevent situations which might result in the occupation of public schools by military

forces or the closure thereof, the Attorney General of Texas is authorized to assist any public school board which requests his assistance in the defense of any law suit in a federal court which seeks to challenge the constitutionality of a statute of this State. This section shall not apply, however, in the event of a controversy between a public school board and an agency of the state which, under existing law, the Attorney General is authorized or required to represent.

[Acts 1969, 61st Leg., p. 2933, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.308. Security Personnel

(a) The governing board of any school district may employ security personnel for use in any school within its district when the board in its discretion determines that the personnel are necessary.

(b) All costs incurred by a school district in employing security personnel shall be borne by the school district.

[Acts 1971, 62nd Leg., p. 3356, ch. 1024, art. 2, § 32, eff. Sept. 1, 1971.]

[Sections 21.309 to 21.350 reserved for expansion]

SUBCHAPTER J. SCHOOL-COUNTY LIBRARY FACILITIES

§ 21.351. Contract With County

In compliance with the terms of this subchapter, any school district having boundaries embracing the entire area of a county having a valuation in excess of \$30 million may enter into contracts with the county and with its board of library trustees to provide joint library facilities.

[Acts 1969, 61st Leg., p. 2933, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.352. Procedure to Execute Contract

(a) The procedure by which such contracts may be authorized shall be as prescribed by this section.

(b) The commissioners court of the county shall appoint a board of library trustees consisting of five members who are residents of the county.

(c) The board of library trustees shall organize by appointing a chairman, a secretary, and a treasurer.

(d) The board of library trustees shall call a public meeting for the purpose of presenting to the trustees of the school district and the members of the commissioners court a petition setting forth the need for additional library facilities and the agreement of the board of library trustees to assume the financial obligation of providing and maintaining an adequate public library building upon or adjacent to the school campus or grounds, the building to be used as a county free library and as a school library for the benefit of both the school students and the general public.

(e) The school trustees and the members of the commissioners court, at a joint meeting called for that purpose, shall consider the petition and agreement. If the plan of financing is found to be practicable and feasible and is approved by a majority both of the school trustees and of the commissioners court, a contract in compliance with Section 21.353 of this Code may be executed.

[Acts 1969, 61st Leg., p. 2933, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.353. Contract Provisions

(a) Contracts authorized by this Article shall contain the provisions described in this Section in consideration for the agreement of the board of library trustees:

(b) The commissioners court must agree on its part to deliver over to the board of library trustees in trust and keeping the county-owned free library or libraries.

(c) The board of trustees of the school district must agree on its part to convey, with or without added consideration (and is hereby authorized to convey without the necessity of securing the consent of the Texas Education Agency or any officer thereof), the fee simple title to any individual lot or tract of land of any area not greater than two city lots, if any such area is owned by the school district on or adjacent to its campus and is not required under then existing school plans. The conveyance may be conditioned only by reserving to the school district the right to repurchase the tract, in the event of its abandonment for library purposes, at a price not to exceed any outstanding indebtedness against any building constructed thereon by the board of library trustees.

[Acts 1969, 61st Leg., p. 2934, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.354. Construction of Library

(a) The public library building, authorized by the above-described contract, shall be constructed according to the provisions of this Section.

(b) After the execution of the joint contracts and the receipt of conveyance of the tract of land, the board of library trustees, by a majority vote at a meeting called for that purpose, may employ an architect to prepare plans for the construction of a combined library building and assembly hall.

(c) After the approval of the plans by both the board of trustees of the school district and the commissioners court, the board of library trustees may enter into all necessary contracts for the construction of the building and the equipment thereof. The board of library trustees is authorized to mortgage or encumber the building to secure the financing thereof, but the indebtedness so created must be repaid out of revenue funds produced from the rental of the assembly hall or from private contributions and shall never become a debt against the

county of the school district. No taxes shall be levied therefor.

[Acts 1969, 61st Leg., p. 2934, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.355. Management of Library

(a) The management and control of the public library building shall be under the supervision and control of the board of library trustees so long as a public free library is maintained therein, subject to the provisions of law as to county free libraries and to the provisions of this Section.

(b) A separate room or rooms shall be provided for the county free library.

(c) The assembly hall and other parts of the building shall be set aside for the use of educational and civic organizations of the county. Educational and civic organizations shall have the right of use of the assembly hall, subject to the rules made by the board of library trustees and the necessary charges for use and maintenance. County civic organizations may use the assembly hall as a public assembly hall in keeping with the rules adopted by the board of library trustees.

[Acts 1969, 61st Leg., p. 2934, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 21.356 to 21.400 reserved for expansion]

SUBCHAPTER K. CONSOLIDATED ELECTIONS

§ 21.401. Consolidated Elections

The various officers, boards, or bodies charged with the duty of appointing election officers, providing supplies, canvassing returns, and paying the expenses of school board elections may agree to hold joint and consolidated elections and may agree upon the method of allocating the expenses of the elections whenever an election for members of the board of county school trustees, board of education, board of trustees, or other governing board of any school district, or the board of regents, board of trustees, or other governing board of any junior college district, regional college district, or other type of public college district is to be held on the same day and within all or part of the same territory as any other election or elections herein enumerated.

[Acts 1969, 61st Leg., p. 2935, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.402. Agreement

Resolutions reciting the terms of the agreement shall be adopted by each of the participating boards or bodies. The agreement may provide for a single ballot form at each polling place to contain all the officers to be voted on at the place, or may provide for separate ballot forms which may combine two or more of the sets of county or district offices to be voted on, but all of the offices and candidates for

any one district or political subdivision must appear on the same ballot.

[Acts 1969, 61st Leg., p. 2935, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.403. Election Officers

One set of election officers may be appointed to conduct the joint election, and any person otherwise qualified who is a resident of any participating district or political subdivision shall be eligible to serve.

[Acts 1969, 61st Leg., p. 2935, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.404. Poll Lists, Ballot Boxes, Etc.

(a) Poll lists, tally sheets, and return forms for the various elections may be combined in any manner convenient and adequate to record and report the results of each election.

(b) One set of ballot boxes and one stub box may be used for receiving all ballots and ballot stubs at any one polling place.

[Acts 1969, 61st Leg., p. 2935, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.405. Returns; Canvass

(a) Returns on joint or separate forms may be made to any¹ the canvass made by each officer, board, or body designated by law to receive and canvass the returns of each election; or one of such officers, boards, or bodies may be designated to receive and canvass the returns for the joint election and to report the results of each election to the proper authorities.

(b) Where the counted ballots for two or more elections are deposited in a single ballot box, the box containing the counted ballots shall be returned to the officer or board designated in the agreement, which shall be an officer or board designated by law to receive and preserve the counted ballots for one of the elections constituting a part of the joint election.

[Acts 1969, 61st Leg., p. 2935, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ So in enrolled bill. Probably should read "and".

SUBCHAPTER L. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAMS

§ 21.451. State Policy

English is the basic language of the State of Texas. Public schools are responsible for providing full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. The legislature finds that there are large numbers of students in the state who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inade-

quate for the education of these students. The legislature recognizes that the mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. The legislature believes that bilingual education and special language programs can meet the needs of these students and facilitate their integration into the regular school curriculum. Therefore, pursuant to the policy of the state to insure equal educational opportunity to every student, and in recognition of the educational needs of students of limited English proficiency, it is the purpose of this subchapter to provide for the establishment of bilingual education and special language programs in the public schools and to provide supplemental financial assistance to help local school districts meet the extra costs of the programs.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

Section 2 of the 1981 amendatory act provides:

"Bilingual education or special language programs as defined by this Act shall be taught in the public schools only for the purpose of assisting the learning ability of limited English proficiency students and to enhance the English language."

Section 3 of the 1981 amendatory act provided that it took effect beginning with the 1981-1982 school year which, under provisions of § 21.001, began on September 1, 1981.

§ 21.452. Definitions

In this subchapter the following words have the indicated meanings:

- (1) "Agency" means the Central Education Agency.
- (2) "Board" means the governing board of a school district.
- (3) "Students of limited English proficiency" means students whose primary language is other than English and whose English language skills are such that the students have difficulty performing ordinary classwork in English.
- (4) "Parent" means the parent(s) or legal guardian(s) of the student.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

§ 21.453. Establishment of Bilingual Education and Special Language Programs

(a) The State Board of Education shall adopt rules establishing a procedure for identifying school districts that are required to offer bilingual education and special language programs in accordance with this subchapter.

(b) Within the first four weeks following the first day of school, the language proficiency assessment committee established under Section 21.462 shall determine and report to the governing board of the school district the number of students of limited English proficiency on each campus and shall classify them according to the language in which they possess primary proficiency. The governing board

shall report that information to the agency before the first day of November each year.

(c) Each school district which has an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level shall offer a bilingual education or special language program.

(d) Each district that is required to offer bilingual education and special language programs under this section shall offer the following for students of limited English proficiency:

- (1) bilingual education in kindergarten through the elementary grades;
- (2) bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in post-elementary grades through grade 8; and
- (3) instruction in English as a second language in grades 9-12.

(e) If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by the commissioner of education, pursuant to the rules of the State Board of Education.

(f) An application for an exception may be filed with the commissioner of education when an individual district is unable to hire a sufficient number of endorsed bilingual teachers to staff the required program. The exception must be accompanied by:

- (1) documentation showing that the district has taken all reasonable affirmative steps to secure endorsed bilingual teachers and has failed;
- (2) documentation showing that the district has affirmative hiring policies and procedures consistent with the need to serve limited English proficiency students;
- (3) documentation showing that, on the basis of district records, no teacher with a bilingual endorsement or emergency credentials has been unjustifiably denied employment by the district within the past 12 months; and
- (4) a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.

(g) An exception shall be granted under Subsection (f) of this section on an individual district basis and is valid for only one year. Application for an exception a second or succeeding year must be accompanied by the documentation set forth in Subdivisions (1), (2), (3), and (4) of Subsection (f) of this section.

(h) During the period of time for which the school district is granted an exception under Subsection (f) of this section, it must use alternative methods approved by the commissioner of education, pursuant to the rules of the State Board of Education, to meet the needs of its students of limited English

proficiency such as, but not limited to, the hiring of teaching personnel on a bilingual emergency permit.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1975, 64th Leg., p. 897, ch. 334, § 6, eff. Sept. 1, 1975; Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

§ 21.454. Program Content; Method of Instruction

(a) The bilingual education program established by a school district shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students of limited English proficiency who are enrolled in the program, and that provides for carefully structured and sequenced mastery of English language skills. The program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

(b) The program of instruction in English as a second language established by a school district shall be a program of intensive instruction in English from teachers trained in recognizing and dealing with language differences. The program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

(c) In subjects such as art, music, and physical education students of limited English proficiency shall participate fully with English-speaking students in regular classes provided in the subjects.

(d) Elective courses included in the curriculum may be taught in a language other than English.

(e) Each school district shall insure to students enrolled in the program a meaningful opportunity to participate fully with other students in all extracurricular activities.

(f) The State Board of Education shall establish a limited number of pilot programs for the purpose of examining alternative methods of instruction in bilingual education and special language programs.

(g) Districts approved to establish pilot programs as required by Subsection (f) of this section shall be allocated an amount per student which is equal to the amount per student allocated to districts with approved bilingual education programs as outlined in this subchapter.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

§ 21.455. Enrollment of Students in Program

(a) The State Board of Education by rule shall adopt standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. The parent must be notified of a student's entry into the program, exit from the program, or placement within the

program. A student's entry into the program or placement within the program must be approved by the student's parents. The local school district may appeal the decision under Section 21.463 of this code. The parent may appeal the decision under Section 21.463 of this code. The criteria may include, but are not limited to, the following:

(1) results of a home language survey conducted within four weeks of each student's enrollment in order to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student's parents if in kindergarten through grade 8 or by the student if in grades 9 through 12, and kept in the student's permanent folder by the language proficiency assessment committee;

(2) the results of an agency-approved English language proficiency test administered to all students identified through the home survey as normally speaking a language other than English to determine the level of English language proficiency, with students in kindergarten or grade 1 being administered an oral English proficiency test and students in grades 2 through 12 being administered an oral and written English proficiency test; and

(3) the results of an agency-approved proficiency test in the primary language administered to all students identified under Subdivision (2) of this subsection as being of limited English proficiency to determine the level of primary language proficiency, with students in kindergarten or grade 1 being administered an oral primary language proficiency test and students in grades 2 through 12 being administered an oral and written primary language proficiency test.

(b) Tests under Subsection (a) of this section should be administered by professionals or paraprofessionals with the appropriate English and primary language skills and the training required by the test publisher.

(c) The language proficiency assessment committee may classify a student as limited English proficiency if one or more of the following criteria are met:

(1) the student's ability in English is so limited or the student is so handicapped that assessment procedures cannot be administered;

(2) the student's score or relative degree of achievement on the agency-approved English proficiency test is below the levels established by the agency as indicative of reasonable proficiency;

(3) the student's primary language proficiency score as measured by an agency-approved test is greater than his proficiency in English; or

(4) the language proficiency assessment committee determines, based on other information such as (but not limited to) teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater

than his proficiency in English or that the student is not reasonably proficient in English.

(d) Within 10 days after the student's classification as limited English proficiency, the language proficiency assessment committee shall give written notice of the classification to the student's parent. The notice must be in English and the primary language. The parents of students eligible to participate in the required bilingual education program shall be informed of the benefits of the bilingual education or special language program and that it is an integral part of the school program.

(e) All records obtained under this section may be retained by the language proficiency assessment committee for documentation purposes.

(f) The school district may not refuse instruction in a language other than English to a student solely because the student has a handicapping condition.

(g) With the approval of the school district and a student's parents, a student who does not have limited English proficiency may also participate in a bilingual education program. The number of participating students who do not have limited English proficiency may not exceed 40 percent of the students enrolled in the program.

(h) A school district may transfer a student of limited English proficiency out of a bilingual education or special language program if the student is able to participate equally in a regular all-English instructional program as determined by:

(1) tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in both the student's primary language and English;

(2) an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the agency; and

(3) other indications of a student's overall progress as determined by, but not limited to, criterion-referenced test scores, subjective teacher evaluation, and parental evaluation.

(i) If later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement, the language proficiency assessment committee may reenroll the student in the program. Classification of students for reenrollment must be based on the criteria required by this section.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

§ 21.456. Facilities; Classes

(a) Bilingual education and special language programs shall be located in the regular public schools of the district rather than in separate facilities.

(b) Students enrolled in bilingual education or a special language program shall be placed in classes with other students of approximately the same age and level of educational attainment. The school district shall insure that the instruction given each student is appropriate to his or her level of educational attainment, and the district shall keep adequate records of the educational level and progress of each student enrolled in the program.

(c) The maximum student-teacher ratio shall be set by the State Board of Education and shall reflect the special educational needs of students enrolled in the programs.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 298, ch. 28, art. I, part C, § 19, eff. Sept. 1, 1984.]

§ 21.457. Cooperation Among Districts

(a) A school district may join with any other district or districts to provide the bilingual education and special language programs required by this subchapter. The availability of the programs shall be publicized throughout the affected districts.

(b) A school district may allow a nonresident student of limited English proficiency to enroll in or attend its bilingual education or special language programs if the student's district of residence provides no appropriate program. The tuition for the student shall be paid by the district in which the student resides.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

§ 21.458. Preschool, Summer School, and Extended Time Programs

Text of section effective until June 1, 1985

A school district may establish on a full- or part-time basis preschool, summer school, extended day, or extended week bilingual education or special language programs for students of limited English proficiency and may join with other districts in establishing the programs. The preschool or summer programs shall not be a substitute for programs required to be provided during the regular school year.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

For text of section effective until June 1, 1985, see § 21.458, post

§ 21.458. Preschool, Summer School, and Extended Time Programs

Text of section effective June 1, 1985

(a) Each district that is required to offer a bilingual education or special language program shall offer a voluntary summer program for children of

limited English proficiency who will be eligible for admission to kindergarten or the first grade at the beginning of the next school year.

(b) Enrollment in the program is optional with the parent of the child. The program must be offered for one-half day for the eight weeks preceding the opening of schools for the regular school term.

(c) The program shall be an intensive bilingual education or special language program that meets standards prescribed by rule of the State Board of Education. The student/teacher ratio for the program may not exceed 18/1.

(d) A school district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual education or special language programs for students of limited English proficiency and may join with other districts in establishing the programs.

(e) The preschool or summer programs shall not be a substitute for programs required to be provided during the regular school year.

(f) The legislature may appropriate funds from the foundation school program for support of the summer program under Subsection (a) of this section.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981; Acts 1984, 68th Leg., 2nd C.S., p. 397, ch. 28, art. IV, part B, § 5, eff. June 1, 1985.]

For text of section effective until June 1, 1985, see § 21.458, ante

§ 21.459. Bilingual Education and Special Language Program Teachers

(a) The State Board of Education shall promulgate rules and regulations governing the issuance of teaching certificates with bilingual education endorsements to teachers who possess a speaking, reading, and writing ability in a language other than English in which bilingual education programs are offered and who meet the general requirements set out in Chapter 13 of this code. The State Board of Education shall also promulgate rules and regulations governing the issuance of teaching certificates with an endorsement for teaching English as a second language. The agency may issue emergency endorsements in bilingual education and in teaching English as a second language.

(b) A teacher assigned to a bilingual education program must be appropriately certified by the agency for bilingual education.

(c) A teacher assigned to an English as a second language or other special language program must be appropriately certified by the agency for English as a second language.

(d) The minimum monthly base pay and increments for teaching experience for a bilingual education teacher or a special language program teacher are the same as for a classroom teacher with an

equivalent degree under the Texas State Public Education Compensation Plan. The minimum annual salary for a bilingual education teacher or a special language program teacher is the monthly base salary, plus increments, multiplied by 10, 11, or 12, as applicable.

(e) The district may compensate out of funds appropriated in Subsection (a) of Section 21.460 of this subchapter a bilingual education or special language teacher for participating in a continuing education program which is in addition to the teacher's regular contract. The continuing education program must be designed to gain advanced bilingual education or special language program endorsement or skills.

(f) The agency shall be authorized to conduct or contract for teacher training for persons in the acquisition of endorsements in English as a second language. The agency shall determine the amount required for the implementation of this subsection.

(g) The State Board of Education, through the Commission on Standards for the Teaching Profession, and the Coordinating Board, Texas College and University System, shall develop a comprehensive plan for meeting the teacher supply needs created by the programs outlined in this subchapter. The board shall submit a plan, which includes legislative recommendations, to the 68th Legislature in January, 1983.

[Acts 1973, 63rd Leg., p. 860, ch. 392, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

§ 21.460. Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 347, ch. 28, art. II, § 22(a)(3), eff. Sept. 1, 1984

§ 21.461. Compliance

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, pursuant to the policy of the state, the agency shall monitor school district compliance with the state rules by inspecting each school district on-site at least every three years.

(b) The areas to be monitored include:

- (1) program content and design;
- (2) program coverage;
- (3) identification procedures;
- (4) classification procedures;
- (5) staffing;
- (6) learning materials;
- (7) testing materials;

(8) reclassification of students for either entry into regular classes conducted exclusively in English or for reentry into a bilingual education or special language program; and

(9) activities of the language proficiency assessment committee.

(c) Not later than the 30th day after the date of an on-site monitoring inspection, the agency shall

report its findings to the school district and to the division of accreditation.

(d) The agency shall notify a school district found to be in noncompliance in writing not later than the 30th day after the date of the on-site monitoring. The district shall take immediate corrective action.

(e) If a school district fails to or refuses to comply after proper notification, the agency shall apply sanctions, which may include removal of accreditation, loss of foundation school funds, or both.

[Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

§ 21.462. Language Proficiency Assessment Committees

(a) The State Board of Education by rule shall require districts that are required to offer bilingual education and special language programs to establish a language proficiency assessment committee.

(b) Each committee shall be composed of members including but not limited to a professional bilingual educator, professional transitional language educator, a parent of a limited English proficiency student, and a campus administrator.

(c) The language proficiency assessment committee shall:

(1) review all pertinent information on limited English proficiency students, including the home language survey, the language proficiency tests in English and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;

(2) make recommendations concerning the most appropriate placement for the educational advancement of the limited English proficiency student after the elementary grades;

(3) review each limited English proficiency student's progress at the end of the school year in order to determine future appropriate placement;

(4) monitor the progress of students formerly classified as limited English proficiency who have exited from the bilingual education or special language program and, based on the information, designate the most appropriate placement for the student; and

(5) determine the appropriateness of an extended program (beyond the regular school) depending on the needs of each limited English proficiency student.

(d) The State Board of Education by rule may prescribe additional duties for language proficiency assessment committees.

[Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

§ 21.463. Appeals

A parent of a student enrolled in a district offering bilingual education or special language programs may appeal to the commissioner of education under Section 11.13 of this code if the district fails

to comply with the requirements of law or the rules of the State Board of Education. If the parent disagrees with the placement of the student in the program, he or she may appeal that decision to the local board of trustees. Appeals shall be in accordance with procedures adopted by the State Board of Education consistent with the appeal of contested cases under the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

[Acts 1981, 67th Leg., p. 2138, ch. 498, § 1, eff. Sept. 1, 1981.]

SUBCHAPTER M. PROTECTION OF BUILDINGS AND GROUNDS

§ 21.481. Applicability of Criminal Laws

All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the board of trustees of any school district in this state.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

§ 21.482. Rules and Regulations; Penalty

(a) The board of trustees of any school district may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the school, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other school property under its control, including but not limited to the following:

(1) limiting the rate of speed;

(2) assigning parking spaces and designating parking areas and their use and assessing a charge for parking;

(3) prohibiting parking as it deems necessary;

(4) removing vehicles parked in violation of board rules and regulations or law at the expense of the violator;

(5) instituting a system of registration for vehicle identification, including a reasonable charge.

(b) A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

§ 21.483. Campus Security Personnel

The board of trustees of any school district may employ campus security personnel for the purpose of carrying out the provisions of this subchapter and if the board of trustees authorizes any officer to bear arms then they must commission them as peace officers. Any officer commissioned under this section is vested with all the powers, privileges,

and immunities of peace officers while on the property under the control and jurisdiction of the district or otherwise in the performance of his duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of \$1,000, payable to the board of trustees, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform all the duties that may be required of him by law. The bond may be sued on from time to time in the name of any person injured until the whole amount of the bond is recovered. Any peace officer commissioned under this section must meet all minimum standards for peace officers established by the Commission on Law Enforcement Officer Standards and Education within one year of his commission, or his commission shall automatically expire.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

§ 21.484. Trespass, Damage, Etc.

It is unlawful for any person to trespass on the grounds of any school district of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any school district.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

§ 21.485. Parking; Blocking or Impeding Traffic

It is unlawful for any person to park a vehicle on any property under the control and jurisdiction of a school district of this state except in the manner designated by the district and in the spaces marked and designated by the board of trustees, or to block or impede traffic through any driveway of that property. All laws regulating traffic on highways and streets apply to the operation of vehicles within the property of the institution, except as may be modified in this subchapter.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

§ 21.486. Parking and Traffic Tickets; Summons; Arrest Warrants

In connection with traffic and parking violations, only the officers authorized to enforce the provisions of this subchapter have the authority to issue and use traffic tickets and summons of the type used by the Texas Highway Patrol, with any changes that are necessitated by reason of this subchapter. On the issuance of any parking or traffic ticket or summons, the same procedures shall be followed as prevail in connection with the use of parking and traffic violation tickets by the cities of this state and the Texas Highway Patrol. Nothing in this subchapter restricts the application and use of regular arrest warrants.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

§ 21.487. Vehicle Identification Insignia

Each school district may provide for the issuance and use of suitable vehicle identification insignia. The institution may bar or suspend the permit of any vehicle from driving or parking on any school property for the violation of any rule or regulation promulgated by the board as well as for any violation of this subchapter. Reinstatement of the privileges may be permitted and a reasonable fee assessed.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

§ 21.488. Courts Having Jurisdiction

The judge of a municipal court or any justice of the peace of any city or county where property under the control and jurisdiction of school district is located is each separately vested with all jurisdiction necessary to hear and determine criminal cases involving violations of this subchapter or rules or regulations promulgated under this subchapter for which the punishment does not exceed a fine of \$200.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

§ 21.489. Unauthorized Persons: Refusal of Entry, Ejection, Identification

The board of trustees of a school district or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may eject any undesirable person from the property on his refusal to leave peaceably on request. Identification may be required of any person on the property.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

§ 21.490. Enforcement of Rules and Regulations

Notwithstanding any of the provisions of this subchapter, all officers commissioned by the board of trustees of a school district may be empowered by the board to enforce rules and regulations promulgated by the board. Nothing in this subchapter is intended to limit or restrict the authority of each district to promulgate and enforce appropriate rules and regulations for the orderly conduct of the institution in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel.

[Acts 1973, 63rd Leg., p. 1637, ch. 596, § 1, eff. Aug. 27, 1973.]

SUBCHAPTER N. SPECIAL EDUCATION PROGRAM

§ 21.501. Statewide Plan

The State Board of Education shall develop, and modify as necessary, a statewide design for the delivery of services to handicapped children in Texas which includes rules for the administration and

funding of the special education program so that a free appropriate public education is available to all handicapped children between the ages of three and 21. The statewide design shall include, but may not be limited to, the provision of services primarily through local school districts and special education cooperatives, supplemented by a regional delivery structure. The board shall further develop and implement a statewide plan with programmatic content which includes procedures designed to:

(1) ensure state compliance with requirements for supplemental federal funding for all state-administered programs involving the delivery of instructional or related services to handicapped students as defined in this section;

(2) facilitate interagency coordination when state agencies other than the Central Education Agency are involved in the delivery of instructional or related services to handicapped students;

(3) assess statewide personnel needs in all areas of specialization related to special education on a periodic basis and pursue strategies to meet those needs through a consortium of representatives from regional education service centers, local education agencies, and institutions of higher education and through other available alternatives;

(4) ensure that regional education service centers throughout the state maintain a regional support function, which may include direct service delivery and a component designed to facilitate the placement of handicapped students who cannot be appropriately served within their resident districts;

(5) allow the Central Education Agency to effectively monitor and periodically conduct site visits of all local districts to ensure that rules adopted under this section are applied in a consistent and uniform manner, to ensure that districts are complying with those rules, and to ensure that annual statistical reports filed by the districts are accurate and complete;

(6) ensure the availability of sequentially related, field-based, inservice special education training programs for regular and special educators serving handicapped students and further ensure that all local districts dedicate at least the equivalent of one full day of their required inservice program per school year to that special education inservice training for those personnel;

(7) ensure that appropriately trained personnel are involved in the diagnostic and evaluation procedures operating in all local districts and that those personnel routinely serve on local district admissions, review, and dismissal teams;

(8) ensure that an individualized education plan for each handicapped student is properly developed, implemented, and maintained in the least restrictive environment which is appropriate to meet the student's educational needs;

(9) ensure that, when appropriate, each handicapped student is provided an opportunity to par-

ticipate in vocational and physical education classes, in addition to participation in regular or special classes; and

(10) ensure that each handicapped student is provided necessary related services.

[Formerly § 16.104(a), amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1; Acts 1977, 65th Leg., 1st C.S., p. 19, ch. 1, § 7, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1304, ch. 602, §§ 7, 35(b), eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 412, ch. 28, art. VI, part A, § 1, eff. Sept. 1, 1984.]

§ 21.502. Definitions

As used in this subchapter:

(1) "Special services" means:

(A) "special teaching," which may be provided by professional and paraprofessional personnel in the following instructional settings:

(i) resource room;

(ii) self-contained classroom, regular or special campus;

(iii) hospital or community class;

(iv) homebound or bedside;

(v) speech or hearing therapy class; or

(B) "related services," which are developmental, corrective, supportive, or evaluative services, not instructional in nature, that may be required for the proper development and implementation of a handicapped student's individualized educational plan, including but not limited to special transportation, school health services, counseling with students or families, psychological services, audiological services, visual training, medical or psychiatric diagnostic services, occupational therapy, physical therapy, recreational therapy, social work services, parent counseling and training, adaptive equipment, special seating, orientation and mobility training, speech therapy, music therapy, and corrective therapy.

(2) "Resident district" means the local school district in which the parent or other person who has the primary legal obligation for care, control, and custody of a handicapped student resides, except that if the state is managing conservator of the student, the resident district is the district within which the student is placed by the state.

[Formerly § 16.104(b), amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1; Acts 1977, 65th Leg., 1st C.S., p. 19, ch. 1, § 7, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1304, ch. 602, §§ 7, 35(b), eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 412, ch. 28, art. VI, part A, § 1, eff. Sept. 1, 1984.]

§ 21.503. Eligibility Criteria

(a) The commissioner, with the approval of the State Board of Education, shall develop specific eligibility criteria based on the general classifications established by this section with reference to contemporary diagnostic or evaluative terminologies and techniques. Eligible handicapped students shall enjoy the right to a free appropriate public educa-

tion, which may include instruction in the regular classroom, instruction through special teaching, or instruction through contracts approved under this section. Instruction shall be supplemented by the provision of related services when appropriate.

(b) The following classifications of handicapped students shall serve as the general eligibility criteria for participation in a district's special education program:

(1) "Handicapped students" means students between the ages of 3 and 21, inclusive:

(A) with educational handicaps (physically handicapped, auditorially handicapped, visually handicapped, mentally retarded, emotionally disturbed, learning disabled, speech handicapped, autistic, or multiply handicapped); and children leaving and not attending public school for a time because of pregnancy; and

(B) whose disabilities are so limiting as to require the provision of special services in place of or in addition to instruction in the regular classroom.

(2) "Physically handicapped students" means students whose body functions or members are so impaired from any cause that they cannot be adequately or safely educated in the regular classes of the public schools without the provision of special services.

(3) "Auditorially handicapped students" means students whose hearing is so impaired that they cannot be adequately educated in the regular classes of the public schools without the provision of special services.

(4) "Visually handicapped students" means students whose sight is so impaired that they cannot be adequately or safely educated in the regular classes of the public schools without the provision of special services.

(5) "Mentally retarded students" means students with significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior and manifested during the developmental period such that they cannot be adequately educated in the regular classes of the public schools without the provision of special services.

(6) "Emotionally disturbed students" means students whose emotional condition is psychologically or psychiatrically determined to be such that they cannot be adequately and safely educated in the regular classes of the public schools without the provision of special services.

(7) "Learning disabled students" means students:

(A) who demonstrate a significant discrepancy between academic achievement and intellectual abilities in one or more of the areas of oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, mathematics reasoning, or spelling;

(B) for whom it is determined that the discrepancy is not primarily the result of visual handicap, hearing impairment, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage; and

(C) for whom the inherent disability exists to a degree such that they cannot be adequately served in the regular classes of the public schools without the provision of special services other than those provided under compensatory education programs.

(8) "Speech handicapped students" means students whose speech is so impaired that they cannot be adequately educated in regular classes of the public schools without the provision of special services.

(9) "Autistic students" means students whose disturbances of speech and language, relatedness, perception, developmental rate, and motility are such that they cannot be adequately educated in the regular classes of the public schools without the provision of special services.

(10) "Multiply handicapped students" means students handicapped by any two or more of the handicapping conditions described in Subdivisions (2) through (9) of this subsection that may result in multisensory or motor deficiencies and developmental lags in the cognitive, affective, or psychomotor areas such that they cannot be adequately educated in the regular classes of the public schools without the provision of special services.

[Formerly § 16.104(c), amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1; Acts 1977, 65th Leg., 1st C.S., p. 19, ch. 1, § 7, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1304, ch. 602, §§ 7, 35(b), eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 412, ch. 28, art. VI, part A, § 1, eff. Sept. 1, 1984.]

§ 21.504. Personnel Contracts

Special education personnel may be employed on a full-time, part-time, or consultative basis. Any school district may employ special education personnel on a 10-, 11-, or 12-month basis. Handicapped students' teachers, paraprofessional personnel, or related service personnel employed on an extended basis shall, during the extended period of their contract, only be engaged in pupil evaluations or in direct service delivery to handicapped students for which the disruption of continuous services may result in severe regression.

[Formerly § 16.104(i), amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1; Acts 1977, 65th Leg., 1st C.S., p. 19, ch. 1, § 7, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1304, ch. 602, §§ 7, 35(b), eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 412, ch. 28, art. VI, part A, § 1, eff. Sept. 1, 1984.]

§ 21.505. Cooperatives

In accordance with rules adopted by the State Board of Education, local districts may jointly operate their special education programs. Funds to which the cooperating districts are entitled may be allocated to the districts jointly as cooperative units

or cooperative funds in accordance with the cooperative districts' agreement.

[Formerly § 16.104(j), amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1; Acts 1977, 65th Leg., 1st C.S., p. 19, ch. 1, § 7, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1304, ch. 602, §§ 7, 35(b), eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 412, ch. 28, art. VI, part A, § 1, eff. Sept. 1, 1984.]

§ 21.506. Contracts for Services; Residential Placement

(a) Any local district, special education cooperative, or regional education service center may contract with any public or private facility, institution, or agency within or outside of this state for the provision of services to handicapped students under rules adopted by the State Board of Education. Contracts for residential placements, including placements with the Texas Department of Mental Health and Mental Retardation and its community facilities, Texas School for the Blind, Texas School for the Deaf, and other public or private agencies, institutions, or facilities, shall be approved by the commissioner. The rules shall provide for approval of residential placement contracts only after at least a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. Either the whole or a part of a facility or program may be approved. Rules relating to the residential contract approval process shall include provisions designed to ensure that no contract is approved which:

- (1) involves the delivery of unapproved services;
- (2) involves the delivery of services which the district is capable of providing or is developing the capability to provide; or
- (3) is not cost-effective when compared with other alternatives.

(b) Except as provided by Subsection (c) of this section, contracts for residential placements when approved may be paid for from a combination of federal, state, and local funds. The local share of the total contract cost per pupil is that portion of the local tax effort (total dollars generated by debt service and maintenance taxes) which exceeds the district's local fund assignment, divided by the average daily attendance in the district. If the contract involves a private facility, the state share of the total contract cost is that which remains after subtracting the local share. If the contract involves a public facility other than a program or facility administered by the Central Education Agency, the state share is that which remains after subtracting the local share from that portion of the contract which involves the costs of instructional and related services. If the contract involves a program or facility administered by the Central Education Agency, there is no state share paid from this program.

(c) If the state is managing conservator of a student placed in a private residential facility, the

total cost of the residential placement shall be paid from state and federal funds. If the contract involves a public facility other than a program or facility administered by the Central Education Agency, the total of that portion of the contract which involves the costs of instructional and related services shall be paid from state and federal funds. If the contract involves a program or facility administered by the Central Education Agency, there is no state share paid from this program. The State Board of Education shall adopt rules governing the use of federal funds as supplemental or partial payment of the local or state share under this section.

(d) The resident district has the ultimate responsibility for providing or causing the provision of appropriate services to each handicapped student. If the district contracts for the provision of services rather than providing the services of its own accord, then that district retains the responsibility of overseeing the implementation of the student's individualized education plan as well as the responsibility of an annual reevaluation of the appropriateness of the arrangement. An approved facility, institution, or agency with whom the district contracts shall assume as a part of the contract the responsibility of providing the district with periodic reports of services the student has received or will receive in accordance with the terms of the contract as well as diagnostic or other evaluative information which the district requires in order to fulfill its obligations under this subchapter. The State Board of Education shall adopt rules designed to effectuate this subsection.

[Formerly § 16.104(k) to (n), amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1; Acts 1977, 65th Leg., 1st C.S., p. 19, ch. 1, § 7, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1304, ch. 602, §§ 7, 35(b), eff. Aug. 27, 1979. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 412, ch. 28, art. VI, part A, § 1, eff. Sept. 1, 1984.]

SUBCHAPTER O. ASSESSMENT OF BASIC SKILLS AND COMPENSATORY EDUCATION

§ 21.551. Adoption and Administration of Instruments

(a) The Central Education Agency shall adopt appropriate criterion referenced assessment instruments designed to assess minimum basic skills competencies in reading, writing, and mathematics for all pupils at the first, third, fifth, seventh, and ninth grade levels and in mathematics and English language arts for all pupils at the 12th grade level.

(b) The Central Education Agency shall also adopt secondary exit level assessment instruments designed to assess mathematics and English language arts competencies for pupils at the 12th grade level. The State Board of Education shall administer the assessment instruments.

(c) The secondary exit level assessment instrument must be administered to all pupils at the 11th

grade level. Each pupil who did not perform satisfactorily on all sections when tested at the 11th grade level shall be given opportunities during the 11th and 12th grade levels to retake the sections of the assessment instrument on which the pupil did not perform satisfactorily, including the opportunity to retake those sections during the final month of the school term in which the pupil is enrolled at the 12th grade level.

[Formerly § 16.176, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1655, ch. 651, § 1, eff. June 15, 1977; Acts 1979, 66th Leg., p. 1311, ch. 602, § 9, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2538, ch. 675, § 2, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2608, ch. 696, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4629, ch. 793, § 1, eff. Sept. 1, 1983. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1, eff. Sept. 1, 1984.]

Article VI, part B, § 2 of the 1984 amendatory act provides:

"(a) Not later than September 1, 1985, the Central Education Agency shall adopt assessment instruments in accordance with Subchapter O, Chapter 21, Education Code, as added by this Act, and shall determine the level of performance that is considered satisfactory on assessment instruments.

"(b) Not later than the 1985-1986 school year, the State Board of Education shall begin administering assessment instruments adopted by the Central Education Agency in accordance with Subchapter O, Chapter 21, Education Code, as added by this Act.

"(c) During the 1984-1985 school year, the State Board of Education shall administer assessment instruments as provided by Section 16.176, Education Code, as that section existed before being amended by this Act."

§ 21.552. Satisfactory Performance

The State Board of Education shall determine the level of performance considered to be satisfactory on the assessment instruments.

[Formerly § 16.176, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1655, ch. 651, § 1, eff. June 15, 1977; Acts 1979, 66th Leg., p. 1311, ch. 602, § 9, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2538, ch. 675, § 2, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2608, ch. 696, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4629, ch. 793, § 1, eff. Sept. 1, 1983. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1, eff. Sept. 1, 1984.]

§ 21.553. Exit Level Performance Required

(a) A pupil who has not performed satisfactorily on all sections of the secondary exit level assessment instrument by the time the pupil has successfully completed the 12th grade level shall not receive a high school diploma until the pupil has performed satisfactorily on all sections of the secondary exit level assessment instrument.

(b) Each time the assessment instrument is administered, a pupil who has not been given a high school diploma because of a failure to perform satisfactorily on all sections of the secondary exit level assessment instrument may retake those sections of the assessment instrument on which the pupil has not performed satisfactorily.

(c) A pupil who has been denied a high school diploma under the provisions of Subsections (a) and (b) above, and who subsequently performs satisfactorily on all sections of the secondary exit level assessment instrument shall be issued a high school diploma.

[Formerly § 16.176, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1655, ch. 651, § 1, eff. June 15, 1977; Acts 1979, 66th Leg., p. 1311, ch. 602, § 9, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2538, ch. 675, § 2, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2608, ch. 696, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4629, ch. 793, § 1, eff. Sept. 1, 1983. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1, eff. Sept. 1, 1984.]

§ 21.554. Local Option

In addition to the assessment instruments adopted by the Central Education Agency and administered by the State Board of Education, a local school district may adopt and administer criterion and/or norm-referenced assessment instruments at any grade level.

[Formerly § 16.176, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1655, ch. 651, § 1, eff. June 15, 1977; Acts 1979, 66th Leg., p. 1311, ch. 602, § 9, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2538, ch. 675, § 2, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2608, ch. 696, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4629, ch. 793, § 1, eff. Sept. 1, 1983. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1, eff. Sept. 1, 1984.]

§ 21.555. Exemption

Any student who has a physical or mental impairment or a learning disability that prevents the student from mastering the competencies which the basic skills assessment instruments are designed to measure may be exempted from the requirements of this subchapter.

[Formerly § 16.176, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1655, ch. 651, § 1, eff. June 15, 1977; Acts 1979, 66th Leg., p. 1311, ch. 602, § 9, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2538, ch. 675, § 2, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2608, ch. 696, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4629, ch. 793, § 1, eff. Sept. 1, 1983. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1, eff. Sept. 1, 1984.]

§ 21.556. Confidentiality; Performance Reports

(a) In adopting basic skills assessment instruments and achievement tests pursuant to this subchapter, the State Board of Education and/or a local school district shall insure the security of the instruments and tests in their preparation, administration, and grading. Meetings or portions of meetings held by the State Board of Education and/or a local school district at which individual assessment instruments, assessment instrument items, or achievement tests are discussed or adopted are not open to the public under Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Ar-

ticle 6252-17, Vernon's Texas Civil Statutes), and the assessment instruments, items, and tests are confidential.

(b) The results of individual student performance on basic skills assessment instruments or achievement tests administered pursuant to this subchapter are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program and the Central Education Agency, as required by this subchapter. However, overall student performance data shall be aggregated by campus and district and made available to the public, with appropriate interpretations, at regularly scheduled meetings of the governing board of each school district. The information may not contain the names of individual students or teachers. The commissioner of education shall compile all of the data and report it to the legislature, lieutenant governor, and governor no later than January 1 of each odd-numbered year.

[Formerly § 16.176, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1655, ch. 651, § 1, eff. June 15, 1977; Acts 1979, 66th Leg., p. 1311, ch. 602, § 9, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2538, ch. 675, § 2, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2608, ch. 696, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4629, ch. 793, § 1, eff. Sept. 1, 1983. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1, eff. Sept. 1, 1984.]

§ 21.557. Compensatory and Remedial Instruction

(a) Each school district shall utilize the student performance data resulting from the basic skills assessment instruments and achievement tests administered pursuant to this subchapter to design and implement appropriate compensatory or remedial instructional services for students in the district's schools.

(b) Each district shall provide remedial instruction to a student enrolled in the district who has taken the secondary exit level assessment instrument and has not performed satisfactorily on each section. The remedial instruction must satisfy standards adopted by the State Board of Education.

(c) Each school district shall provide a remedial program for any student whose achievement test score is below a standard established by the State Board of Education. A school district may provide remedial services to any other student it determines would benefit.

(d) Each district shall submit an annual report to the commissioner of education which describes how the instructional services are provided by campus.

[Formerly § 16.176, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1655, ch. 651, § 1, eff. June 15, 1977; Acts 1979, 66th Leg., p. 1311, ch. 602, § 9, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2538, ch. 675, § 2, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2608, ch. 696, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4629, ch. 793, § 1, eff. Sept. 1, 1983. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1, eff. Sept. 1, 1984.]

§ 21.558. Cost

The cost of preparing, administering, or grading the assessment instruments shall be paid from the compensatory aid provided by Section 16.152 of this code, and each district shall bear the cost on the basis of the number of students in the district to whom the instruments are administered. If a district does not receive an allocation of compensatory aid, the commissioner of education shall subtract the cost from the district's other foundation school fund allocations.

[Formerly § 16.176, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1655, ch. 651, § 1, eff. June 15, 1977; Acts 1979, 66th Leg., p. 1311, ch. 602, § 9, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2538, ch. 675, § 2, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2608, ch. 696, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4629, ch. 793, § 1, eff. Sept. 1, 1983. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1, eff. Sept. 1, 1984.]

§ 21.559. Comparison of State Results to National Results

The Central Education Agency shall compare the results of criterion referenced assessment instruments administered under Section 21.551 of this subchapter to nationally norm-referenced assessment instruments to determine the level of achievement of students in this state as compared to students in other regions of the country.

[Formerly § 16.176, amended by Acts 1975, 64th Leg., p. 877, ch. 334, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 1655, ch. 651, § 1, eff. June 15, 1977; Acts 1979, 66th Leg., p. 1311, ch. 602, § 9, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2538, ch. 675, § 2, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2608, ch. 696, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4629, ch. 793, § 1, eff. Sept. 1, 1983. Renumbered and amended by Acts 1984, 68th Leg., 2nd C.S., p. 424, ch. 28, art. VI, part B, § 1, eff. Sept. 1, 1984.]

SUBCHAPTER P. SCHOOL-COMMUNITY GUIDANCE CENTERS

§ 21.601. Establishment

(a) Each school district may establish a school-community guidance center designed to locate and assist children with problems which interfere with their education, including but not limited to juvenile offenders and children with severe behavioral problems or character disorders. The centers shall coordinate the efforts of school district personnel, local police departments, truant officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors which adversely affect the education of the children.

(b) With the approval of the commissioner of education, school districts with an average daily attendance of less than 6,000 students may cooper-

ate with other districts for the purpose of establishing a common center.

[Acts 1977, 65th Leg., p. 1858, ch. 736, § 1, eff. Aug. 29, 1977. Amended by Acts 1981, 67th Leg., p. 2224, ch. 524, § 1, eff. Sept. 1, 1981. Renumbered from § 16.401 and amended by Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1, eff. Sept. 1, 1984.]

§ 21.602. Cooperative Programs

The board of trustees of a school district may develop cooperative programs with state youth agencies for children found guilty of delinquent conduct.

[Acts 1977, 65th Leg., p. 1858, ch. 736, § 1, eff. Aug. 29, 1977. Amended by Acts 1981, 67th Leg., p. 2224, ch. 524, § 1, eff. Sept. 1, 1981. Renumbered from § 16.402 and amended by Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1, eff. Sept. 1, 1984.]

§ 21.603. Cooperation of Governmental Agencies

Each governmental agency concerned with children in the school district shall cooperate with the school-community guidance centers on the request of the superintendent of schools and shall designate liaison persons to work with the centers in identifying and correcting problems affecting school-age children in the district.

[Acts 1977, 65th Leg., p. 1859, ch. 736, § 1, eff. Aug. 29, 1977. Amended by Acts 1981, 67th Leg., p. 2224, ch. 524, § 1, eff. Sept. 1, 1981. Renumbered from § 16.405 and amended by Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1, eff. Sept. 1, 1984.]

§ 21.604. Parental Notice, Consent, and Access to Information

(a) Before a student is admitted to a school-community guidance center, the administrator of the center must notify the student's parent or guardian that the student has been assigned to attend the center.

(b) Such notification shall include:

(1) the reason that the student has been assigned to the center;

(2) a statement that upon request, the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and

(3) a statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student. If, after notification, the parent refuses to consent to such testing or treatment, the center shall not provide any further psychological treatment or testing.

(c) A parent or guardian of a student attending a center is entitled to inspect:

(1) any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and

(2) the results of any treatment, testing, or guidance method involving the student.

(d) The administrator of the center may set a schedule for inspection of materials which allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

[Acts 1983, 68th Leg., p. 2875, ch. 488, § 1, eff. Sept. 1, 1983. Renumbered from § 16.407 and amended by Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1, eff. Sept. 1, 1984.]

§ 21.605. Training and Monitoring

(a) The State Board of Education shall review the training requirements for personnel who work at school-community guidance centers and shall establish standards for the training and for the performance of the required services at each center to ensure the effectiveness of the center's program.

(b) The commissioner of education shall monitor each center and, in accordance with rules of the board, may require additional training for personnel if he determines the training is necessary.

[Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1, eff. Sept. 1, 1984.]

§ 21.606. Parental Involvement

(a) On admitting a student to a school-community guidance center, a representative of the school district, the student, and the student's parent shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

(1) a statement of the student's behavioral and learning objectives;

(2) a requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and

(3) the parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting other objectives, defined by the district, to aid student remediation.

(b) The superintendent of the school district may obtain a court order from a district court in the school district requiring a parent to comply with an agreement made under this section. A parent who violates a court order issued under this subsection may be punished for contempt of court.

(c) In this section, "parent" includes a legal guardian.

[Acts 1984, 68th Leg., 2nd C.S., p. 430, ch. 28, art. VI, part C, § 1, eff. Sept. 1, 1984.]

SUBCHAPTER Q. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS

§ 21.651. Definition

As used in this subchapter, "gifted and talented student" means a student who, by virtue of outstanding mental abilities, is capable of high performance. The student may demonstrate, singly or

in combination, above-average achievement or potential in such areas as general intellectual ability, specific subject matter aptitude, ability in creative and productive thinking, and leadership ability. The phrase does not include students who demonstrate above-average achievement or potential in areas relating to physical abilities.

[Acts 1979, 66th Leg., p. 1161, ch. 562, § 1, eff. Aug. 27, 1979. Renumbered from § 16.501(a) and amended by Acts 1984, 68th Leg., 2nd C.S., p. 433, ch. 28, art. VI, part D, § 1, eff. Sept. 1, 1984.]

§ 21.652. Establishment

(a) The Central Education Agency shall establish exemplary programs for gifted and talented students in various regions of the state.

(b) The exemplary programs shall reflect different approaches and alternatives suitable to the needs of the gifted and talented and commensurate with their learning abilities and special talents.

(c) The exemplary programs shall be representative of different types of districts in various parts of the state in terms of size, composition, geographical influences, and shall be proportionate to the number of gifted and talented students and districts to benefit by their establishment.

[Acts 1979, 66th Leg., p. 1161, ch. 562, § 1, eff. Aug. 27, 1979. Renumbered from § 16.501(b) and amended by Acts 1984, 68th Leg., 2nd C.S., p. 433, ch. 28, art. VI, part D, § 1, eff. Sept. 1, 1984.]

§ 21.653. Student Participants

Students shall be identified as gifted and talented for the exemplary programs through the use of criteria established by the State Board of Education.

[Acts 1979, 66th Leg., p. 1161, ch. 562, § 1, eff. Aug. 27, 1979. Renumbered from § 16.501(c) and amended by Acts 1984, 68th Leg., 2nd C.S., p. 433, ch. 28, art. VI, part D, § 1, eff. Sept. 1, 1984.]

§ 21.654. Application

(a) A school district or a combination of school districts electing to establish an exemplary program for gifted and talented students shall submit an application to the Central Education Agency in accordance with rules adopted by the State Board of Education.

(b) To be eligible for funding consideration, an educational program for gifted and talented students shall be planned and conducted for no less than a full school year.

[Acts 1979, 66th Leg., p. 1161, ch. 562, § 1, eff. Aug. 27, 1979. Renumbered from § 16.501(d) and amended by Acts 1984, 68th Leg., 2nd C.S., p. 433, ch. 28, art. VI, part D, § 1, eff. Sept. 1, 1984.]

§ 21.655. State Plan, Assistance

The State Board of Education shall develop and periodically update a state plan for the education of the gifted and talented to guide local education agencies in establishing and improving programs

for students identified as gifted and talented. The Central Education Agency shall assist local education agencies in the development of planned programs which are appropriately designed to meet the special needs of gifted and talented students.

[Acts 1979, 66th Leg., p. 1161, ch. 562, § 1, eff. Aug. 27, 1979. Renumbered from § 16.501(e) and amended by Acts 1984, 68th Leg., 2nd C.S., p. 433, ch. 28, art. VI, part D, § 1, eff. Sept. 1, 1984.]

§ 21.656. Funding

(a) The funds for the exemplary programs for gifted and talented students shall be administered by the Central Education Agency. If the total amount of aid requested by applying eligible districts for exemplary programs for gifted and talented students exceeds the amount appropriated for the programs, the Central Education Agency shall select programs to be funded based on the criteria in Section 21.652 of this code and the rules adopted by the State Board of Education. The cost is borne by the district and the state in the same percentages used to determine the state/local shares under Chapter 16 of this code. The state's share of the cost shall be paid from the foundation school fund and shall be considered by the foundation school fund budget committee in estimating the funds needed for foundation school program purposes.

(b) Applying eligible districts shall receive an allotment equal to the state's share of \$150 per pupil identified and served by the district in an exemplary program. A district or combination of districts must identify a minimum of 20 students to be eligible for an allotment. For the purposes of receiving funds under this section, no district may count as pupils served more than five percent of its total average daily attendance and no district shall receive in excess of \$100,000.

(c) Up to 10 percent of the funds allocated for the establishment of the exemplary programs may be reserved by the commissioner of education for program administration in coordination with the regional education service centers for program planning, technical assistance, and statewide staff development.

[Acts 1979, 66th Leg., p. 1161, ch. 562, § 1, eff. Aug. 27, 1979. Amended by Acts 1981, 67th Leg., p. 73, ch. 33, § 1, eff. April 15, 1981. Renumbered from § 16.502 and amended by Acts 1984, 68th Leg., 2nd C.S., p. 433, ch. 28, art. VI, part D, § 1, eff. Sept. 1, 1984.]

**SUBCHAPTER R. DISCIPLINE
MANAGEMENT PROGRAMS**

§ 21.701. Adoption and Approval of Programs

Each school district shall adopt and implement a discipline management program. Before implementation, the proposed program must be submitted to

the Central Education Agency, which shall review and approve or reject the program.

[Acts 1984, 68th Leg., 2nd C.S., p. 441, ch. 28, art. VI, part G, § 1, eff. Sept. 1, 1984.]

Article VI, part G, § 2 of the 1984 Act provides:

"Each school district shall implement a discipline management program in accordance with Subchapter R, Chapter 21, Education Code, as added by this Act, not later than September 1, 1986. Each school district shall verify to the Central Education Agency, not later than December 31, 1986, that each teacher in the district has received training in accordance with Section 21.705, Education Code, as added by this Act. The State Board of Education may prescribe a deadline for submission of the programs for approval, consistent with the date of required implementation."

§ 21.702. Content of Approved Programs

To be approved, a discipline management program must:

(1) encourage the commitment, cooperation, and involvement of school district administrators, teachers, parents, and students in the development of the program;

(2) encourage the use of the regional education service center to assist in developing the program and providing training to teachers and administrators;

(3) require the designation of a person in each school with special training in discipline management to implement and assess the program in that school and to identify and refer appropriate students to school-community guidance programs;

(4) require the development of a student code of conduct that clearly describes the district's expectations with respect to student conduct, including provisions similar to the Attorney General's Proposed Voluntary Student Code of Conduct of 1980, and specifies the consequences of violating the code;

(5) specifically outline the responsibilities of teachers, administrators, parents, and students in the discipline management program; and

(6) make parental involvement an integral part of the discipline management program, requiring:

(A) at least two parent-teacher conferences during each school year;

(B) parent training workshops for home reinforcement of study skills and specific curriculum objectives; and

(C) a written statement signed by each parent that the parent understands and consents to the responsibilities outlined in the program.

[Acts 1984, 68th Leg., 2nd C.S., p. 441, ch. 28, art. VI, part G, § 1, eff. Sept. 1, 1984.]

§ 21.703. Recommending Training Programs

The agency shall recommend to school districts specific training programs at institutions of higher education to assist the districts in developing the discipline management programs.

[Acts 1984, 68th Leg., 2nd C.S., p. 441, ch. 28, art. VI, part G, § 1, eff. Sept. 1, 1984.]

§ 21.704. Monitoring

The agency shall monitor through the accreditation process the development, implementation, and enforcement of discipline management programs. The agency shall make recommendations for improving programs that it determines are not functioning as effectively as possible and shall establish procedures for monitoring improvement.

[Acts 1984, 68th Leg., 2nd C.S., p. 441, ch. 28, art. VI, part G, § 1, eff. Sept. 1, 1984.]

§ 21.705. Teacher Training

(a) Each school district shall provide, and each teacher must successfully complete, training in the discipline management program that is adopted in the district.

(b) Training under this section may be provided through inservice work or another instructional arrangement.

(c) The school district must use inservice work for reinforcing teacher training in discipline management.

[Acts 1984, 68th Leg., 2nd C.S., p. 441, ch. 28, art. VI, part G, § 1, eff. Sept. 1, 1984.]

§ 21.706. Guardians

In this subchapter, "parent" includes a legal guardian.

[Acts 1984, 68th Leg., 2nd C.S., p. 441, ch. 28, art. VI, part G, § 1, eff. Sept. 1, 1984.]

SUBCHAPTER S. ADVANCEMENT AND COURSE CREDIT

§ 21.721. Grade Requirement for Advancement or Course Credit

(a) A district may not grant social promotions. Students may be promoted only on the basis of academic achievement.

(b) A student who has not maintained a grade average for a school year equivalent to at least 70 on a scale of 100 may not be advanced from one grade level to the next.

(c) A student who has not maintained a grade average for a course equivalent to at least 70 on a scale of 100 may not be given credit for the course.

(d) The State Board of Education shall adopt rules prescribing alternatives to social promotion for students who are consistently unable to be promoted because of poor academic achievement, and a district may provide for those students in accordance with the board rules, provided that the parent, guardian, or person having lawful control of the student participates in the deliberations.

[Acts 1984, 68th Leg., 2nd C.S., p. 393, ch. 28, art. IV, part A, § 1, eff. Sept. 1, 1984.]

§ 21.722. Notice to Parents of Unsatisfactory Grade

(a) At least once every six weeks, a district must give written notice to parents of students' grades in each class or subject. The notice must provide for the signature of the parent and must be returned to the district. If the notice is not returned to the district, the district must mail notice to the parent.

(b) If in any class or subject a student receives a grade equal to less than 70 on a scale of 100, the grade notice must state the need for a conference between the appropriate teacher and the parent and must quote or summarize the requirements of Section 21.721 of this code.

(c) In attempting to schedule a conference between a teacher and parent, the district shall give the parent at least two alternative dates for the conference.

(d) In this section, "parent" includes a legal guardian.

(e) This section does not apply to a student who is:

- (1) married;
- (2) an emancipated minor; or
- (3) an adult living alone.

[Acts 1984, 68th Leg., 2nd C.S., p. 393, ch. 28, art. IV, part A, § 1, eff. Sept. 1, 1984.]

§ 21.723. Final Examination

A student may not be exempted from taking a final examination in any class in which any other student is required to take a final examination.

[Acts 1984, 68th Leg., 2nd C.S., p. 393, ch. 28, art. IV, part A, § 1, eff. Sept. 1, 1984.]

§ 21.724. Advanced Placement Examination

(a) Using guidelines established by the State Board of Education, a school district shall develop for board review advanced placement examinations for each primary school grade level and for secondary school academic subjects. The guidelines must provide for the examinations to thoroughly test comprehension of the information presented in the applicable grade level or subject. The board shall approve advanced placement examinations that satisfy board guidelines.

(b) A student in a primary grade level shall be given credit for a grade level and advanced one grade level on the basis of a board-approved advanced placement examination if:

- (1) the student scores in the 90th percentile or above on each section of the examination;
- (2) a school district representative recommends that the student be advanced; and
- (3) the student's parent or guardian gives written approval of the advancement.

(c) A student in grade level six or above shall be given credit for a subject on the basis of a board-approved advanced placement examination in the sub-

ject if the student scores in the 90th percentile or above on the examination. If a student is given credit in a subject on the basis of an examination, the examination score shall be entered on the student's transcript.

(d) Each school district shall administer the advanced placement examination not less than once a year, at times to be determined by the board.

[Acts 1984, 68th Leg., 2nd C.S., p. 393, ch. 28, art. IV, part A, § 1, eff. Sept. 1, 1984.]

SUBCHAPTER T. ACCREDITATION

§ 21.751. Accreditation Required

Each school district must be accredited by the Central Education Agency.

[Acts 1984, 68th Leg., 2nd C.S., p. 403, ch. 28, art. V, part A, § 1, eff. Sept. 1, 1984.]

§ 21.752. Master

(a) For any district for which the State Board of Education has revoked accreditation, the commissioner of education shall appoint a master to oversee the district.

(b) A master appointed under this section or as a step preliminary to the loss of accreditation may approve or disapprove any action of the board of trustees or the superintendent of the district.

(c) A master serves at the will of the commissioner for a period ending with the reinstatement of the district's accreditation.

[Acts 1984, 68th Leg., 2nd C.S., p. 403, ch. 28, art. V, part A, § 1, eff. Sept. 1, 1984.]

§ 21.753. Accreditation Standards

(a) The State Board of Education shall establish standards which a school district must satisfy to be accredited and shall adopt an accreditation process in accordance with this section.

(b) The accreditation standards must include consideration of:

- (1) goals and objectives of the district;
- (2) compliance with statutory requirements and requirements imposed by rule of the State Board of Education under statutory authority;
- (3) the quality of learning on each of the district's campuses based on indicators such as scores on achievement tests;
- (4) the quality of the district's appraisal of teacher performance and of administrator performance;
- (5) the effectiveness of district principals as instructional leaders;
- (6) the fulfillment of curriculum requirements;
- (7) the effectiveness of the district's programs in special education and for special populations;
- (8) the correlation between student grades and performance on standardized tests;
- (9) the quality of teacher in-service training;

- (10) paperwork reduction efforts;
- (11) training received by board members; and
- (12) the effectiveness of the district's efforts to improve attendance.

[Acts 1984, 68th Leg., 2nd C.S., p. 403, ch. 28, art. V, part A, § 1, eff. Sept. 1, 1984.]

§ 21.754. Investigations

(a) Not less than once every three years, the agency shall investigate whether a school district satisfies the accreditation standards. The agency shall investigate more frequently a district that is determined to be below any accreditation standard.

(b) The agency shall direct investigators to be alert to any fundamental deficiencies in a district's educational system, such as failure of the district to satisfy curriculum requirements, and to report deficiencies to agency staff responsible for research and planning.

(c) In making an accreditation investigation, the investigators shall obtain information from campus administrators, teachers, and parents of students enrolled in the district.

(d) The agency shall give written notice to the superintendent and the board of trustees of any impending investigation of the district's accreditation.

[Acts 1984, 68th Leg., 2nd C.S., p. 403, ch. 28, art. V, part A, § 1, eff. Sept. 1, 1984.]

§ 21.755. Investigators' Report

The investigators shall report verbally and in writing to the board of trustees of the district and, as appropriate, to any campus administrators, and shall make suggestions concerning any necessary improvements or sources of aid, such as educational service centers.

[Acts 1984, 68th Leg., 2nd C.S., p. 403, ch. 28, art. V, part A, § 1, eff. Sept. 1, 1984.]

§ 21.756. Agency Assistance

The agency shall provide assistance to districts which have been found to have difficulty meeting accreditation standards.

[Acts 1984, 68th Leg., 2nd C.S., p. 403, ch. 28, art. V, part A, § 1, eff. Sept. 1, 1984.]

§ 21.757. Sanctions

(a) If a district does not satisfy accreditation standards, the commissioner shall take the following actions, in sequence, to the extent the commissioner determines necessary:

- (1) confidential notice of the deficiency to any accreditation committee of the board of trustees and to the district superintendent;
- (2) public notice of the deficiency to the board of trustees;
- (3) appointment of an agency monitor to participate in and report to the agency on the activities of the board of trustees; and

(4) appointment of a master to oversee the operations of the district.

(b) If a district fails to meet or maintain accreditation standards despite the actions of the commissioner under this section, the State Board of Education shall revoke the district's accreditation and may withhold state funds from the district.

[Acts 1984, 68th Leg., 2nd C.S., p. 403, ch. 28, art. V, part A, § 1, eff. Sept. 1, 1984.]

[Subchapters U to Y reserved for expansion]

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

§ 21.901. Contracts—Competitive Bidding

(a) Except as provided in Subsection (e) of this section, all contracts proposed to be made by any Texas public school board for the purchase of any personal property shall be submitted to competitive bidding.

(b) Except as provided in Subsection (e) of this section, all contracts proposed to be made by any Texas public school board for the construction, maintenance, repair or renovation of any building or for materials used in said construction, maintenance, repair or renovation, shall be submitted to competitive bidding when said contracts are valued at \$5,000 or more.

(c) Nothing in this section shall apply to fees received for professional services rendered, including but not limited to architects fees, attorney's fees, and fees for fiscal agents.

(d) Notice of the time when and place where such contracts will be let and bids opened shall be published in the county where the purchasing school is located, once a week for at least two weeks prior to the time set for letting said contract and in two other newspapers that the school board may designate. Provided, however, that on contracts involving less than \$25,000, such advertising may be limited to two successive issues of any newspaper published in the county in which the school is located, and if there is no newspaper in the county in which the school is located, then said advertising shall be for publication in some newspaper in some county nearest the county seat of the county in which the school is located.

(e) If a school building or school equipment is destroyed or severely damaged, and the school board determines that the time delay posed by the competitive bidding process would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of such building or equipment may be made without resort to competitive bidding as otherwise required by this section.

[Acts 1969, 61st Leg., p. 2936, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1977, 65th Leg., p. 1224, ch. 472, §§ 1, 2, eff. Aug. 29, 1977; Acts 1981, 67th Leg., p. 668, ch. 259, § 1, eff. May 29, 1981.]

§ 21.902. **Late Afternoon and Evening Sessions**

The board of trustees of any district may provide late afternoon and evening sessions and determine which pupils shall be admitted or assigned to such school programs. The attendance of eligible pupils as defined from time to time by the policies of the State Board of Education shall be applicable to those pupils attending late afternoon and evening sessions.

[Acts 1969, 61st Leg., p. 2936, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1973, 63rd Leg., p. 209, ch. 93, § 2, eff. Aug. 27, 1973.]

§ 21.903. **Donations to the Public Schools**

(a) All conveyances, devises, and bequests of property for the benefit of the public schools made by anyone for any county, city, town, or district shall, when not otherwise directed by the grantor or devisor, vest the property in the county school trustees, the board of trustees of the city, town, or district, or their successors in office as trustees for those to be benefited thereby.

(b) The funds or other property donated or the income therefrom may be expended by the trustees:

(1) for any purpose designated by the donor so long as that purpose is in keeping with the lawful purposes of the schools for the benefit of which the donation was made; or

(2) for any purpose authorized by rule of the State Board of Education in the event that no specific purpose is designated by the donor.

[Acts 1969, 61st Leg., p. 2936, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 298, ch. 28, art. I, part C, § 20, eff. Sept. 1, 1984.]

§ 21.904. **Requiring or Coercing Teachers to Join Groups, Clubs, Committees, or Organizations: Political Affairs**

(a) No school district, board of education, superintendent, assistant superintendent, principal, or other administrator benefiting by the funds provided for in this code shall directly or indirectly require or coerce any teacher to join any group, club, committee, organization, or association.

(b) It shall be the responsibility of the State Board of Education to enforce the provisions of this section.

(c) It shall be the responsibility of the State Board of Education to notify every superintendent of schools in every school district of the state of the provisions of this section.

(d) No school district, board of education, superintendent, assistant superintendent, principal, or other administrator shall directly or indirectly coerce any teacher to refrain from participating in political affairs in his community, state or nation.

[Acts 1969, 61st Leg., p. 2936, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.905. **Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54(1), eff. May 26, 1971**

§ 21.906. **Insurance for School Athletes**

(a) In compliance with the terms of this section, the board of trustees of any school district in this state is authorized, but not required, to secure for the protection of students who participate in interschool athletic competition, insurance against bodily injuries sustained by such students while training for or engaging in such competition.

(b) The amount of insurance to be obtained shall be in keeping with the financial condition of the school district and shall not exceed the amount which, in the opinion of the board of trustees, is reasonably necessary to afford adequate medical treatment of students so injured.

(c) The insurance herein authorized shall in all cases be obtained from some reliable insurance company authorized to do business in Texas and shall be on forms approved by the State Board of Insurance.

(d) The cost of such insurance shall constitute a legitimate part of the total cost of the athletic program of the school district, but premium payments shall be paid only from receipts accruing to the school from admission charges to school athletic contests or other receipts from such contests and from no other fund.

(e) The failure of any board of trustees to carry the insurance herein authorized shall not be construed as placing any legal liability upon the school district or its officers, agents, or employees, for any injury which may result.

[Acts 1969, 61st Leg., p. 2937, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.907. **Deaf and Deaf-Mute Students**

A teacher may use the oral, manual, Rochester (combination method), and the language of signs methods of instruction in teaching deaf and deaf-mute students in any school of this state, subject to the recommendation of his supervising teacher.

[Acts 1969, 61st Leg., p. 2937, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.908. **Court-Related Children—Liaison Officers**

Each school district shall appoint at least one counsellor or teacher to act as liaison officer for court-related children who are scholastics of the district. The liaison officer shall provide counseling and services for each court-related child and his parents with the objective of establishing or reestablishing normal attendance and progress of the child in the school.

[Acts 1969, 61st Leg., p. 2937, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.909. Protective Eye Devices in Public Schools

(a) Industrial quality eye-protective devices shall be worn by every teacher and pupil in Texas participating in any of the following courses:

(1) vocational or industrial arts shops or laboratories involving experience with:

- (A) hot molten metals;
- (B) milling, sawing, turning, shaping, cutting or stamping of any solid materials;
- (C) heat treatment, tempering, or kiln firing of any metal or other materials;
- (D) gas or electric arc welding; or
- (E) caustic or explosive materials; or

(2) chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

(b) In this section, "industrial quality eye-protective devices" means devices meeting the standards set by the State Department of Health.

(c) The governing boards and administrators of Texas school districts offering any of the listed courses are responsible for furnishing free of charge or providing at cost to teachers and pupils participating in the courses the required eye-protective devices.

(d) Whenever an accident occurs during the conduct of any of the courses described in Subsection (a) of this section, and an injury to the eye of a teacher or pupil results, the principal shall make a full written report of the accident and injury to the State Department of Education. The department shall prescribe the form and content of the reports and shall maintain a file of all reports submitted.

[Acts 1969, 61st Leg., p. 2938, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 21.910. Developmental Leaves of Absence

(a) In this section, "teacher" means an employee of a school district who is employed in a position requiring a permanent teaching certificate under the laws of this State.

(b) The governing board of a school district may grant a developmental leave of absence for study, research, travel, or other suitable purpose to a teacher who has served in the same school district at least five consecutive school years.

(c) The governing board may grant a teacher a developmental leave of absence for one school year at one-half of his regular salary or for one-half of a school year at his full regular salary. Payment to the teacher shall be made periodically by the school district in the same manner, on the same schedule, and with the same deductions as if the teacher were on full time duty.

(d) The State Board of Education by regulation shall establish a procedure whereby applications for developmental leave are received and evaluated by the governing board of a school district and shall

determine an equitable ratio of classroom teachers to other certified personnel who may be granted leave over a period of time.

(e) A teacher on developmental leave shall continue to be a member of the Teacher Retirement System of Texas and shall be a teacher of the school district for purposes of participating in programs, holding memberships, and receiving benefits afforded by his employment in the school district.

[Acts 1971, 62nd Leg., p. 2727, ch. 888, § 1, eff. Aug. 30, 1971.]

A former § 21.910 was renumbered by Acts 1973, 63rd Leg., p. 90, ch. 51, § 18, and Acts 1977, 65th Leg., 1st C.S., p. 45, ch. 1, § 29. See, now, § 21.915.

§ 21.911. Testing Pupils for Assignment to Special Education Classes

(a) Before a pupil is assigned to a special education class he shall be given verbal or nonverbal individual intelligence tests in the primary home language in which the pupil is most fluent and has the best speaking ability and capacity to understand. The tests shall be selected from a list approved by the State Board of Education.

(b) No school district may assign a pupil to a special education class on the basis of intelligence tests administered in a language other than the primary home language of the child.

[Acts 1973, 63rd Leg., p. 578, ch. 247, § 1, eff. June 11, 1973.]

A former § 21.911 was renumbered as § 21.915 by Acts 1977, 65th Leg., 1st C.S., p. 45, ch. 1, § 29.

§ 21.912. Duties of Professional Employees; Liability

(a) The board of trustees of each school district within this state shall adopt policies specifying the duties of each of its professional positions of employment. The board of trustees shall assign positions of employment earned under the minimum foundation program to meet the specific needs of the district.

(b) No professional employee of any school district within this state shall be personally liable for any act incident to or within the scope of the duties of his position of employment, and which act involves the exercise of judgment or discretion on the part of the employee, except in circumstances where professional employees use excessive force in the discipline of students or negligence resulting in bodily injury to students.

(c) This section is not applicable to the operation, use, or maintenance of any motor vehicle.

(d) "Professional employee," as used in this section, includes superintendents, principals, classroom teachers, supervisors, counselors, and any other person whose employment requires certification and an exercise of discretion.

[Acts 1973, 63rd Leg., p. 79, ch. 51, § 2, eff. Aug. 27, 1973.]

§ 21.913. Duties of Public School Principals

(a) Public school principals, who shall hold valid administrative certificates, shall be responsible for:

(1) assuming administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline, and the planning, operation, supervision, and evaluation of the educational program of the membership area in which he is assigned;

(2) submitting recommendations to the superintendent concerning assignment, evaluation, promotion, and dismissal of all personnel assigned to the membership center; and

(3) performing any other duties assigned by the superintendent pursuant to school board policy.

(b) Nothing herein shall be construed as a limitation on the powers, responsibilities, and obligations of the school board as now prescribed by law.

[Acts 1975, 64th Leg., p. 896, ch. 334, § 5, eff. Sept. 1, 1975.]

§ 21.914. Administering of Medication by School District Employees; Immunity From Liability

Text as added by Acts 1977, 65th Leg., p. 1268, ch. 491, § 1

(a) As used in this section, "employees" means superintendents, principals, classroom teachers, supervisors, counselors, registered nurses, teachers aides, secretaries, or any other classified person employed by a school district.

(b) The board of trustees of each school district shall adopt policies concerning the administering of medication to students by employees of the district.

(c) On the adoption of policies as provided in Subsection (b) of this section, the school district, its board of trustees, and its employees shall have immunity from civil liability from damages or injuries resulting from the administering of medication to a student, if:

(1) the school district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student; and

(2) when administering prescription medication, the medication appears to be in the original container and to be properly labeled.

(d) Nothing herein shall be construed to grant immunity from civil liability for injuries resulting from gross negligence.

[Acts 1977, 65th Leg., p. 1268, ch. 491, § 1, eff. June 15, 1977. Amended by Acts 1979, 66th Leg., p. 1072, ch. 502, § 1, eff. June 7, 1979.]

For text as added by Acts 1977, 65th Leg., p. 2019, ch. 807, § 1, see § 21.914, post

§ 21.914. Breakfast Programs

Text as added by Acts 1977, 65th Leg., p. 2019, ch. 807, § 1

If at least 10 percent of the students enrolled in one or more schools in a school district are eligible

for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. Subsection 1773), the governing board of the district shall participate in the program and make the benefits of the program available to all eligible students in said schools.

[Acts 1977, 65th Leg., p. 2019, ch. 807, § 1, eff. Aug. 29, 1977.]

For text as added by Acts 1977, 65th Leg., p. 1268, ch. 491, § 1, see § 21.914, ante

Section 2 of the 1977 Act provided:

"This Act is effective for the 1978-1979 school year and thereafter for school districts with food service facilities. The effective date of this Act for other school districts shall be the 1981-1982 school year and thereafter."

§ 21.915. Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 347, ch. 28, art. II § 22(a)(4), eff. Sept. 1, 1984

§ 21.916. Use of Private Employment Agencies

(a) A school district may not list employment opportunities with a private employment agency and may not pay a fee to a private employment agency for the referral of potential employees.

(b) A school district may not employ in any position an applicant who is referred to the district for employment by a private employment agency. Any contract between the district and an applicant who is referred to the district by a private employment agency is void.

(c) In this section, "private employment agency" means a private employment agency subject to Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes).¹

[Acts 1979, 66th Leg., p. 1047, ch. 477, § 1, eff. Aug. 27, 1979.]

¹ Repealed; see, now, Civil Statutes, art. 5221a-7.

§ 21.917. Access to Police Records of Employment Applicants

(a) A school district is entitled to obtain criminal history record information that relates to an applicant for employment with the district if, at the time of the request for the information, the district submits to the custodian of the information a signed statement from the employment applicant authorizing the district to obtain the information.

(b) A school district may obtain information under this section from any law enforcement agency, including a police department or the Department of Public Safety, or from the Texas Department of Corrections.

(c) A school district may use information obtained under this section only for the purpose of evaluating applicants for employment.

[Acts 1981, 67th Leg., p. 1867, ch. 444, § 1, eff. Aug. 31, 1981.]

§ 21.918. Purchase of Newspapers

From funds appropriated, the State Board of Education may allocate money to each school district for the purpose of purchasing newspapers for use in high schools of the district. The board shall allocate the funds according to a formula developed by the commissioner of education and approved by the board.

[Acts 1983, 68th Leg., p. 1697, ch. 320, § 1, eff. Aug. 29, 1983.]

§ 21.919. Payments for Accrued Sick Leave

If a school district provides sick leave for an employee not covered under Section 13.904 of this code, the school district may pay the employee for accrued sick leave when the employee leaves the employment of the district.

[Acts 1981, 67th Leg., p. 3051, ch. 798, § 2, eff. Sept. 1, 1981.]

Section 3 of the 1981 Act provided that it took effect with the beginning of the 1981-1982 school year which, under the provisions of § 21.001, was September 1, 1981.

§ 21.920. Extracurricular Activities

(a) The State Board of Education by rule shall limit participation in and practice for extracurricular activities during the school day and the school week. The rules shall, to the extent possible, preserve the school day for academic activities without interruption for extracurricular activities. In scheduling those activities and practices, a district must comply with the rules of the board.

(b) A student, other than a mentally retarded student, enrolled in a school district in this state shall be suspended from participation in any extracurricular activity sponsored or sanctioned by the school district during the grade reporting period after a grade reporting period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class. The campus principal may remove this suspension if the class is an identified honors or advanced class. A student may not be suspended under this subsection during the period in which school is recessed for the summer or during the initial grade reporting period of a regular school term on the basis of grades received in the final grade reporting period of the preceding regular school term.

(c) In this section, "mentally retarded" has the meaning assigned by Section 21.503(b)(5) of this code.

(d) Subsection (b) of this section applies beginning with the spring semester, 1985.

[Acts 1984, 68th Leg., 2nd C.S., p. 401, ch. 28, art. IV, part F, § 1, eff. Sept. 1, 1984.]

§ 21.921. Interscholastic Leagues

(a) The rules and procedures of an organization sanctioning or conducting interscholastic competition, including rules providing penalties for rules violations by school district personnel, must be consistent with board rules.

(b) The University Interscholastic League, which is a part of The University of Texas at Austin, must submit its rules and procedures to the State Board of Education for approval. The board may approve, disapprove, or modify any of the rules.

(c) The State Board of Education may seek an injunction to enforce this section.

[Acts 1984, 68th Leg., 2nd C.S., p. 402, ch. 28, art. IV, part F, § 2, eff. Sept. 1, 1984.]

Article IV, part F, § 3 of the 1984 Act provides:

"This part does not affect the rules of an organization sanctioning or conducting interscholastic competition that are in effect on the effective date of this part, and those rules remain in effect until disapproved by the State Board of Education."

§ 21.922. [Blank]

§ 21.923. School Day Interruptions

The board of trustees of each school district shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy shall limit announcements other than emergency announcements to once during the school day.

[Acts 1984, 68th Leg., 2nd C.S., p. 402, ch. 28, art. IV, part G, § 1, eff. Sept. 1, 1984.]

CHAPTER 22. COMMON SCHOOL DISTRICTS

Sec.

- 22.01. Government.
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- 22.05. Qualifications of Common and Common Consolidated School District Trustees.
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- 22.09. Repealed.
- 22.10. Acquisition and Sale of School Property.
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- 22.12. Common or Common Consolidated County-Line School Districts.

§ 22.01. Government

(a) A common school district is under the immediate control and management of a board of three trustees, who function under the provisions of this chapter but who are under the general supervision of a county governing board as provided in Chapter 17 of this code.

(b) A common consolidated school district is under the immediate control and management of a

board of seven trustees, who function under the provisions of this chapter but who are under the general supervision of a county governing board as provided in Chapter 17 of this code.

[Acts 1969, 61st Leg., p. 2939, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 22.02. Election of Common and Common Consolidated School District Trustees

(a) Trustees for common or common consolidated school districts are selected at an election called for that purpose and held on the first Saturday in April of each year, except in those counties with a population of 500,000 or more, according to the last preceding federal census, all elections of school district trustees shall be held on the first Saturday in April or on some other Saturday the school district trustees or board members may select by official resolution, as provided by this section.

(b) All elections of trustees, after the election at which the common or common consolidated school district is first organized, shall be called by the trustees of the district, who shall also:

(1) give notice of the time and place at which the election will be held by posting notices in at least three public places in the district at least 20 days prior to the date of holding the election; and

(2) appoint three qualified voters for each place of voting to hold the election and to make returns thereof, one to be designated presiding officer; and these persons shall receive as compensation for their services the sum of \$3 each, to be paid out of the local funds of the district where the election is held.

(c) Any person desiring to have his name placed on the ballot as a candidate for the office of trustee of a common or common consolidated school district shall, at least 30 days before the day of election, file a written request with the county judge of the county in which the district is located, requesting that his name be placed on the official ballot.

(d) Five or more qualified voters in the district may request that the county judge place any name or names on the ballot, provided such request is made within the time and manner specified in Subsection (c) of this section.

(e) At least 20 days before the election, the county judge shall have the ballots printed as follows:

(1) the ballots shall be of uniform style and dimension and shall be of the stub type provided for in the general election laws;

(2) the ballots shall be printed with black ink on clear white paper of sufficient thickness to prevent the marks thereon from being seen through the paper;

(3) at the top of the ballot there shall be printed "Official Ballot, _____ School District," the number or name of the district to be supplied by the county judge when he orders the ballots printed; and

(4) the name of each person qualifying as a candidate under either Subsection (c) or Subsection (d) of this section, and fulfilling the requirements of Section 22.05 of this code, shall be listed.

(f) At least one day before the election is to be held, the county judge shall deliver to the presiding officer of the election, by mail or other suitable method, a sufficient number of printed ballots, boxes, and other supplies necessary for the election, with these conditions:

(1) the ballots and tally sheets shall be delivered in sealed envelopes;

(2) the envelopes shall not be opened by the election officer until the day on which the election is to be held; and

(3) the officers holding the election shall be required to use the ballots furnished them by the county judge as provided in this chapter.

(g) The expenses of printing the ballots and delivering them to the presiding officer, together with the other expenses incidental to the election, shall be paid out of the available maintenance funds of the school district in which the election is held or to be held.

(h) All qualified voters of the common or common consolidated school district shall be eligible to vote.

(i) The polls shall be open from 8 a. m. until 7 p. m., except in counties of 100,000 or more population, according to the last preceding federal census, where the polls must be open from 7 a. m. to 7 p. m.

(j) The election officers shall make returns of the election to the county clerk within five days after such election, to be delivered by him to the commissioners court at its first meeting after the election, to be canvassed by the court, and the court or its clerk shall certify the result to the district trustees and issue to the person or persons elected their commissions as trustees.

(k) Ballot boxes which have been furnished by local officials shall be sent to the county judge; and the certified election returns and ballot boxes shall be safely preserved for a period of three months after the date of the election.

[Acts 1969, 61st Leg., p. 2939, ch. 889, § 1, eff. Sept. 1, 1972.]

§ 22.03. Terms of Common School District Trustees

(a) At all elections following that at which the common school district is first organized, each common school district trustee shall be elected for a term of three years, except as otherwise provided by this section.

(b) At the first election following the creation of a common school district, the qualified voters shall elect three trustees, who shall determine their terms by lot with the trustees drawing numbers. The trustee drawing number one shall serve for a term of one year, the trustee drawing number two shall serve for a term of two years, and the trustee

drawing number three shall serve for a term of three years.

(c) At each annual election following the first, one trustee shall be elected who shall serve for three years or until his successor is elected and has qualified.

(d) The term of each trustee shall begin on May 1 following his election.

(e) Any vacancy shall be filled by the county school trustees or county board of education for the remainder of the unexpired term in which the vacancy occurs.

[Acts 1969, 61st Leg., p. 2940, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 22.04. Terms of Common Consolidated School District Trustees

(a) At all elections following that at which a common consolidated school district is first organized, each common consolidated school district trustee shall be elected for a term of three years.

(b) At the first election following the creation of the common consolidated school district, the qualified voters shall elect seven trustees, who shall determine their terms by lot. The three members drawing numbers one, two, and three shall serve for terms of one year; the two members drawing numbers four and five shall serve for terms of two years; and the two members drawing numbers six and seven shall serve for terms of three years.

(c) At each annual election following the first, three or two trustees shall be elected for a term of three years to succeed the trustees whose terms expire.

(d) The members of the board remaining after a vacancy shall fill the same for the unexpired term.

[Acts 1969, 61st Leg., p. 2940, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 22.05. Qualifications of Common and Common Consolidated School District Trustees

Each person elected to serve as a common school district trustee must

(1) be able to read and write the English language; and

(2) have been a resident of the common school district for at least six months prior to his election or appointment and a qualified property taxpaying elector in the district.

[Acts 1969, 61st Leg., p. 2941, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 22.06. Removal for Lack of Qualifications

(a) If any person elected or appointed to serve as trustee of a common or common consolidated school district does not in the opinion of the county superintendent possess the qualifications prescribed by law, the county superintendent shall refuse to recognize the person and shall make a written request,

within 20 days after such election, to the county attorney or district attorney, if there be no county attorney, to institute and prosecute suit in the name of the state for the removal of the trustee.

(b) On good cause shown, within the discretion of the court where such suit is pending, it shall be lawful to enjoin and restrain such person from acting as trustee during the pendency of the suit.

(c) It shall be lawful to summon the elected trustee before the court in the trial of the cause and there to examine him as to his qualifications to serve as trustee.

(d) The hearing shall be conducted under rules applicable to the trial of civil actions generally and, if the elected trustee is found to be disqualified, the court shall declare the office vacant.

(e) Whenever a person is enjoined from acting as trustee, pending trial by the court, the county school trustees or county board of education for the common school district or the board of trustees for the common consolidated school district shall appoint a suitable person to act as trustee during the enjoinder, and if the trustee enjoined is, by judgment of the court, removed from office, then trustee appointed shall continue to serve for the unexpired term.

(f) Whenever a trustee is removed from office by judgment of the court without an injunction previously having been issued, the county school trustees or county board of education for the common school district or the board of trustees for the common consolidated school district shall appoint a suitable person to fill the vacancy for the unexpired term.

[Acts 1969, 61st Leg., p. 2941, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 22.07. Organization of Common School District Trustees

(a) Each trustee must take the official oath and, as soon as practicable, file the oath with the county superintendent or, if the county judge is acting as ex officio county superintendent, with the county judge.

(b) Immediately after each election the trustees shall organize by electing one of their number as president and one as secretary and shall file a report of their organization with the county superintendent.

(c) The trustees shall be a body politic and corporate in law and shall be known by and under the title and name of district trustees of district number _____, and county of _____, State of Texas. All reports and other official papers shall be headed with the name and number of the district and the name of the county.

[Acts 1969, 61st Leg., p. 2942, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 22.08. Powers and Duties of Common and Common Consolidated School District Trustees

(a) Under such powers as are granted under the provisions of this code and/or necessarily implied therefrom, the trustees of a common or common consolidated school district shall have the power to contract and be contracted with for the general good of the school district.

(b) The trustees of a common or common consolidated school district may sue and be sued, plead or be impleaded, in any court of Texas of proper jurisdiction.

(c) The trustees of a common or common consolidated school district may receive any gift, grant, donation, or devise made for the use of the public schools of the district.

(d) The trustees of a common or common consolidated school district shall have the management and control of the public schools, the public school grounds and all other property belonging to the district whether acquired by purchase or lease. They shall determine how many schools shall be maintained in the district and at what points the schools shall be located. They shall determine when the schools shall be open and when closed.

(e) The trustees of a common or common consolidated school district shall have the power to employ teachers and other school officials and to contract with them as provided in Section 22.09 of this code, but in making contracts with teachers or other employees or in contracting for services or supplies, the trustees shall not create a deficiency debt against the district.

(f) The trustees of a common or common consolidated school district may dismiss teachers or other employees, but a teacher or other official dismissed shall have the right of appeal to the commissioner of education.

(g) The trustees of a common or common consolidated school district shall approve all claims against the school funds of the district and shall manage and supervise the schools in accordance with the rules and regulations of the county superintendent and the officials of the Central Education Agency.

(h) The amount contracted by trustees to be paid a teacher or other employee shall be paid on a check drawn on the county depository for the district, signed or drawn upon order authorized by a majority of the trustees of the district.

(i) The trustees of a common or common consolidated school district shall supply all information required of them by the Central Education Agency for the proper operation of the foundation school program within the district or for carrying out the objectives of the Central Education Agency.

[Acts 1969, 61st Leg., p. 2942, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1796, ch. 729, §§ 4 to 6, eff. June 13, 1979.]

§ 22.09. Repealed by Acts 1979, 66th Leg., p. 1796, ch. 729, § 9, eff. June 13, 1979

§ 22.10. Acquisition and Sale of School Property

(a) The trustees of a common school district may contract for the erection of school buildings, provided that:

(1) no mechanic, contractor, material man, or other person can contract for, or in any other manner acquire, any lien upon a school building or the land upon which it is situated, and all contracts for the erection of school buildings shall expressly stipulate a waiver of such lien;

(2) the district trustees shall superintend the construction and approve all accounts submitted in connection therewith;

(3) payment shall be made by the district trustees; and

(4) any bonds issued shall be in compliance with the terms of Chapter 20 of this code and such bonds shall be handled in compliance with Chapter 20 of this code.

(b) The trustees of a common or common consolidated school district may sell any property belonging to the school district, provided that the proceeds of the sale must be used to purchase necessary grounds or to build or repair school buildings or be placed to the credit of the local maintenance school fund of the district.

[Acts 1969, 61st Leg., p. 2943, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 1796, ch. 729, §§ 7, 8, eff. June 13, 1979.]

§ 22.11. Taxation

(a) The county commissioners court of each county shall have the power to levy and cause to be collected taxes and to issue bonds for the common or common consolidated school districts of the county in compliance with the provisions in Chapter 20 of this code.

(b) Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.

(c) The commissioners court, at the time of levying taxes for county purposes, shall also levy upon all taxable property within any common or common consolidated school district any school tax voted by the district in compliance with Chapter 20 of this code, and if

(1) a specific rate has been voted, the commissioners court shall levy the tax at the rate provided in the election; and

(2) no specific rate has been voted, the commissioners court shall levy the tax at such a rate within the limit voted as determined by the board of trustees of the district and the county superintendent and certified to the commissioners court by the county superintendent.

(d) Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.

(e) The tax assessor shall assess the school tax as other taxes are assessed and make an abstract showing the amount of special taxes assessed against each school district in his county and furnish the same to the county superintendent on or before September 1 of the year for which such taxes are assessed.

(f) Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.

(g) The county tax collector shall collect taxes levied upon the property of a common or common consolidated school district and shall pay all such taxes to the county treasurer.

(h) The county treasurer shall credit each common or common consolidated school district with the amount of tax funds received belonging to the district and shall pay out such funds in accordance with law.

[Acts 1969, 61st Leg., p. 2943, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 1308, ch. 491, § 2, eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 2320, ch. 841, §§ 4(m), 6(a)(2), eff. Jan. 1, 1982.]

Section 1 of Acts 1979, 66th Leg., ch. 841, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 22.12. Common or Common Consolidated County-Line School Districts

(a) Common or common consolidated county-line school districts shall have all the rights, powers, and privileges of other common or common consolidated school districts as provided in this code.

(b) A common or common consolidated county-line school district shall be managed and controlled by the county named in the order creating the district, and the operation of the schools shall be under the administrative jurisdiction of the county governing board of the county named in the order creating the district.

(c) A petition requesting a tax or bond election or both meeting the provisions of Chapter 20 of this code applicable to common school districts shall be presented to the county judge of the county having jurisdiction of the district. If it has been determined by a majority vote that such county-line district shall levy such tax or issue such bonds, the commissioners court of the county having jurisdiction of the district shall pass an order levying such tax within the rate authorized or issue such bonds, or both, as the case may be, against the territory within the county, and a like order levying such tax, or issuing bonds and levying a tax for interest and retirement thereof, or both, shall be passed by the commissioners court of each other county having territory within the district, subject to the provisions of this section.

(d) The rate of tax, if not determined at the election, shall be set annually by the commissioners court of the county having jurisdiction within the lawful limit that has been determined by the board of trustees of the district and the county superintendent of the county having jurisdiction and certi-

fied to the court by the county superintendent until such tax is diminished or abrogated as provided by law, of¹ such bond obligations, if any, have been fully paid.

(e) Each county shall continue annually to levy the tax or taxes at the rate determined as specified above.

(f) The assessor-collector of each county shall assess the taxes levied by the commissioners court of his county against the territory of the county-line district in his county.

(g) Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.

(h) The assessor-collector of each county shall collect the taxes for the county-line district in his county, and all taxes collected for the benefit of the county-line district and recorded in a separate account shall be deposited by the county with the treasurer or depository designated for the county-line district.

[Acts 1969, 61st Leg., p. 2944, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.]

¹ So in enrolled bill; probably should read "or".

CHAPTER 23. INDEPENDENT SCHOOL DISTRICTS

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SUBCHAPTER A. BOARD OF TRUSTEES

§ 23.01. Number of Trustees

The public schools of an independent school district shall be under the control and management of a board of seven trustees.

[Acts 1969, 61st Leg., p. 2947, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1978, 65th Leg., 2nd C.S., p. 16, ch. 7, § 5, eff. Aug. 14, 1978.]

§ 23.02. Repealed by Acts 1978, 65th Leg., 2nd C.S., p. 17, ch. 7, § 14, eff. Aug. 14, 1978

See, now, § 23.022.

§ 23.021. Certain Districts; Creation of Seven-Member Board

(a) Any independent school district created by special law may establish a board of trustees to be composed of seven members. When at least 25 percent of the number of qualified voters who voted in the last regular school board election sign and present to the county judge a petition praying for submission of the proposition that at the next regular school board election there shall be a vote as to whether or not the board of trustees shall be composed of seven members, the county judge shall determine the sufficiency of said petition, and if sufficient, shall enter his order upon the minutes of the commissioners court to submit the proposition as herein provided. Approval of the proposition shall be by a majority vote.

(b) If the proposition is approved, then at the next following regular school board election there shall be elected trustees, to serve a three-year term, to fill any new vacancies created by the approval of the proposition creating a seven-member board, if any, or any vacancy created by the expiration of the term of a member. Any member previously named shall serve the full term to which elected. The county judge may provide for staggered terms of the board of trustees, provided if it should be required that two or more newly elected trustees serve less than the full term of three years, then the determination of which members shall serve for the lesser term shall be by lot.

[Acts 1971, 62nd Leg., p. 3010, ch. 994, § 11, eff. Aug. 30, 1971.]

§ 23.022. Districts With Fewer Than 150 Students

(a) In accordance with this section, an independent school district with fewer than 150 students in gross average daily attendance may be governed by a board of three or five trustees.

(b) If at least 10 percent of the registered voters of the district sign and present to the board a petition requesting submission to the voters of the proposition that the district be governed by a board of three trustees or by a board of five trustees, the board shall order the proposition placed on the ballot at the next regular school board election. The petition must be presented before the 25th day preceding the election at which the proposition is to be submitted and must specify the number of trustees sought to govern the district.

(c) The board of trustees on its own motion may order by resolution that the proposition that the district shall be governed by a board of three trustees or by a board of five trustees be placed on the ballot at the next regular school board election. The order must be entered before the 25th day

preceding the election at which the first three-member or five-member board is to be elected.

(d) Approval of the proposition is by majority vote. If the proposition is approved, the district shall be governed by a board of three or five trustees, as applicable, beginning with the next following regular school board election.

(e) At the first election following approval of a proposition, that the district shall be governed by a board of three or five trustees, all positions on the board shall be filled. If the board is to be composed of three trustees, the trustees then elected shall draw lots so that one member shall serve for a term of one year, one shall serve for a term of two years, and one shall serve for a term of three years. If the board is to be composed of five trustees, the trustees then elected shall draw lots so that one member will serve for a term of one year, two shall serve for terms of two years, and two shall serve for terms of three years. Thereafter, one or two members, as applicable, shall be elected annually to a term of three years.

(f) In an independent school district with a board of three trustees or a board of five trustees, the ballot shall be prepared and the election shall be conducted in the same manner as provided by this chapter for other independent school districts.

(g) An independent school district that adopts a three-member or a five-member board of trustees as provided by this section shall remain governed by a board of that size even if the gross average daily attendance increases to 150 or more students. If the attendance so increases, the membership of the board may be increased to seven members in the manner provided for special law districts under Section 23.021 of this code.

[Acts 1979, 66th Leg., p. 1786, ch. 725, § 1, eff. Aug. 27, 1979.]

§ 23.023. Districts With 66,000 or More Scholastics

(a) Any independent school district, whether created by special or general law, with 66,000 or more students in average daily attendance for the 1975-1976 school year or thereafter shall be under the management and control of a board of nine trustees elected in accordance with the provisions of this section.

(b) At all elections held after December 31, 1977, seven members of the board of trustees shall be elected by the qualified voters of single-member districts and two members, who shall be the president and vice-president of the board, shall be elected at large.

(c) At least 120 days before the school board election to be held in April, 1978, the board shall divide the school district into seven trustee districts which are compact, contiguous, and contain as nearly as practicable an equal population according to the last preceding federal decennial census.

(d) Except as provided for the initial election under single-member districts, a candidate seeking to represent a trustee district must reside in the district he seeks to represent, and vacates his office if he ceases to reside in that district. A candidate for president or vice-president may seek election to only one position and shall be designated on the official ballot according to the position for which he seeks election. A candidate for president or vice-president must reside in the school district, and vacates his office if he ceases to reside in the district.

(e) The candidate receiving a majority of the votes cast in each position is elected. If no candidate receives a majority of the votes cast for that position, the board shall order a runoff to be held on the third Saturday in April immediately following the first election, and only the names of the two candidates receiving the highest number of votes in the first election shall be listed on the ballot. The candidate receiving the majority of the votes cast in the runoff election is elected.

(f) A member of the board may resign his position to seek election to the office of president or vice-president.

(g) At least 120 days before an election to be held in the second year following the calendar year in which the federal decennial census is taken, the board shall redivide the district into seven trustee districts if the census data indicate that the population of the most populous district exceeds the population of the least populous district by more than 10 percent.

(h) In districts with seven board members on January 1, 1978, members of the board serving on that date shall serve for the remainder of their terms, except those choosing to resign. At the election held in April, 1978, four members shall be elected—the president, vice-president, and two regular members. The president and vice-president then elected shall serve for a term of two years. The other two members then elected shall draw lots so that one will serve for a term of two years, and one will serve for a term of four years. The five members of the board holding the offices for which there was no election shall draw lots to determine which trustee district they will represent during the remainder of their terms. Thereafter, all members shall be elected to staggered terms of four years.

(i) A school district having 66,000 or more students in average daily attendance for the 1975-1976 school year or thereafter which has previously adopted single-member district representation may continue to operate under that plan.

(j) This section does not apply to a district with 66,000 or more students in average daily attendance for the 1975-1976 school year or thereafter all or part of which is located in a city with a population of between 600,000 and 700,000 according to the 1970 federal census.

(k) A school district with less than 66,000 students in average daily attendance for the 1975-1976 school year that later becomes subject to this section shall begin electing trustees from single-member districts in accordance with this section no later than the first regular election following the next calendar year in which the federal census is taken. A school district subject to this section whose average daily attendance drops below 66,000 students shall continue to be governed by this section.

[Acts 1977, 65th Leg., p. 2134, ch. 852, § 1, eff. Aug. 29, 1977.]

Section 2 of the 1977 Act provides:

"If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Section 3 of the 1977 Act, the emergency clause, provides in part:

"The legislature finds:

"(1) that in the school districts with the largest number of students, the at-large election of all members of the board of trustees increases the number of constituents represented by each trustee and hinders communication between the trustee and the constituents, and therefore makes the representation of those constituents less effective;

"(2) that in the school districts with the largest number of students, the at-large election of all members of the board of trustees may work to dilute the voting power of identifiable ethnic groups;

"(3) that in structuring solutions to the dilution of ethnic group voting power, the federal courts have decided that preference should be given to some form of single-member district representation; and

"(4) that the need for increasing the effectiveness of political representation, preserving the voting power of all ethnic groups, complying with the preference for single-member district representation, and assuring the participation of all people in the political process creates an emergency * * *"

§ 23.024. District With 3,500 or More Students

(a) This section applies only to an independent school district with 3,500 or more students in average daily attendance.

(b) The board of trustees of a school district, on its own motion, may order that trustees of the district are to be elected from single-member trustee districts or that not fewer than 70 percent of the members of the board of trustees are to be elected from single-member trustee districts with the remaining trustees to be elected from the district at large. Before entering the order, the board must:

(1) hold a public hearing at which registered voters of the district are given an opportunity to comment on whether or not they favor the election of trustees in the manner proposed by the board; and

(2) publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the day of the hearing.

(c) An order of the board adopted under Subsection (b) of this section must be entered not later than the 120th day before the day of the first

election at which all or some of the trustees are elected from single-member trustee districts.

(d) If at least 15 percent or 15,000 of the registered voters of the school district, whichever is less, sign and present to the board of trustees a petition requesting submission to the voters of the proposition that trustees of the district be elected from single-member trustee districts or that not fewer than 70 percent of the members of the board of trustees be elected from single-member trustee districts with the remaining trustees to be elected from the district at large, the board shall order that the appropriate proposition be placed on the ballot at the first regular election of trustees held more than 120 days after the day the petition is submitted to the board. The proposition must specify the number of trustees to be elected from single-member districts. Beginning with the first regular election of trustees held after an election at which a majority of the registered voters voting approve the proposition, trustees of the district shall be elected in the manner prescribed by the approved proposition.

(e) If the board orders that all or some of the trustees shall be elected from single-member trustee districts or if a majority of the registered voters voting at an election approve a proposition that all or some of the trustees of the district be elected from single-member trustee districts, the board shall divide the school district into the appropriate number of trustee districts, based on the number of members of the board that are to be elected from single-member trustee districts, and shall number each trustee district. The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population according to the last preceding federal census. Trustee districts must be drawn not later than the 90th day before the day of the first election of trustees from single-member districts.

(f) Residents of each trustee district are entitled to elect one trustee to the board. A trustee elected to represent a trustee district at the first election of trustees must be a resident of the district he represents not later than: (1) the 90th day after the day election returns are canvassed; or (2) the 60th day after the day of a final judgment in an election contest filed concerning that trustee district. After the first election of trustees from single-member trustee districts, a candidate for trustee representing a single-member trustee district must be a resident of the district he seeks to represent. A trustee vacates the office if he fails to move into the trustee district he represents within the time provided by this section or ceases to reside in the district he represents. A candidate for trustee representing the district at large must be a resident of the district, and a trustee representing the district at large vacates the office if he ceases to reside in the district.

(g) Any vacancy on the board shall be filled by appointment made by the remaining members of the

board. The appointed person serves for the unexpired term. A person appointed to fill a vacancy in a trustee district must be a resident of that trustee district. A person appointed to fill a vacancy in the representation of the district at large must be a resident of the district at large.

(h) At the first election at which some or all of the trustees are elected from trustee districts and after each redistricting, all positions on the board shall be filled. The trustees then elected shall draw lots for staggered terms as provided by Section 23.13, 23.14, or 23.15 of this code, as applicable.

(i) Not later than the 90th day before the day of the first regular school board election at which trustees may officially recognize and act on the last preceding federal census, the board shall redivide the district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than 10 percent. Redivision of the district shall be in the manner provided for division of the district under Subsection (e) of this section.

(j) This section does not apply to an independent school district that elects trustees from single-member trustee districts in accordance with Section 23.023 of this code or other general or special law.

[Acts 1983, 68th Leg., p. 1687, ch. 316, § 1, eff. Aug. 29, 1983.]

§ 23.03. Application to Get on Ballot

(a) Applications of candidates for a place on the ballot shall be filed not less than 30 days prior to the day of the election, and no candidate shall have his name printed on said ballot unless there has been compliance with the provisions of this section.

(b) Candidates for office of trustee of an independent school district must file their applications with the secretary of the school board of trustees.

(c) In those districts in which the positions on the board of trustees are authorized to be designated by number, as provided in Section 23.11 of this code, each applicant shall also state the number of the position for which he is filing as candidate. No candidate shall be eligible to have his name placed on the official ballot under more than one position to be filled at such election.

(d) In those districts in which the positions on the board of trustees are not authorized to be designated by number, it shall not be necessary for an applicant to state which other candidate, if any, he is opposing.

[Acts 1969, 61st Leg., p. 2948, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 902, ch. 128, § 1, eff. Aug. 30, 1971; Acts 1978, 65th Leg., 2nd C.S., p. 16, ch. 7, § 6, eff. Aug. 14, 1978.]

§ 23.04. Ballots: Deadline for Printing

Ballots for use in the election of trustees of an independent school district shall be printed not less than 20 days prior to the day of the election.

[Acts 1969, 61st Leg., p. 2948, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.05. Repealed by Acts 1978, 65th Leg., 2nd C.S., p. 17, ch. 7, § 14, eff. Aug. 14, 1978

§ 23.06. Ballots

(a) Ballots for the election of school trustees for independent school districts shall be prepared as ordered by the trustees of the district and must fulfill the requirements of this section.

(b) The ballots must be of uniform style and dimension and must be of the stub type provided for in the general election laws.

(c) The ballots must be printed with black ink on clear white paper of sufficient thickness to prevent the marks thereon from being seen through the paper.

(d) The ballots shall have printed at the top, "Official Ballot, _____ Independent School District," specifying the name of the school district.

(e) The names of all eligible persons who have properly qualified as candidates for school trustee of the district shall be included, and if the positions on the board are designated by number as provided in Section 23.11 of this code, the position for which each person is a candidate shall be clearly shown.

[Acts 1969, 61st Leg., p. 2949, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 902, ch. 128, § 3, eff. Aug. 30, 1971; Acts 1978, 65th Leg., 2nd C.S., p. 16, ch. 7, § 7, eff. Aug. 14, 1978.]

§ 23.07. Order; Election Officers

(a) The board of trustees of each independent school district shall order all regular elections for trustees and give notice thereof. The order and notice shall be made at least 20 days before the date of election. A notice of the order shall be posted at three public places in the district and shall designate the places where the polls shall be open.

(b) The board of trustees shall appoint to hold the election three or more persons who shall possess the qualifications and receive the compensation provided for election officers under the general election laws.

[Acts 1969, 61st Leg., p. 2949, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.08. Election

(a) Elections for trustees of independent school districts shall be held on the first Saturday in April, except that in counties having a population of 500,000 or more the trustees may by official resolution select any other Saturday.

(b) Elections shall be held either annually or biennially, depending upon the term for which the trustees are to be elected as provided in this subchapter.

(c) Voting machines may be used.

(d) All qualified voters of the district shall be entitled to vote.

(e) The elections shall be governed by the general election laws except where in conflict with this subchapter.

[Acts 1969, 61st Leg., p. 2949, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.09. Determination of Results

(a) In those districts where the positions of trustees are authorized to be designated by number, as provided in Section 23.11 of this code, the candidate receiving the highest number of votes for each respective position voted on shall be entitled to serve as trustee.

(b) In those districts where the positions of trustees are not authorized to be designated by number, the candidates receiving the highest number of votes shall fill the positions the terms of which are normally expiring.

[Acts 1969, 61st Leg., p. 2950, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.10. Returns; Canvass

The election returns certified to by the election officers shall be made to the board of school trustees which shall canvass the returns, declare the results of the election, and issue certificates of election to the persons shown to be elected.

[Acts 1969, 61st Leg., p. 2950, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 902, ch. 128, § 4, eff. Aug. 30, 1971. Amended by Acts 1978, 65th Leg., 2nd C.S., p. 16, ch. 7, § 8, eff. Aug. 14, 1978.]

§ 23.11. Election by Position

(a) The designation of the positions of trustees by number is or may be required only as specified in this section.

(b) The positions on the board of trustees shall be designated by number in any independent school district wherein the procedure of designating and electing the trustees by number has been authorized and instituted whether under general or special law and whether by resolution of the trustees or by operation of law.

(c) The positions on the board of trustees shall be designated by number in any independent school district in which the board of trustees, by appropriate action as specified below, orders that all candidates for trustee be voted upon and elected separately for positions on the board of trustees and that all candidates be designated on the official ballot according to the number of the positions for which they seek election.

(d) The order of resolution of the board of trustees must be made at least 60 days prior to any trustee election to be controlled by this section.

(e) The board shall also, at least 60 days prior to the election, number the positions on the board in the order in which the terms of office of the trustees expire.

(f) Once the board of trustees of an independent school district has adopted the provisions of this section, neither the board of trustees nor their successors may rescind the action.

(g) In any such independent school district in which procedure of designating and electing trustees by numbered positions has been or may hereafter be instituted, any candidate offering himself for a position as trustee in any election shall indicate in a written notice timely filed the number of the position for which he desires to run, and his application for a place on the ballot shall disclose the position number for which he is a candidate or the name of the incumbent member holding the position for which he desires to run. The names of the candidates for each position shall be arranged by lot by the board of trustees of the district.

(h) The board may also provide by resolution, at least 60 days prior to the election, that if no candidate for a position receives a majority of the votes cast for that position the board will order a runoff election to be held not more than 30 days after the date of the first election. At that runoff election, the names of the two persons receiving the highest number of votes for that position in the first election shall be placed on the ballot.

[Acts 1969, 61st Leg., p. 2950, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 903, ch. 128, § 5, eff. Aug. 30, 1971; Acts 1971, 62nd Leg., p. 2410, ch. 760, § 1, eff. Aug. 30, 1971; Acts 1978, 65th Leg., 2nd C.S., p. 17, ch. 7, § 9, eff. Aug. 14, 1978.]

§ 23.12. Districts Converted From Common School Districts

(a) This section shall apply to any independent school district incorporated under the provisions of Subchapter G, Chapter 19 of this code¹ or reclassified under Section 17.99 of this code, having a board of seven trustees whereunder in alternate years four trustees are elected for two-year terms and three trustees are elected for two-year terms.

(b) Immediately after any next regular election of a board of trustees in any independent school district to which this section applies, members of such board of school trustees may draw lots. Those members drawing numbers 1, 2, and 3 shall serve for a term of one year and until their respective successors are duly elected and qualified. Those members drawing numbers 4 and 5 shall serve for a term of two years and until their respective successors are duly elected and qualified. Those drawing numbers 6 and 7 shall serve for a term of three years and until their respective successors be duly elected and qualified.

(c) Those members of the board of trustees, in any district to which this section applies, who are elected at the expiration of each of the terms provided for in Subsection (b) of this section, shall serve for a term of three years and the term of office of members of such board of school trustees shall continue to be three years with two or three members thereof, as the case may be, being elected each year thereafter.

[Acts 1969, 61st Leg., p. 2951, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1978, 65th Leg., 2nd C.S., p. 17, ch. 7, § 10, eff. Aug. 14, 1978.]

¹Section 19.201 et seq.

§ 23.13. Term of Office—General Rule—Three Years

(a) Unless a different term is authorized by Section 23.14 or 23.15 of this code, the term of trustees of independent school districts, other than county-wide independent school districts, shall be three years in any district which does not include within its boundaries a city or town with a population in excess of 75,000 or in any district where a term of three years has previously instituted under either general or special law of this state.

(b) The term of trustees may be three (3) years in any independent district, other than a county-wide district in which the trustees, by majority vote, adopt a three-year term and, at least 90 days prior to a regular election date, publish in a newspaper printed in the county in which the district is situated notice of the election and the terms for which the trustees are to be elected.

(c) Elections shall be held annually. At the first regular trustee election after the creation of the district or the adoption of the three-year term, as provided above, the seven trustees elected shall determine by lot the terms for which they are to serve, as follows: the three members drawing numbers 1, 2, and 3 shall serve for a term of one year; the two members drawing numbers 4 and 5 shall serve for a term of two years; and the two members drawing numbers 6 and 7 shall serve for a term of three years.

(d) Each year, following the first election, either three or two trustees shall be elected, the number depending upon that required to constitute a board of seven trustees.

(e) If the procedure of designating and electing trustees by numbered positions, as provided in Section 23.11 of this code, is applicable to the district, the trustees shall be elected in compliance with the terms of that section.

(f) The trustees of any independent school district which has previously instituted a term of three years may continue to be elected for a term of three years.

(g) The governing board of an independent school district whose trustees serve for terms of four years may order by resolution that the terms of

office be reduced to three years. The order of the board must be entered at least 75 days before the first election at which trustees are to be elected to reduced terms. Trustees in office on the date of the order shall serve for the remainder of their terms. At the first election following the order, the trustees elected shall serve for a term of two years. At the next regular trustee election, all positions on the board shall be filled. The trustees then elected shall draw lots so that two will serve for terms of one year, two will serve for terms of two years, and three will serve for terms of three years. Thereafter, two or three members shall be elected annually for terms of three years.

(h) The governing board of an independent school district whose trustees serve for terms of six years may order by resolution that the terms of office be reduced to three years. If the board orders that the terms are to be reduced, the trustees shall be elected to three-year terms beginning with the first regular trustee election held more than 75 days after the order of the board. Trustees in office on the date of the order shall serve for the remainder of their terms. Thereafter, two or three trustees shall be elected annually for terms of three years.

[Acts 1969, 61st Leg., p. 2951, ch. 889, § 1, eff. Sept. 1, 1969. Amended Acts 1981, 67th Leg., p. 2218, ch. 520, § 1, eff. June 12, 1981.]

§ 23.14. Six-Year Terms

(a) Unless a different term is authorized by either Section 23.13 or 23.15 of this code, the term of trustees of independent school districts, other than county-wide independent school districts, shall be six years in those districts which include within their boundaries a city with a population of 75,000 or more and in those districts where a term of six years has been previously instituted under either general or special law of this state.

(b) The term of office may be six years in any district in which there are as many as 30,220 scholastics, according to the last scholastic census, and in which the trustees, by majority vote, adopt a six-year term.

(c) At the first regular trustee election after the creation of the district or the applicability or the adoption of the six-year term, the seven trustees elected shall determine by lot the terms for which they are to serve. The three members drawing numbers 1, 2, and 3 shall serve for a term of six years; the two members drawing numbers 4 and 5 shall serve for a term of four years; and the two members drawing numbers 6 and 7 shall serve for a term of two years.

(d) Elections shall be held biennially. At each election following the first, either two or three trustees shall be elected, the number depending upon that required to compose a board of seven trustees.

(e) If the procedure of designating and electing trustees by numbered positions, as provided in Sec-

tion 23.11 of this code, is applicable to the district, the trustees shall be elected in compliance with the terms of that section.

[Acts 1969, 61st Leg., p. 2952, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.15. Four-Year Terms

(a) The trustees of any independent school district which has previously, under either general or special law of this state, adopted or instituted a term of four years may continue to be elected for a term of four years. Elections shall be held biennially. Either three or four trustees shall be elected at each election, the number depending upon that required to compose a board of seven trustees. The trustees shall be elected by position number as provided in Section 23.11 of this code.

(b) The governing board of an independent school district whose trustees serve for terms of six years may order by resolution that the terms of office be reduced to four years. If the board orders that terms are to be reduced, the transition to four-year terms shall begin with the first regular election held more than 75 days after the date of the order of the board. Trustees in office on the date of the order shall serve for the remainder of their terms.

(c) The length of the terms for trustees elected at the first regular election in the transition to four-year terms is determined in accordance with the following:

(1) if the order in which the six-year terms expire results in two trustees being elected at the first election, and would result in two trustees being elected at the next regular election, the trustees elected at the first election shall draw lots so that one serves for a term of two years and one serves for a term of four years;

(2) if the order in which the six-year terms expire results in three trustees being elected at the first election, and would result in two trustees being elected at the next regular election, the trustees elected at the first election shall draw lots so that one serves for a term of two years and two serve for a term of four years; or

(3) if the order in which the six-year terms expire results in two trustees being elected at the first election, and would result in three trustees being elected at the next regular election, the trustees elected at the first election serve for terms of four years.

(d) After the first election in the transition to four-year terms, three or four members shall be elected biennially for terms of four years.

[Acts 1969, 61st Leg., p. 2952, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1981, 67th Leg., p. 2218, ch. 520, § 2, eff. June 12, 1981.]

§ 23.16. County-Wide Districts: Two Year Terms

The trustees of all county-wide independent school districts, previously established or hereafter created as provided in Subchapter C, Chapter 19 of

this code,¹ shall serve for a regular term of two years. Each year either three or four trustees shall be elected, the number depending upon that required to constitute a board of seven trustees as provided in Section 19.067 of this code.

[Acts 1969, 61st Leg., p. 2952, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Section 19.061 et seq.

§ 23.17. Length of Term May be Continued

The trustees of any independent school district which has lawfully instituted a particular term of office may, by resolution, continue that term even though the size of the district changes so that the specified term is no longer applicable.

[Acts 1969, 61st Leg., p. 2953, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.18. Vacancies

(a) If a vacancy occurs in the board of trustees, the remaining members of the board of trustees may fill the vacancy by appointment until the next school board election.

(b) The provisions of this section shall not apply to school districts where the school board is appointed by the city commission. A trustee appointed by city commission to fill a vacancy shall serve for the unexpired term of his or her predecessor.

[Acts 1969, 61st Leg., p. 2953, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1981, 67th Leg., p. 2727, ch. 743, § 1, eff. Aug. 31, 1981; Acts 1983, 68th Leg., p. 1148, ch. 258, § 1, eff. Aug. 29, 1983.]

Section 2 of the 1981 amendatory act provides:

"This Act applies to vacancies occurring on or after the effective date of this Act."

Section 2 of the 1983 amendatory act provides:

"This Act applies to vacancies occurring on or after the effective date of the Act."

§ 23.19. Qualification and Organization of Trustees

(a) Each elected trustee shall qualify by taking the official oath of office.

(b) The trustees first elected or appointed after the creation or incorporation of the independent school district shall file their oaths with the county judge of the county in which the district or a major portion thereof is situated. After all subsequent elections the newly elected trustees shall file their oaths with the president of the board of trustees.

(c) No person shall be elected trustee of an independent school district unless he is a qualified voter.

(d) At the first meeting after each election and qualification of trustees, the members shall organize by selecting:

- (1) a president, who shall be a member of the board;
- (2) a secretary, who may or may not be a member of the board;

(3) a treasurer, as provided in Section 23.61 of this code;

(4) an assessor and collector of taxes, as provided in Subchapter F of this chapter;¹ and

(5) such other officers and committees as the board may deem necessary.

(e) The trustees shall serve without compensation.

[Acts 1969, 61st Leg., p. 2953, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Section 23.91 et seq.

[Sections 23.20 to 23.24 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF TRUSTEES

§ 23.25. Powers and Duties

The board of trustees of an independent school district shall have the powers and duties described in this subchapter, in addition to any other powers and duties granted or imposed by this code or by law.

[Acts 1969, 61st Leg., p. 2953, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.26. In General

(a) The trustees shall constitute a body corporate and in the name of the school district may acquire and hold real and personal property, sue and be sued, and receive bequests and donations or other moneys or funds coming legally into their hands.

(b) The trustees shall have the exclusive power to manage and govern the public free schools of the district.

(c) All rights and titles to the school property of the district, whether real or personal, shall be vested in the trustees and their successors in office.

(d) The trustees may adopt such rules, regulations, and by-laws as they may deem proper.

[Acts 1969, 61st Leg., p. 2954, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.27. Taxes; Bonds

The trustees shall have the power to levy and collect taxes and to issue bonds in compliance with the applicable provisions in Chapter 20 of this code, and if no specific rate of tax is adopted at an election authorizing a tax, shall determine the rate of tax to be levied within the limit voted and specified by law.

[Acts 1969, 61st Leg., p. 2954, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.28. Contracts With Officers and Teachers

(a) The board of trustees of any independent school district may employ by contract a superintendent, a principal or principals, teachers, or other executive officers for a term not to exceed the maximum specified in this section.

(b) In those independent school districts with a scholastic population of fewer than 5,000, the term of such contracts shall not exceed three years.

(c) In those independent school districts with a scholastic population of 5,000 or more, in the last preceding scholastic year, the term of such contracts shall not exceed five years.

(d) All 12 month contracts made with employees above-mentioned shall begin on July 1 of the year beginning the contract and end on June 30 of the year terminating the contract.

(e) This section does not apply to teacher's contracts in those independent school districts which have adopted the provisions of the probationary or continuing contract law as set out in Subchapter C, Chapter 13 of this code.¹

[Acts 1969, 61st Leg., p. 2954, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1973, 63rd Leg., p. 89, ch. 51, § 14, eff. Aug. 27, 1973.]

¹ Section 13.101 et seq.

§ 23.29. Sale of Minerals

(a) Minerals in land or any part thereof belonging to an independent school district may be sold to any person under the provisions of this section.

(b) The sale must be authorized by a resolution adopted by majority vote of the board of trustees of the independent school district; and the sale and the terms thereof must be approved by the commissioner of education on the basis of criteria provided by rule of the State Board of Education.

(c) When the requirements of Subsection (b) of this section are fulfilled, the president of the board of trustees may execute an oil and/or gas lease or sell, exchange, and convey the minerals, or any part thereof, in land belonging to the school district to any person upon the terms which the trustees deem advisable and which the commissioner of education approves. The mineral deed or lease shall recite the approval of the commissioner of education and the resolution of the board authorizing the sale.

(d) If the district has outstanding bonds, the proceeds of the sale shall be applied to the sinking fund account of the district. If the district has no outstanding bonds, the proceeds shall be used for the purchase of necessary grounds or the construction or repairing of school buildings or deposited to the local maintenance school fund of the district.

(e) Any and all sales or leases of mineral heretofore made by any independent school districts in substantial compliance with the provisions of this section, when such sales or leases have been made with the consent of the State Board of Education or the chief administrative officer of the public schools of this state after the same have been authorized by the trustees of the independent school district, shall

not be invalid by reason of any lack of authority to make and enter into such sales and leases.

[Acts 1969, 61st Leg., p. 2954, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 298, ch. 28, art. I, part C, § 21, eff. Sept. 1, 1984.]

§ 23.30. Sale of Property Other Than Minerals

(a) The board of trustees of any independent school district may, by resolution, authorize the sale of any property, other than minerals, held in trust for free school purposes.

(b) The president of the board of trustees shall execute his deed to the purchaser of such reciting therein the resolution of the board of trustees authorizing the sale.

(c) The proceeds of such sale shall be used for the purchase of more convenient and more desirable school property or for the construction or repairing of school buildings or deposited to the credit of the local maintenance fund of the district.

(d) Any and all sales of school houses, buildings or lands heretofore made by any independent school district in substantial compliance with the provisions of this section, after same has been authorized by the trustees of the independent school district, shall not be invalid by reason of any lack of authority to make and enter into such sales.

[Acts 1969, 61st Leg., p. 2955, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.31. Eminent Domain

(a) All independent school districts, except those covered in Section 17.26 of this code, shall have the power by the exercise of the right of eminent domain to acquire the fee simple title to real property for the purpose of securing sites upon which to construct school buildings or for any other purpose which may be deemed necessary for the independent school district.

(b) In all such condemnations, the trial and all other proceedings, including the assessing of damages, shall be in conformity with the statutes of the state for condemning and acquiring property by railroads.

(c) Whenever final judgment is rendered in a condemnation, the plaintiff shall be awarded the fee simple title to the property condemned and thereafter have, hold, and possess such property in fee simple title, with full power over the same including the right of alienation.

(d) If the school district should desire to enter upon and take possession of the property sought to be condemned pending suit, it may do so at any time after the award of the commissioners, upon the following conditions:

(1) It shall not be required to give any bond whatsoever, but it shall pay to the defendant the amount of damages awarded or adjudged against it by the commissioners or deposit the same in

money in court subject to the order of the defendant, and also pay the costs awarded against it.

(2) If on an appeal from the award of the commissioners the judgment shall exceed the amount of the award, the district, in the event it shall have previously taken possession of the property condemned, shall pay the judgment and costs awarded against it, within 60 days from the date of the final judgment in the case and, upon its failure so to do, the court shall upon application of the defendant inquire what damages, if any, have been suffered by the defendant by reason of the temporary possession by plaintiff, and order the same paid out of the award deposited in court and order a writ of possession for the property in favor of the defendant.

(3) If the final judgment on any such appeal shall be less than the amount of the award of the commissioners, the court shall adjudge the excess to be returned to the district.

(4) If the cause should be appealed from the decision of the county court, the appeal shall be governed by the law governing appeals in other cases, except that the judgment of the county court shall not be suspended thereby.

[Acts 1969, 61st Leg., p. 2955, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.32. Combined Occupancy Structures in Certain Independent School Districts

(a) The board of trustees of any independent school district having an average daily attendance of more than 100,000 according to the last preceding scholastic census may enter into an agreement with any person, association of persons, firm, or corporation, for the purpose of constructing a combined occupancy structure over any existing or proposed independent school district improvement.

(b) The board may sell or lease the air rights, condominium property rights or interest, horizontal or vertical stratification rights or interest, or any other possessory right or interest or any combination of the rights or interests, in relation to the existing or proposed improvement.

(c) The board may require any person, association of persons, firm, or corporation that enters into an agreement with the board pursuant to this section to construct or cause to be constructed any portion of the combined occupancy structure, including that portion which is to be occupied by the independent school district. The portion constructed or caused to be constructed by the person, association of persons, firm, or corporation, shall be constructed in compliance with all terms, conditions, and restrictions imposed by the board. For the purposes of this section, only the board may determine whether the portion of the combined occupancy structure not intended for the occupancy of the independent school district is being constructed or has been constructed in compliance with the terms, conditions, and restrictions imposed.

(d) If the agreement calls for the board to construct the combined occupancy structure, Section 21.901 of this code and all other applicable laws shall apply to the construction.

(e) Any portion of the combined occupancy structure which is owned or leased by any person, association of persons, firm, or corporation shall be subject to all applicable state and local taxes, and shall not for any purpose be considered the property of the independent school district.

(f) Notwithstanding any other provision of this section, the portion of the combined occupancy structure which is occupied and used by the independent school district shall for all purposes be considered the property of the district.

(g) The board may call an election to authorize the issuance of bonds for the purpose of providing funds to finance the construction of the portion of the combined occupancy structure which the independent school district is obligated by agreement to construct. The board may allocate the income from the sale or lease of property rights as authorized by this section to retire the bonds authorized by this subsection. The bond election and the issuance and sale of the bonds shall be governed by all laws applicable thereto.

(h) The board shall publish notice of a public hearing concerning the construction of a proposed combined occupancy structure before entering into any agreement for the construction of the structure. Notice of the hearing shall be published not less than 10 days nor more than 20 days before the hearing in two newspapers having general circulation in the independent school district. The notice of the hearing shall contain a summary of the proposed action of the board.

[Acts 1973, 63rd Leg., p. 80, ch. 51, § 3, eff. Aug. 27, 1973.]

§ 23.33. Member Training and Orientation

(a) The State Board of Education shall appoint an advisory committee to develop statewide standards on the duties of a school board member. The committee shall consist of at least 15 persons knowledgeable in the management of the public schools of the state, and no less than five members of the committee shall consist of individuals currently serving as locally elected school board members.

(b) Copies of the standards shall be sent to the president of each local school board on an annual basis, and local board members shall participate in training activities consistent with the statewide standards.

(c) The State Board of Education may provide for a course to be offered by the regional education service centers and may approve private organizations to offer courses following the board's review of an outline of the proposed courses to determine its conformity with the statewide standards. Registration for a course offered through service centers must be open to any interested person, including

current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.

(d) Each accredited course must issue a certificate of completion to each person successfully completing the course.

[Acts 1984, 68th Leg., 2nd C.S., p. 407, ch. 28, art. V, part D, § 1, eff. Sept. 1, 1984.]

[Sections 23.34 to 23.40 reserved for expansion]

SUBCHAPTER C. BUDGET AND FISCAL ACCOUNTING SYSTEM

§ 23.41. Budget Officer

The president of the board of trustees of each independent school district whether created by general or special law shall be the budget officer for the district and, as such, shall have the duties prescribed in this subchapter.

[Acts 1969, 61st Leg., p. 2956, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.42. Preparation of Budget

(a) Not later than August 20 of each year, the president shall prepare, or cause to be prepared, a budget covering all estimated receipts and proposed expenditures of the district for the next succeeding fiscal year.

(b) The budget must be itemized in detail according to classification and purpose of expenditure, and must be prepared according to the rules and regulations established by the State Board of Education.

[Acts 1969, 61st Leg., p. 2956, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.43. Deputy Budget Officer

To assist him in the professional and technical phases of budget preparation, the president of the board of trustees shall designate as deputy budget officer the business manager, if any, of the district, or the superintendent of schools; and if the district has no superintendent, the chief administrative employee of the district shall be designated as deputy budget officer.

[Acts 1969, 61st Leg., p. 2956, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.44. Records and Reports

The president of the board of trustees shall see to it that records are kept and that copies of all budgets, all forms, and all other reports are filed at the proper times and in the proper offices as required by subsequent sections of this subchapter.

[Acts 1969, 61st Leg., p. 2956, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.45. Budget Meeting

(a) When the budget has been prepared, the president shall call a meeting of the board of trustees, giving 10 days public notice and stating that the

purpose of the meeting is the adoption of a budget for the succeeding fiscal year.

(b) It shall be the duty of the board of trustees, at the meeting called for that purpose, to adopt a budget to cover all expenditures for the independent school district for the next succeeding fiscal year. Any taxpayer of the district may be present and participate in the hearing.

(c) The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins.

[Acts 1969, 61st Leg., p. 2956, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1983, 68th Leg., p. 1733, ch. 331, § 1, eff. June 16, 1983.]

Section 2 of the 1983 amendatory act provides: "This Act applies to the budget adopted for the 1983-1984 school year only if this Act is immediately effective."

§ 23.46. Filing of Adopted Budget

Not later than November 1 of the year for which the budget is adopted, copies of the budget must be filed in the office of the county clerk of the county or counties in which the district is located and with the Central Education Agency. All copies must be prepared according to the rules and regulations established by the State Board of Education, upon forms furnished by the Central Education Agency.

[Acts 1969, 61st Leg., p. 2957, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.47. Effect of Adopted Budget; Amendments

(a) No public funds of the independent school district shall be expended in any manner other than as provided for in the budget adopted by the board of trustees, but the board shall have the authority to amend a budget or to adopt a supplementary emergency budget to cover necessary unforeseen expenses.

(b) Copies of any amendment or supplementary budget, when adopted, shall be filed with the county clerk of the county or counties in which the district is situated and with the Central Education Agency. Any amendment or supplementary budget must be prepared on forms prescribed and furnished by the Central Education Agency.

[Acts 1969, 61st Leg., p. 2957, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.48. Accounting System; Report

(a) A standard school fiscal accounting system must be adopted and installed by the board of trustees of each independent school district. The accounting system must be keyed to and correlated with the classifications in the budget with respect to purposes of disbursements and sources of receipts.

(b) The accounting system must meet at least the minimum requirements prescribed by the State Board of Education and approved by the state auditor.

(c) Record must be kept of all expenditures made and all income received during the fiscal year for which a budget is adopted. A report of the disbursements and receipts for the preceding fiscal year shall be filed with the Central Education Agency on forms provided by the agency, at the time the budget for the current fiscal year is filed.

(d) The State Board of Education shall require each district, as part of the report required by this section, to include management, cost accounting, and financial information in a form prescribed by the board and sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program. The board shall make every effort to see that this information replaces current information being reported and does not become an additional reporting burden.

[Acts 1969, 61st Leg., p. 2957, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 298, ch. 28, art. I, part C, § 22, eff. Sept. 1, 1984.]

§ 23.49. Review by Department of Education

The budget and fiscal reports filed with the Central Education Agency shall be reviewed and analyzed by the staff of the State Department of Education. The fiscal data collected shall be used by the department in the preparation of school fiscal reports to be submitted to the governor and the legislature.

[Acts 1969, 61st Leg., p. 2957, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.50. Loss of Accreditation

The agency shall drop from the list of accredited schools any district which fails to comply with the provisions of this subchapter or with the rules and regulations of the State Board of Education pursuant thereto.

[Acts 1969, 61st Leg., p. 2957, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 23.51 to 23.60 reserved for expansion]

SUBCHAPTER D. TREASURER OR DEPOSITORY

§§ 23.61 to 23.64. Repealed by Acts 1979, 66th Leg., p. 2173, ch. 829, § 3, eff. Aug. 27, 1979

[Sections 23.65 to 23.70 reserved for expansion]

SUBCHAPTER E. SCHOOL DEPOSITORY ACT

§ 23.71. Short Title

This subchapter may be cited as the School Depository Act.

[Acts 1969, 61st Leg., p. 2959, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979.]

§ 23.72. Selection of Depository

The school depository or depositories of every independent school district shall be selected only as provided by this subchapter.

[Acts 1969, 61st Leg., p. 2959, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1978, 65th Leg., 2nd C.S., p. 17, ch. 7, § 12, eff. Aug. 14, 1978; Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979.]

§ 23.73. Definitions

As used in this Act, unless otherwise clearly indicated by the context:

(1) "School district" means any public independent school district.

(2) "Bank" means a state bank authorized and regulated under the laws of the state pertaining to banking and in particular authorized and regulated by the Banking Department Self-Support and Administration Act,¹ or a national bank authorized and regulated by federal law, but does not include any bank the deposits of which are not insured by the Federal Deposit Insurance Corporation.

(3) "Time Deposit," including "time certificate," "certificate of deposit," and "time deposit-open account," have the same definitions as adopted for said terms by the Board of Governors of the Federal Reserve System.

(4) "Approved securities" means:

(A) bonds of the State of Texas, bonds of the counties of the State of Texas, bonds of school districts of the State of Texas, bonds of any town or city of the State of Texas, and bonds of any agency, district or political subdivision of the State of Texas; or

(B) all evidences of indebtedness legally issued by the board of trustees of the depositing school district, all debt securities which are a direct obligation of the treasury of the United States, all debt securities except reducing principal balance securities the principal of which is unconditionally guaranteed in the event of default by the full faith and credit of the United States, and those securities provided for by Article 842, Revised Civil Statutes of Texas, 1925, as amended, and Section 1, Chapter 160, General Laws, Acts of the 43rd Legislature, 1933, as amended (Article 842a, Vernon's Texas Civil Statutes).

[Acts 1969, 61st Leg., p. 2959, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1978, 65th Leg., 2nd C.S., p. 17, ch. 7, § 13, eff. Aug. 14, 1978; Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979.]

¹ See Civil Statutes, art. 342-101A et seq.

§ 23.74. Depository Must be a Bank

A school depository under the terms and provisions of this subchapter shall be a bank located in the State of Texas.

[Acts 1969, 61st Leg., p. 2959, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979.]

§ 23.75. Trustee as Stockholder, Etc., of Bank

In the event a member of the board of trustees of a school district is a stockholder, officer, director, or employee of a bank, said bank shall not be disqualified from bidding and becoming the school depository of said school district provided said bank is selected by a majority vote of the board of trustees of said school district or a majority vote of a quorum when only a quorum eligible to vote is present. Common law rules in conflict with the terms and provisions of this Act are hereby modified as herein provided. If a member of the board of trustees of a school district is a stockholder, officer, director, or employee of a bank that has bid to become a depository for said school district, said member of said board of trustees shall not vote on the awarding of a depository contract to said bank and said school depository contract shall be awarded by a majority vote of said trustees as above provided who are not either a stockholder, officer, director, or employee of a bank receiving a school district depository contract.

[Acts 1969, 61st Leg., p. 2959, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979.]

§ 23.76. Term; Bond, Pledge of Securities, or Both

The depository bank when selected shall serve for a term of two years and until its successor shall have been duly selected and qualified, and shall give bond, pledge approved securities, or give bond and pledge approved securities, as hereinafter provided. Said term shall commence and terminate on the fiscal year of odd-numbered years. No premium on any depository bond shall be paid out of funds of the school district.

[Acts 1969, 61st Leg., p. 2960, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 3819, ch. 593, § 1, eff. June 19, 1983.]

Section 4 of the 1979 amendatory act provided:

"A school district that on the effective date of this Act has a contract with a depository bank that terminates in an even-numbered year may select a depository bank to serve a term ending at the end of the fiscal year of the next odd-numbered year even though the term of the service as a depository is for less than two years. Thereafter, the term of service as a depository bank shall be in accordance with Section 23.76, Texas Education Code, as amended."

§ 23.77. Bid Notices; Bid Form

(a) The board of trustees of each school district shall, at least 30 days prior to the termination of the then current depository contract, mail to each bank located in said district and, if desired, to other banks, a notice stating the time and place in which bid applications will be received for selecting a school depository or depositories. Attached to said notice shall be a uniform bid blank which shall be substantially in the following form:

Board of Trustees, _____
School District

Members of the Board:

The undersigned, a state or national banking corporation the deposits of which are insured by the Federal Deposit Insurance Corporation, hereinafter called bidder, for the privilege of acting as Depository of the _____ Independent School District of _____ County, Texas, hereinafter called District, for a term of two years, beginning _____, 19____, and ending _____, 19____, and for the further privilege of receiving all funds or only certain funds to be designated by the District if more than one depository is selected, at the District's option to place on demand deposit or interest bearing time deposits as provided in the School Depository Act, and with the full understanding that the District reserves the right to invest its funds from time to time as permitted by law, bidder will pay and charge District as follows:

1. (A) _____% interest per annum compounded _____ on time deposits not exceeding \$_____ and having a maturity date _____ days after the date of deposit or payable upon written notice of a like number of days;

(B) _____% interest per annum compounded _____ on time deposits exceeding \$_____ and having a maturity date _____ days after the date of deposit or payable upon written notice of a like number of days;

(C) _____% interest per annum compounded _____ on time deposits not exceeding \$_____ and having a maturity date _____ months after the date of deposit or payable upon written notice of a like number of months;

(D) _____% interest per annum compounded _____ on time deposits exceeding \$_____ and having a maturity date _____ months after the date of deposit or payable upon written notice of a like number of months.

2. _____% interest per annum compounded _____ on time deposits having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

3. _____% interest per annum to be paid by District to Bidder on overdrafts or their equivalent. (Overdraft as used in this paragraph shall mean that District does not have a compensating balance in other District funds or accounts in Bidder's bank equaling or exceeding overdrafts in a District fund or account. The amount of an overdraft shall be determined by adding all of the District's noninterest bearing funds or noninterest bearing accounts in the Bidder's bank at the close of business each day.)

4. Bidder will charge District \$_____ for keeping District's deposit records and accounts for the period covered by this bid. Included in and required as a part of this duty are the following:

(A) Preparation of monthly statements showing debits, credits and balance of each separate fund.

(B) Keeping a full and separate itemized account of each different class of school funds coming into its hands and making its records available for audit by the District, its independent auditors, and the Central Education Agency.

(C) Preparation of such other reports, accounts and records which may, from time to time, be required by District in order that it may properly fulfill its fiscal duties.

(D) Furnishing of the quantity, quality and type of checks necessary for District's use during the period for which this bid is submitted.

5. District reserves the right to invest any and all of its funds as permitted by Sections 20.42 and 23.80 of this code. Bidder will and shall aid and assist District in any permitted investment without charge.

6. Bidder shall furnish to District a bond in the amount and conditioned as provided in The School Depository Act, or in lieu thereof shall pledge approved securities in an amount sufficient as provided in this subchapter, delivering to the District either the securities pledged or safekeeping receipts for them, properly marked to show the pledge, and shall deliver to the Central Education Agency photocopies of the safekeeping receipts. District reserves the right to approve or reject the securities so pledged. Bidder shall have the right and privilege of substituting approved securities upon obtaining the approval of District, provided the total amount of approved securities deposited is adequate as herein provided.

7. This bid was requested by District and is made by Bidder with the expressed agreement and understanding that District reserves the right to reject any and all bids and the further right that if any portion or provision of this bid and/or any contract between Bidder and District entered into by virtue thereof is invalid, the remainder of this bid and/or resulting contract at the option of the District shall remain in full force and effect, and not be affected by said invalid portion or provision.

8. Attached hereto is a Cashier's Check in the sum of \$_____ payable to the _____ Independent School District. If this bid to be Depository of all District funds or to be Depository of only a designated amount of said funds is accepted, said check is to secure the performance of said bid, and if Bidder fails to enter into a contract with District as provided in this bid, then said check shall be cashed by District as liquidated damages for said failure. If the Bidder enters into a contract with the District, the District shall return the check to the Bidder. In the event this bid is not accepted, the check is to be returned to the Bidder immediately after the contract award is made.

DATED this the _____ day of _____, 19____.

BIDDER _____

BY _____

TITLE _____

(b) The school district may add other terms and conditions to the uniform bid blank, provided that the other terms and conditions do not unfairly restrict competition between banks in or near the territory of the school district.

(c) Interest rates may be stated in the bid either as a fixed rate, as a percentage of a stated base rate, in relation to a stated prevailing rate varying from time to time, or in any other manner, but in every case a uniform manner, which will permit comparison with other bids received.

[Acts 1969, 61st Leg., p. 2960, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 3011, ch. 994, § 12, eff. Aug. 30, 1971; Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979.]

§ 23.78. Award of Contract

(a) If tie bids are received for said school depository contract and each of said tie bidders has bid to pay the school district the maximum interest rates allowed by law by the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, and said tie bids are otherwise equal in the judgment and discretion of the board of trustees of said school district and two or more of said tie bidders in the judgment and discretion of said school district have the facilities and ability to render the necessary services of school depository for said school district, said board of trustees may award said depository contract in accordance with any one of the following methods:

- (1) Award said contract, at the discretion of the board of trustees, to any one of said tie bidders;
- (2) Determine by lot which of said tie bidders shall receive said depository contract; or
- (3) Award a depository contract to each of said tie bidders or to as many of said tie bidders as the board of trustees may select.

(b) Said board of trustees shall have the discretion from time to time during the period of said contract to determine the amount of funds to be deposited in each of said depository banks and to determine the account services offered in the bid form which are to be rendered by each of said banks in its capacity as school depository. Provided, however, that all funds received by the district from or through the Central Education Agency shall be deposited and retained in one depository bank to be designated by the district as its depository for said funds.

(c) The board of trustees of the school district shall at a regular meeting or special meeting consider all bids received in accordance with the terms and provisions of the above-mentioned procedure; and in determining the highest and best bid, or in case of tie bids as above provided the highest and best tie bids, said board of trustees shall consider the interest rate bid on time deposits, charge for

keeping district accounts, records, and reports and furnishing checks, and the ability of the bidder to render the necessary services and perform the duties as school depository, together with all other matters which in the judgment of said board of trustees would be to the best interest of said school district. The board of trustees of said school district shall have the right to reject any and all bids.

[Acts 1969, 61st Leg., p. 2961, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979.]

§ 23.79. Depository Contract; Bond

(a) The bank or banks selected as school depository or depositories in accordance with the terms and provisions of this Act, and the school district shall make and enter into a depository contract or contracts, bond or bonds, or such other necessary instruments setting forth the duties, responsibilities, and agreements pertaining to said depository, in a form and with the content prescribed by the State Board of Education, attaching to the contract and incorporating in the contract by reference the bid of the depository, and said depository bank shall attach to said contract and file with the school district a bond in an initial amount equal to the estimated highest daily balance to be determined by the board of trustees of the district of all deposits which the school district will have in said depository during the term of the depository contract, less any applicable Federal Deposit Insurance Corporation insurance. Said bond shall be payable to the school district and shall be signed by said depository bank and by some surety company authorized to do business in the state. The depository bank shall increase the amount of the bond if the board of trustees determines it to be necessary to adequately protect the funds of the school district deposited with the depository bank.

(b) Said bond shall be conditioned for the faithful performance of all duties and obligations devolving by law upon said depository, and for the payment upon presentation of all checks or drafts upon order of the board of trustees of said school district, in accordance with its orders duly entered by said board of trustees according to the laws of the State of Texas; for the payment upon demand of any demand deposit in said depository; for the payment after the expiration of the period of notice required, of any time deposit in said depository; and that said school funds shall be faithfully kept by said depository and accounted for according to law and shall faithfully pay over to the successor depository all balances remaining in said accounts. Said bond and the surety thereon shall be approved by the board of trustees of said school district and a copy of said depository contract and bond shall be filed with the State Department of Education.

(c) In lieu of the above-mentioned bond, the depository bank shall have the option of either depositing or pledging with the school district, or with a trustee designated by the school district, approved

securities in an amount sufficient to adequately protect the funds of school district deposited with depository bank or giving a bond and depositing or pledging approved securities in an aggregate amount sufficient to adequately protect the funds of the school district deposited with the depository bank. The school district shall designate from time to time the amount of approved securities or the aggregate amount of the bond and approved securities to adequately protect the district. The district may not designate an amount less than the balance of school district funds on deposit with the depository bank from day to day, less any applicable Federal Deposit Insurance Corporation insurance. The depository bank shall have the right and privilege of substituting approved securities upon obtaining the approval of the school district. For the purposes of this subsection, the approved securities shall be valued at their market value.

[Acts 1969, 61st Leg., p. 2962, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 3819, ch. 593, § 2, eff. June 19, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 299, ch. 28, art. 1, part C, § 23, eff. Sept. 1, 1984.]

§ 23.80. Investment of District Funds

The school district shall have the right to provide in its bid blank for the right to place on time deposits with savings and loan institutions located within the State of Texas only funds that are fully insured by the Federal Savings and Loan Insurance Corporation, but no district may place on deposit with any savings and loan institution any bond or certificate of indebtedness proceeds as provided by Section 20.42 of this code. The school district is entitled to invest any and all of its funds in direct debt securities of the United States of America or other types of bonds, securities, warrants, etc., which the district is authorized by law to invest in. No depository bank selected under this subchapter may be compelled without its consent to accept on time deposit any bond proceeds under Section 20.42 of this code, but a depository shall be permitted to offer a bid of interest equaling the highest bid of interest for the time deposit of the bond proceeds tendered by another bank. If the depository bank equals the bid, it is entitled to receive the bond proceeds on time deposit.

[Acts 1969, 61st Leg., p. 2963, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979.]

§§ 23.81, 23.82. Deleted by Acts 1979, 66th Leg., p. 2167, ch. 829, § 2, eff. Aug. 27, 1979

[Sections 23.83 to 23.90 reserved for expansion]

SUBCHAPTER F. ASSESSMENT AND COLLECTION OF TAXES

§ 23.91. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing this section, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 23.92. Alternate Methods of Selection

The board of trustees of each independent school district other than a municipal school district shall select an assessor and collector of taxes by one of the applicable procedures authorized by this subchapter.

[Acts 1969, 61st Leg., p. 2964, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 23.93. Assessor-Collector Appointed by Board

(a) The board of trustees of any independent school district may appoint an assessor-collector of taxes for the district. The appointment shall be for a term not to exceed three (3) years as determined by the board.

(b) to (d) Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.

(e) The assessor-collector for such service shall receive such compensation as the board of trustees may allow, not to exceed four percent of the total amount of taxes received by him.

[Acts 1969, 61st Leg., p. 2964, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.]

Section 1 of Acts 1979, 66th Leg., ch. 841, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 23.94. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing this section, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 23.95. Appointment of Assessor Only

(a) The board of trustees of any independent school district may appoint an assessor of taxes and by resolution determine and provide that the taxes shall be collected by either the county tax collector or the tax collector of any city or town wholly or partly within the limits of the school district.

(b) The assessor of taxes shall assess the taxable property within the limits of the independent school district and shall prepare the tax rolls of the district and sign and certify them to the county or city officer designated to collect the taxes.

(c) The assessor shall receive a fee of two percent of the whole amount of taxes assessed by him as shown by the completed certified tax rolls.

(d) The city or county collector selected by the trustee to collect the taxes for the independent school district shall accept the rolls prepared by the special assessor as provided above.

(e) Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2).

(f) The city or county official so selected shall turn over all independent school district funds col-

lected by him to depository of the independent school district.

[Acts 1969, 61st Leg., p. 2964, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 3012, ch. 994, § 13, eff. Aug. 30, 1971; Acts 1979, 66th Leg., p. 2320, ch. 841, §§ 4(n), 6(a)(2), eff. Jan. 1, 1982.]

Section 1 of Acts 1979, 66th Leg., ch. 841, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 23.96. Assessment and Collection by City

(a) Any independent school district located entirely or partly within the boundaries of an incorporated city or town may authorize, by ordinance or resolution, the tax assessor and tax collector of the municipality in which it is located, entirely or partly, to act as tax assessor and tax collector, respectively, for the district.

(b) When the ordinance or resolution is passed making available their services, said assessor shall assess the taxes for and perform the duties of tax assessor for the independent school district; and the collector shall collect the taxes and assessments for and shall perform the duties of tax collector of the independent school district.

(c) In all matters pertaining to such assessments and collections the tax assessor and tax collector shall be authorized to act as and shall perform respectively the duties of tax assessor and tax collector of the independent school district.

(d) When the tax assessor and tax collector of any municipality have been authorized by ordinance or resolution to act as and perform the duties, respectively, of tax assessor and tax collector of an independent school district located entirely or partly within its boundaries, such included district shall pay the municipality for said services and for such other incidental expenses as are necessarily incurred in connection with the rendering of such services, such an amount as may be agreed upon by the governing bodies of the municipality and the independent school district.

[Acts 1969, 61st Leg., p. 2965, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2317, ch. 841, § 4(h), eff. Jan. 1, 1982.]

§ 23.97. Cooperation Between Districts

(a) The trustees of two or more independent school districts may, by a two-thirds vote of each board of trustees participating, consolidate the assessing and collecting of their taxes by appointing one and the same person as assessor-collector for all the districts entering into the agreement.

(b) The appointment shall be for a term not to exceed two years. The boards of trustees may prescribe additional duties and qualifications to those usually required of such officers.

(c) Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.

(d) The assessor-collector shall receive such compensation as the boards of trustees may fix, not to

exceed two percent for assessing and not to exceed two percent for collecting on the total amount of taxes collected.

(e) If the assessor-collector selected is a regularly licensed attorney, the participating boards of trustees may by agreement include in his duties the collecting of delinquent taxes and provide as extra compensation therefor the percentage provided for the collection of delinquent state and county taxes.

[Acts 1969, 61st Leg., p. 2966, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.]

Section 1 of Acts 1979, 66th Leg., ch. 841, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

§ 23.98. Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982

Section 1 of Acts 1979, 66th Leg., ch. 841, repealing this section, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

[Sections 23.981 to 23.990 reserved for expansion]

SUBCHAPTER G. INCENTIVE AID PAYMENTS

§ 23.991. Incentive Aid

Independent school districts created after August 22, 1963,¹ through consolidation may qualify for incentive aid payments by the State of Texas; provided, however, no school district may receive such payments for a period of more than 10 years. Such incentive aid payments shall be made only upon application to the Texas Education Agency and in compliance with the terms and conditions contained in this section.

[Acts 1971, 62nd Leg., p. 3013, ch. 994, § 14, eff. Aug. 30, 1971.]

¹ Effective date of source statute: Acts 1963, 58th Leg., p. 931, ch. 361, § 1.

§ 23.992. Amount; Computation

(a) The amount of incentive aid payments shall not exceed the difference between the sum of the Foundation Program Payments which would have been paid to the several districts included in the newly organized district had there been no consolidation, and the amount of Foundation Program Assistance for which the new district qualifies. Where, however, such newly organized district is budget balance (not eligible for Foundation Program Payments) the amount of the incentive aid payments shall not exceed the sum of the Foundation Program Payments for which the several districts included in the newly organized district were eligible in the scholastic year when they were consolidated.

(b) Where there have been, or hereafter may be one, or a series of consolidations at intervals in compliance with and pursuant to the provisions of this subchapter, the lastly created or newly organized independent school district shall be eligible to receive at due times the total sum of the series of

incentive aid payments as computed separately at the time of the several consolidations, subject to provisions in this subchapter. With respect to all such consolidations effected before March 22, 1965,¹ the 10-year payment period shall be computed from the date of consolidation, or from March 22, 1965, whichever is the latest.

[Acts 1971, 62nd Leg., p. 3013, ch. 994, § 14, eff. Aug. 30, 1971.]

¹ Effective date of source statute: Acts 1965, 59th Leg., p. 105, ch. 40, § 1.

§ 23.993. Minimum ADA

The new district created through consolidation shall contain not fewer than 750 children in average daily attendance or a majority of the children in average daily attendance in the county containing the majority of the land area involved in the reorganization.

[Acts 1971, 62nd Leg., p. 3013, ch. 994, § 14, eff. Aug. 30, 1971.]

§ 23.994. Use Restricted

The incentive aid payments shall be used exclusively to retire the existing bonded indebtedness of the school districts which have been consolidated, shall be applied to the cost of constructing new buildings required by the reorganized district, or shall be used for renovation or improvement of existing buildings in the reorganized district.

[Acts 1971, 62nd Leg., p. 3013, ch. 994, § 14, eff. Aug. 30, 1971. Amended by Acts 1977, 65th Leg., 1st C.S., p. 46, ch. 1, § 31, eff. Sept. 1, 1977.]

§ 23.995. Payments Reduced

The incentive aid payments shall be reduced in direct proportion to any reduction in the annual average daily attendance of the reorganized school district for the preceding year.

[Acts 1971, 62nd Leg., p. 3013, ch. 994, § 14, eff. Aug. 30, 1971.]

§ 23.996. Consolidation Defined

"Consolidation" for purposes of this subchapter shall mean and have application to creation of new districts by election under school district consolidation laws and/or by enlargement of existing districts by annexation thereto of entire contiguous district or districts, other than dormant districts, under annexation laws, and where the district consolidated by election or enlarged by annexation under such laws results as an independent school district.

[Acts 1971, 62nd Leg., p. 3013, ch. 994, § 14, eff. Aug. 30, 1971.]

§ 23.997. Conditions Precedent to Payment

As a condition precedent to receiving incentive aid payments (1) the geographical limits of the proposed consolidated district shall be submitted to the Texas Education Agency for approval and the geographi-

cal limits so approved shall be set forth in the petition for any consolidation election; and (2) the consolidation of the school districts shall result in the formation of an independent school district.

[Acts 1971, 62nd Leg., p. 3013, ch. 994, § 14, eff. Aug. 30, 1971.]

§ 23.998. Cost

The cost of incentive aid payments hereby authorized shall be paid from the Foundation School Fund. Such costs shall be considered and included by the Foundation School Fund Budget Committee in estimating the funds needed for purposes of the Foundation School Program and such incentive aid payments.

[Acts 1971, 62nd Leg., p. 3013, ch. 994, § 14, eff. Aug. 30, 1971.]

§ 23.999. Consolidation of County-Line Districts

(a) Hereafter, where two or more contiguous county-line independent school districts, each of which is an accredited 12-grade independent school district, are consolidated and the resulting county-line independent school district so created contains fewer than 750 children in average daily attendance, such a district, subject to approval of the commissioner of education, may qualify and shall be eligible for incentive aid payments authorized by and pursuant to other applicable provisions of the incentive aid law.

(b) Hereafter, where two contiguous independent school districts, each of which is an accredited 12-grade independent school district and only one of which is a county-line district, are consolidated and the resulting county-line independent school district so created contains fewer than 750 children in average daily attendance, such a district, subject to the approval of the commissioner of education, may qualify and shall be eligible for incentive aid payments authorized by and pursuant to other applicable provisions of the incentive aid law.

[Acts 1971, 62nd Leg., p. 3344, ch. 1024, art. 2, § 15, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 569, ch. 242, § 1, eff. June 11, 1973.]

CHAPTER 24. MUNICIPAL SCHOOL DISTRICTS

- Sec.
- 24.01. Definition.
- 24.02. Classification.
- 24.03. Government.
- 24.04. Selection of Trustees.
- 24.05. General Powers of Trustees.
- 24.06. Maintenance Tax.
- 24.07. Levy and Collection of Taxes.

§ 24.01. Definition

The term "municipal school district" includes any independent school district existing under the authority of Article VII, Section 3, or Article XI, Section 10, of the Texas Constitution, which is municipally assumed or controlled; regardless of

whether the same is a city or town school district, where the boundaries of the district and the city or town are coterminous, or whether it is an extended independent school district, where the city or town has extended its limits for school purposes only.

[Acts 1969, 61st Leg., p. 2967, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 24.02. Classification

Municipal school districts, regardless of the manner in which they came into existence and regardless of whether or not the boundaries have been extended for school purposes only, are classified as independent school districts. Once a municipal school district has been established, it shall continue to be an independent school district even though the city or town which assumed or accepted control of the school district abolishes its corporate existence as a municipal corporation. Except as specifically provided otherwise in this chapter, municipal school districts shall be governed and shall function in compliance with the general law relative to independent school districts as provided in Chapter 23 of this code.

[Acts 1969, 61st Leg., p. 2967, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 24.03. Government

A municipal school district shall be governed in the general administration of its schools by a board of seven trustees, selected as provided in Section 24.04 of this code.

[Acts 1969, 61st Leg., p. 2967, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 24.04. Selection of Trustees

(a) The trustees of a municipal school district are elected as provided in Chapter 23 of this code unless a municipal school district qualifies for a different method of choosing trustees under Subsection (b) of this section.

(b) Municipal school districts for which the trustees have heretofore been selected by appointment of the city council or board of aldermen are authorized to continue to choose their trustees by appointment of either two or three trustees each year, the number depending on that required to maintain a board of seven members, each appointed for a term of three years, unless and until that authority is removed under the provisions of Subsection (c) of this section.

(c) Any municipal school district in which the trustees are appointed by the city council or board of aldermen, as provided in Subsection (b) of this section, may discontinue that method of selection and provide for the election of school trustees by the following procedure:

(1) A petition signed by 25 percent of the voters of the city or town, the number to be ascertained by the ballots cast at the last regular city election, requesting an election to determine whether

or not the school affairs of the city or town shall be directed by an elected school board shall be presented to the mayor;

(2) On receipt of such a petition, the mayor shall order an election to be held on the proposition;

(3) The election shall be conducted according to the general law regulating elections in the city or town; and

(4) If a majority of the votes cast at the election favor the selection of school trustees by election, the mayor shall immediately order an election for the purpose of choosing a board of seven trustees; and the election shall be conducted in the manner provided in Section 23.08, governing the election of trustees of independent school districts; and the terms of the elected trustees shall be determined by lot as upon the creation of an independent school district as provided in Section 23.11 of this code.

[Acts 1969, 61st Leg., p. 2967, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 24.05. General Powers of Trustees

(a) The board of trustees of a municipal school district shall have the general powers and duties prescribed in this section.

(b) The board shall have the exclusive control and management of the schools of the district.

(c) Title to all houses, land, and other property owned, held, set apart, or in any way dedicated to the use and benefit of the public schools of the city or town, whether acquired before or after the establishment of the municipal school district, shall be vested in the board of trustees and their successors in office, in trust for the use and benefit of the public schools in the city or town.

(d) The board shall constitute a body corporate and shall have full power to protect the title, possession, and use of all school property within the limits of the municipal school district, and may bring and maintain suits in law or in equity in any court of competent jurisdiction when necessary to recover the title or possession of any school property adversely held in the district.

(e) Except where specific provision is made with regard to the conducting of the affairs of a municipal school district, the board of trustees of a municipal school district may exercise any power specifically granted or reasonably implied to the board of trustees of an independent school district.

[Acts 1969, 61st Leg., p. 2968, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 24.06. Maintenance Tax

(a) The governing body of any city or town constituting a municipal school district shall upon presentation of a proper petition, signed by 50 or a majority of those entitled to vote at such elections, order such election to determine the proposition of the

levy of a maintenance tax and/or the issuance of bonds for purposes of its schools. The provision of the laws applicable to other independent school districts relative to and governing maintenance tax and bonds and the holding of elections therefor shall apply, except as provided by this section.

(b) If the vote of the taxpayers is in favor of the tax, then the governing body of the city annually thereafter shall levy and assess on the taxable property in the limits of the municipal school district, by ordinance duly passed and approved, the school tax, not to exceed the rate voted, for the support and maintenance of the public schools and where bonds are voted, for the erection and equipment of public school buildings, in accordance with the requisition furnished.

(c) The board of trustees of the municipal school district shall determine what amount of the tax, in the limit authorized by law and voted by the people or fixed by special charter, will be necessary for the support of the schools and for the erection and equipment of public school buildings for each fiscal year, and the governing body of the city, on requisition of the board of trustees, annually shall levy and collect the tax, as other taxes are levied and collected.

(d) The school taxes, when collected, shall be placed at the disposal of the school board, and paid monthly to the depository to the account of the board the amount so collected, to be used for maintenance and support of the public school in the municipal district.

[Acts 1969, 61st Leg., p. 2968, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 24.07. Levy and Collection of Taxes

(a) Repealed by Acts 1979, 66th Leg., p. 2329, ch. 841, § 6(a)(2), eff. Jan. 1, 1982.

(b) Taxes for a municipal school district may be collected as prescribed by either Subsection (c) or Subsection (d) of this section.

(c) The assessor and collector of taxes for the city or town may assess and collect taxes for the municipal school district, in which event:

(1) The taxes for school purposes shall be assessed and collected at the same time and in the same manner as other city taxes are assessed and collected; and

(2) The city assessor and collector of taxes shall receive no other compensation for collecting school taxes than the compensation paid him for assessing and collecting city taxes.

(d) The board of trustees of a municipal school district may contract with the county assessor-collector of taxes to assess and collect the taxes for the municipal school district on property located in the county.

[Acts 1969, 61st Leg., p. 2969, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2320, ch. 841, §§ 4(o), 6(a)(2), eff. Jan. 1, 1982.]

Section 1 of Acts 1979, 66th Leg., ch. 841, enacted the Property Tax Code, constituting Title 1 of the Tax Code.

CHAPTER 25. RURAL HIGH SCHOOL DISTRICTS

Sec.

- 25.01. Classification.
- 25.02. Applicability of Other Laws.
- 25.03. Government.
- 25.04. Election and Terms of Trustees.
- 25.05. Vacancies on the Board of Trustees.
- 25.06. Organization and Powers of Trustees.
- 25.07. Assessment and Collection of Taxes.
- 25.08. Elementary School Districts.
- 25.09. Consolidated Rural High School District.

§ 25.01. Classification

(a) Rural high school districts shall be classified as common school districts, and other districts, whether common or independent, composing the rural high school district, shall be classified and referred to as elementary school districts.

(b) A rural high school district may be converted into an independent school district as provided in Chapter 19 of this code.

[Acts 1969, 61st Leg., p. 2970, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 25.02. Applicability of Other Laws

Except as specifically provided in this chapter or in a particular provision of a general statute, all rural high school districts shall operate and function as other common school districts as provided in Chapter 22 of this code.

[Acts 1969, 61st Leg., p. 2970, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 25.03. Government

The control and management of the schools of each rural high school district shall be vested in a board of seven trustees.

[Acts 1969, 61st Leg., p. 2970, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 25.04. Election and Terms of Trustees

(a) The trustees of a rural high school district shall be elected in the manner provided for the election of trustees of a common school district except as may be otherwise provided in this chapter.

(b) At least one voting box shall be provided in each elementary district composing the rural high school district.

(c) The trustees shall be elected by the qualified voters of the district at large, but if the district is composed of seven or fewer elementary districts, at least one trustee must be a resident of each original elementary district included in the rural high school district.

(d) In a rural high school district consisting of more than 100 square miles of territory or embrac-

ing more than seven districts, the board of trustees shall be elected from the district at large.

(e) In the event a rural high school district is created at a time other than the trustee election time, it shall be the duty of the county governing board to appoint a board of trustees as prescribed herein, to serve until the next regular election day for trustees of common school districts.

(f) Elections shall be held annually. At the first election after the establishment of the rural high school district the trustees shall determine by lot the terms for which they shall serve, and those drawing numbers one, two, and three shall serve for a term of one year, those drawing numbers four and five shall serve for a term of two years, and those drawing numbers six and seven shall serve for a term of three years, or until their successors are elected and qualified. At all subsequent elections either two or three trustees shall be elected to succeed the trustees whose terms expire at that time.

(g) The regular term for trustees of a rural high school district shall be three years.

[Acts 1969, 61st Leg., p. 2970, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 25.05. Vacancies on the Board of Trustees

Any vacancy on the board of trustees of a rural high school district shall be filled for the unexpired term by appointment by the members of the board remaining after the vacancy.

[Acts 1969, 61st Leg., p. 2970, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 25.06. Organization and Powers of Trustees

(a) The board of trustees of a rural high school district shall organize by electing a president and a secretary, each of whom shall be a member of the board.

(b) All funds of every nature to which a rural high school district may be entitled shall be paid out on warrants issued by the secretary and signed by the secretary and president of the board and approved by the county superintendent.

(c) The secretary shall keep an itemized account of all receipts and disbursements in a well-bound book owned and acquired by the district, and his accounts shall be approved by the county superintendent.

(d) All funds belonging to a rural high school district shall be deposited in the county depository of the county having jurisdiction of the district.

(e) The board of trustees of a rural high school district shall have those powers granted to the boards of trustees of other common school districts and shall be subject to the same restrictions as

other common school districts except as provided herein.

[Acts 1969, 61st Leg., p. 2971, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 25.07. Assessment and Collection of Taxes

(a) Except as provided in this chapter, the taxes for a rural high school district shall be assessed and collected by the county tax assessor-collector, but no tax shall be levied and no bonds assumed or issued by the board of trustees of the rural high school district until after election in accordance with the law governing such elections in independent school districts.

(b) The board of trustees of a rural high school district may appoint an assessor of taxes who shall assess the taxable property within the limits of the district in which event:

(1) The tax assessor so appointed shall receive compensation for his services as the trustees of the district may allow; and

(2) The county tax assessor-collector shall collect the taxes.

(c) If a rural high school district has an assessed valuation in excess of \$4,000,000 or an average daily attendance of more than 550 students during the preceding year, the board of trustees of the rural high school district may, by majority vote, appoint a collector of taxes for the district. He shall receive compensation for his services as the trustees of the district may allow.

(d) If a rural high school district is situated in more than one county, the board of trustees of the rural high school district may, by majority vote, choose to have the taxes for the district assessed and collected by an assessor-collector appointed by the board. In the event the board so chooses, the following regulations shall apply:

(1) The assessor-collector appointed by the board shall assess the taxable property within the limits of the district in the time and manner provided by the general law applicable to taxation and collect the taxes;

(2) The assessor-collector shall receive such compensation for his services as the board of trustees may allow; and

(3) The board of trustees may also appoint one or more deputy tax assessor-collectors for the district who shall receive for their services such compensation as the board may allow.

(e) Local taxes previously authorized by a district or districts included in a rural high school district shall be continued in force until such time as a tax election in the rural high school district may authorize a uniform tax for the benefit of the rural high school district.

[Acts 1969, 61st Leg., p. 2971, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 946, ch. 354, § 1, eff. June 19, 1975; Acts 1975, 64th Leg., p. 1309, ch. 492, § 1, eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 2317, ch. 841, § 4(o), eff. Jan. 1, 1982; Acts 1981, 67th Leg., p. 596, ch. 237, §§ 134, 135, eff. Sept. 1, 1981.]

§ 25.08. Elementary School Districts

(a) The elementary schools in each rural high school district shall be classified by the county board of school trustees, which shall at the same time designate the number of grades to be taught in the elementary schools. When the classification is made, the board of trustees of the rural high school district shall maintain each elementary school for the same length of term as the other schools in the rural high school district.

(b) The board of trustees of a rural high school district shall have the right to be heard by the county board of school trustees relative to the classification of schools within the district and shall have the right of appeal from that classification to the commissioner of education.

(c) No elementary school district shall be abolished, annexed, or consolidated with any other elementary school district except in the following manner:

(1) An elementary school district may be abolished by the board of trustees of the rural high school district if the district has had an average daily attendance of fewer than 20 pupils during the preceding school year;

(2) An elementary school district whose school(s) have been discontinued may be annexed to any other contiguous elementary school district within the rural high school district by the county board of school trustees acting on the petition of the board of trustees of the rural high school district, in which event:

(A) The annexation shall be for all purposes and the former elementary district so annexed will then be regarded as abolished; and

(B) The board of trustees of the rural high school district shall have authority to move or otherwise dispose of the buildings and other property of the abolished elementary district in any manner deemed by the board to be proper and beneficial to the rural high school district; and

(3) Any number or all of the component elementary districts within a rural high school district may be consolidated by an election following the procedure set out in Subchapter H of Chapter 19 of this code¹ and under the following terms:

(A) If all of the elementary districts within the rural high school district are consolidated into a single elementary school district identical in area with that of the rural high school district, the consolidation shall not affect the status of the district as a rural high school district; and

(B) If fewer than all of the component elementary districts petition for election to consolidate, they must be contiguous elementary districts.

[Acts 1969, 61st Leg., p. 2972, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Section 19.231 et seq.

§ 25.09. Consolidated Rural High School District

When all the component elementary districts within a rural high school district have been consolidated into a single elementary district and all scholastics in the district are transferred to a central school in the rural high school district where both elementary and high school grades are maintained under one administration, the elementary district and the rural high school district may be consolidated in the manner provided in Subchapter H of Chapter 19 of this code.¹ The consolidated district may maintain its status as a rural high school district or it may be converted into an independent school district in the manner provided in Subchapter G of Chapter 19 of this code.²

[Acts 1969, 61st Leg., p. 2973, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Section 19.231 et seq.

² Section 19.201 et seq.

CHAPTER 26. REHABILITATION DISTRICTS FOR HANDICAPPED PERSONS

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SUBCHAPTER A. GENERAL PROVISIONS

§ 26.01. Definitions

As used in this chapter:

(1) "Handicapped person" or "handicapped scholastic" means an individual between the ages of six and 21, inclusive, who has been defined as such by federal or state legislation. The definition of a handicapped person or handicapped scholastic is inclusive of all generic handicapping conditions such as orthopedically handicapped, health impaired, blind or visually impaired, deaf or auditorially impaired, emotionally disturbed, mentally retarded, and learning disabled. The specific operational definition, if not defined by state or federal legislation, shall be applicable to any current operational definition as set forth by the federal government or state agencies.

(2) "Special services" has the meaning assigned by Subdivision (1) of Subsection (b) of Section 21.502 of this code.

(3) "Nonhandicapped scholastic" means a scholastic who is between the ages of six and 21, inclusive, who is not a handicapped person, but who either:

(A) needs an alternative school setting; or

(B) is older than the age at which school attendance is compulsory and chooses to enroll in the district.

(4) "District" (unless otherwise indicated by the context) means any rehabilitation district as described in this chapter.

(5) "Trainee" means any handicapped student, as defined by Subsection (c) of Section 21.503 of this code, who is or has been enrolled in a district.

(6) "Board of directors" means the board of directors of any district.

(7) "Independent living" shall mean any degree of improvement achieved by a handicapped person whether by freedom from institutional or attendant care or reduction of such care.

(8) The term "alternative school" refers to a school setting for scholastics who cannot adequately be trained or educated in existing public school programs or who generally would not continue their education in the traditional academic school situation. The curriculum and the alternative school setting stress training for the world of work and coping behavior in order to successfully survive in our complex society.

[Acts 1969, 61st Leg., p. 2975, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 1351, ch. 509, §§ 1, 2, eff. Sept. 1, 1975; Acts 1983, 68th Leg., p. 2958, ch. 506, § 1, eff. June 19, 1983; Acts 1984, 68th Leg., 2nd C.S., p. 408, ch. 28, art. V, part F, § 1, eff. Sept. 1, 1984.]

[Sections 26.02 to 26.10 reserved for expansion]

SUBCHAPTER B. CREATION OF DISTRICT

§ 26.11. Purpose

Rehabilitation districts may be created to provide education, training, special services, and guidance to handicapped persons or handicapped scholastics peculiar to their condition and needs, to develop their full capacity for usefulness to themselves and society, and to prevent them from becoming or remaining, in whole or in part, dependent on public or private welfare or charity.

[Acts 1969, 61st Leg., p. 2975, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 1351, ch. 509, § 3, eff. Sept. 1, 1975.]

§ 26.12. Creation of District

A rehabilitation district may be established by voters of a county, or a combination of contiguous counties, containing taxable property, the total assessed valuation of which must be not less than \$200,000,000, according to the most recent tax rolls of the county or combination of counties making up the proposed district, as described in this subchapter.

[Acts 1969, 61st Leg., p. 2975, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.13. Petition

A petition signed by a number of qualified property taxpaying voters in each county in the proposed rehabilitation district equal to not less than one percent of the total number of votes cast for governor in such county at the most recent election for governor held therein, must be filed with the commissioners courts of the respective counties. The signatures on the petition must be separated according to the counties in which the signers reside, under appropriate headings indicating the county of residence. If there is more than one county in the proposed district, the petition must be in two or more parts, one part for each county to be included in the district. The name of the proposed district must be set forth in the petition, and must include the words, "Rehabilitation District for Handicapped Persons." The petition must be dated, and must pray for an election, to be held not less than 30 nor more than 60 days after the date of the petition, to determine whether or not there shall be created a rehabilitation district for handicapped persons, with power to levy taxes to acquire or construct residence centers and such other facilities, if any, as the board of directors may deem necessary or proper for the training and guidance of handicapped trainees and to maintain and operate said district.

[Acts 1969, 61st Leg., p. 2976, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.14. Election

Promptly on receipt of a petition, each commissioners court must order an election to be held in his

county on the date prayed for in the petition. The order must designate polling places, appoint election officers, provide supplies for the election, and set forth the name of the proposed rehabilitation district as specified in the petition. The election precincts must conform to the regular election precincts of each county. Each commissioners court must cause notice of election to be published once each week for two alternate weeks in one or more newspapers having general circulation in its county, the first publication to be at least 21 days before the election, and must cause notice to be posted in a public place in each commissioners precinct, and at the courthouse door of its county. If a regular session of a commissioners court receiving a petition is not to be held in time to order the election and give notice of it, the county judge of that county must, upon the petition being called to his attention, timely call a special session of the commissioners court for this purpose. Except as herein provided, the election in each county shall be conducted in accordance with the general laws of Texas.

[Acts 1969, 61st Leg., p. 2976, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.15. Proposition to be Voted Upon

The proposition shall be submitted at the election in each county, and the ballots shall be printed to provide for voting for or against the proposition:

"The creation of the rehabilitation district for handicapped persons, with power to levy taxes for residence centers and such other facilities, if any, as the board of directors may deem necessary or proper for the training and guidance of such persons and for maintenance and operation of said district."

[Acts 1969, 61st Leg., p. 2976, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.16. Repealed by Acts 1984, 68th. Leg., 2nd C.S., p. 411, ch. 28, art. V, part F, § 6, eff. Sept. 1, 1984

§ 26.17. Results of Election

(a) Within 10 days after the election, each commissioners court must make a canvass of the returns and declare the results of the election. If a majority of those voting in the election in each county vote for the proposition, the establishment of a rehabilitation district is thereby effected. If the proposition fails to carry in any county, the formation of the rehabilitation district in counties in which it passed is not affected, unless the counties in which it passed are not contiguous, or do not have a total assessed valuation of property of \$200,000,000, according to their most recent tax rolls, in which case no rehabilitation district can be established.

(b) If the election does not create a rehabilitation district, no subsequent election for the creation of a

rehabilitation district may be had in the affected counties within one year of the date of the election.

[Acts 1969, 61st Leg., p. 2977, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.18. Annexation of New Counties

(a) Any county or combination of counties, contiguous to an existing rehabilitation district may be annexed to it and become a part of it by following the procedures in and meeting the requirements of Subsections (a), (b), and (d) of this section, with the exceptions as described in this section.

(b) The petition in Section 26.13 of this chapter must be signed by a number of qualified property taxpaying voters in each county in which annexation is desired equal to one percent of the number of votes cast for governor in such county at the most recent general election for governor held therein. The petition must contain the name of the district to which annexation is desired, and must pray for an election to determine whether or not the county shall be annexed to the rehabilitation district.

(c) The proposition shall be voted upon in an election held under this section, and the ballots shall be printed to provide for voting for or against the proposition:

"Annexation to (here insert the name of the rehabilitation district)."

(d) The commissioners court election order in Section 26.14 of this chapter, must set forth the name of the rehabilitation district to which annexation is proposed.

(e) Within 10 days after the election, the commissioners court of each county in which there was an election, must canvass the returns and declare the results of the election in that county, and shall forthwith certify the results of such election to the board of directors of such existing district. In each county, if any, in which a majority of those voting at the election vote for the proposition, the annexation of such county to said rehabilitation district shall be thereby effected.

(f) The provisions of this chapter prescribing the qualifications of electors to vote in elections to create rehabilitation districts shall apply to elections for the annexation of counties to such rehabilitation districts; and all of the provisions of this chapter relating to the number and classes of directors of said rehabilitation district in each county; the manner of their initial and subsequent selection; the manner of determining the initial terms of office, and fixing the regular terms of office of directors, as provided for in this chapter concerning the original district, shall be applicable to each annexed county.

[Acts 1969, 61st Leg., p. 2977, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 26.19 to 26.30 reserved for expansion]

SUBCHAPTER C. ADMINISTRATIVE
PROVISIONS

§ 26.31. Board of Directors

The board of directors of a district shall be composed of one director from each county commissioners precinct located in the district, and one director at large for each county, and in addition, one director at large for each 50,000 inhabitants, or major fraction of such number of inhabitants, in each county in the special school district.

[Acts 1969, 61st Leg., p. 2978, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.32. Initial Directors

Within 30 days after the election creating the district:

(1) each county commissioner from each precinct in the district must recommend to the county judge of his county, one director, and the county judge must appoint the recommended person director; and

(2) the county judge must appoint the directors at large authorized for each county by Section 26.11¹ of this code.

[Acts 1969, 61st Leg., p. 2978, ch. 889, § 1, eff. Sept. 1, 1969.]

¹ Probably should read "26.31".

§ 26.33. Term of Office for Initial Directors

(a) The four directors selected from the commissioners precincts of each county must determine by lot, in a manner to be prescribed by the board of directors, which two shall hold office for a long term and which two for a short term.

(b) If there is more than one director at large from any county, half of them must serve a long term and half a short term, as also determined by lot. If there is an odd number of directors at large from any county, the majority of them must serve for the long term and the minority of them for the short term. If there is only one director at large from any county, he shall serve a short term.

(c) The term of office for those directors serving a short term runs until the first Saturday in April of the second calendar year after the calendar year in which they were appointed. The term of office for those directors serving a long term runs until the first Saturday in April of the fourth calendar year after the calendar year in which they were appointed. The term of office for an initial director from an annexed county must be shortened one year, if necessary, to make elections to his office coincide with the elections for directors in the other counties in the district.

(d) The determinations by lot in Subsections (a) and (b) of this section must be accomplished at the first meeting of the initial board of directors of the

first meeting after an annexation, or as soon thereafter as is practicable.

(e) The board of directors must cause a permanent record to be made and preserved of the terms of office of each appointed director determined by lot as herein provided.

[Acts 1969, 61st Leg., p. 2978, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.34. Subsequent Selection of Directors

(a) At the expiration of the term of office of each director from a commissioners precinct, his successor must be elected at an election held in that commissioners precinct at the same time, and by the same election officers as provided for the election of the county school trustees of that county, except that the names of the candidates for the board of directors shall appear on a ballot in every voting precinct in the commissioners precinct in which the candidate is running, provided that all such elections must be called by the board of directors, who must give public notice of elections in advance thereof, in a manner to be determined by the board of directors, to call the attention of the voting public thereto. The forms of ballots to be used conformable to general law, may also be determined by the board of directors, and at the discretion of the board of directors, the same ballot for the election of county trustees may be used for the election of directors. If there is no election for county trustees on the first Saturday in April when the election of directors of a district is to be held the election shall nevertheless be called and held for district directors from commissioners precincts whose terms expire on said date. The commissioners court of each county in which any election of directors is held must receive and canvass the returns thereof, and declare the results thereof, at the same time and in the same manner as provided by law in the case of the election of county school trustees, and must forthwith certify the results thereof, at the same time and in the same manner as provided by law in the case of the election of county school trustees, and must forthwith certify the results of the election to the board of directors. The district must pay its pro rata part of the expenses of the election of its directors to the commissioners court of the county affected.

(b) At the expiration of the term of office of each director at large, the county judge of the county from which the director was appointed must appoint his successor.

(c) Vacancies in the offices of directors must be filled by appointment by the original appointing powers that appointed the initial directors for the unexpired term.

[Acts 1969, 61st Leg., p. 2978, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.35. Term of Office for Successors

The terms of office of all directors after those initially appointed shall be for four years.

[Acts 1969, 61st Leg., p. 2979, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.36. Oath of Office

Every director and every officer, whether appointed or elected, must, before assuming the duties of his office, qualify by taking the official oath prescribed for state officers.

[Acts 1969, 61st Leg., p. 2979, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.37. Officers

(a) At the first meeting of the initial board of directors, it must select from among its members, a president and a vice president, and must also select a secretary and a treasurer, who need not be directors. The secretary and treasurer shall have and perform duties and powers as are usually incident to their offices, in the case of private corporation, and such other duties and powers as may be provided by the board of directors. The secretary and treasurer may be the same person.

(b) The treasurer must execute a bond, with good and sufficient surety or sureties, in an amount to be determined by the board of directors, payable to the president of the board of directors, or his successors in office conditioned that the treasurer will faithfully perform the duties of his office, and faithfully account for all sums of money or other property belonging to the district coming into his hands as treasurer. The amount of the bond may, at any time, be increased or decreased by the board of directors, according as they may deem necessary for the protection of the property and funds of the district for which the treasurer is accountable. The premiums, if any, for such bond or bonds shall be payable out of funds of the district.

(c) At the first meeting following each election or appointment of directors, the president and vice president's terms of office shall end, and the board of directors must again select a president and vice president.

(d) The secretary and the treasurer shall hold office at the will and pleasure of the board of directors.

(e) The board of directors may appoint assistant secretaries as it may deem necessary for the proper conduct of the duties of that office.

[Acts 1969, 61st Leg., p. 2979, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.38. Compensation

The board of directors may authorize the payment of actual expenses of directors (including travel expenses) incurred by directors in attending regular or special meetings, or otherwise rendering services of the district on the authority and at the direction

of the board of directors. The treasurer and secretary, and any assistant secretaries shall receive such compensation, if any, as may be determined by the board of directors.

[Acts 1969, 61st Leg., p. 2980, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.39. Meetings

The first meeting of the initial board of directors shall be within 21 days of the time the directors are appointed, at a time and place appointed by the county judge of the county of the district containing the greatest population according to the most recent officially proclaimed federal census. Thereafter, meetings must be held at such times as may be provided in the rules and bylaws of the board of directors. Special meetings may be called by the president, or by any five members of the board.

[Acts 1969, 61st Leg., p. 2980, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.40. Rules of Procedure; Quorum

The board of directors may adopt its own rules of procedure, but a majority of the directors shall constitute a quorum, and a majority of those in attendance may transact any business.

[Acts 1969, 61st Leg., p. 2980, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.41. Board Office

The board of directors must select and maintain within the district a regular office for its meetings and for the transaction of business, at such place within the district as it may determine.

[Acts 1969, 61st Leg., p. 2980, ch. 889, § 1, eff. Sept. 1, 1969.]

[Sections 26.42 to 26.60 reserved for expansion]

SUBCHAPTER D. POWERS AND DUTIES

§ 26.61. Suits

A rehabilitation district may sue and be sued in its name. In any suit against a district, process may be served on the president or vice president.

[Acts 1969, 61st Leg., p. 2980, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.62. General Powers of Board of Directors

(a) In addition to other powers granted herein, the board of directors is empowered and required to govern the district; employ all administrators, teachers, special and/or exceptional children teachers, psychologists, social workers, housekeeping, and other personnel as may be required to carry out the purposes of the district; and to discharge persons so employed. Teachers and other employees of any such rehabilitation district shall be eligible to become members of the Teacher Retirement System of Texas on the same basis and under the circum-

stances as teachers and employees of an independent school district.

(b) The board shall conduct the business affairs of the district with the same powers and duties provided by law for the board of trustees of independent school districts.

(c) The board shall adopt an official seal and name for the rehabilitation district.

[Acts 1969, 61st Leg., p. 2980, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.63. Residential Program; Curriculum; Trainees

The board shall:

(1) plan the residential program and the curriculum of the district, or have them planned under its direction; but in any event, plans must be approved by the board of directors and also by the state commissioner of education;

(2) make reasonable limitation on the duration of residence and attendance by trainees, according to standards adopted by it; and

(3) by itself, or through an agency established by it for attending to such matters, terminate the training of any trainee who proves to be unadaptable to the training program of the district, or who is so disturbing in conduct to the other trainees as to be detrimental to the district; and the exercise of the termination power is unreviewable.

[Acts 1969, 61st Leg., p. 2981, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 409, ch. 28, art. V, part F, § 2, eff. Sept. 1, 1984.]

§ 26.64. Admission

(a) Any handicapped person six years of age or older not subject to the exceptions in the subsections of this section may be admitted into a district for education and training.

(b) No handicapped person shall be admitted into a rehabilitation district whose parent or guardian, or who himself, if without a parent or guardian, does not reside within the district, unless full remuneration be received from his home county, family, or other sources.

(c) No handicapped person in attendance at a regular public school, between the ages of six and 21, shall be admitted to a rehabilitation district without having been referred or assigned to it by the independent school district in which he resides, or by another agency with primary responsibilities relating to youth, except that a person who is older than the age at which school attendance is compulsory may apply and be admitted without referral or assignment.

(d) No handicapped person shall be admitted into a district for education or training as such, without application having been made therefor to it and until he has been found acceptable for education and training by the entrance committee of the dis-

trict which shall set admission standards, such standards having been approved by the board of directors. The finding of the entrance committee, to be created by the board of directors, as to the eligibility or ineligibility of an applicant shall be final except that appeal may be made therefrom to the board of directors according to an appellate procedure prescribed by the board. The decision of the board of directors shall be final and nonappealable.

[Acts 1969, 61st Leg., p. 2981, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1518, ch. 405, § 47, eff. May 26, 1971; Acts 1984, 68th Leg., 2nd C.S., p. 410, ch. 28, art. V, part F, § 3, eff. Sept. 1, 1984.]

§ 26.65. State Funds

(a) The commissioner of education shall develop and the State Board of Education shall adopt a formula for the allocation of state funds to a rehabilitation district on a basis similar to that provided for independent school districts, except that no local fund assignment shall be charged to a rehabilitation district.

(b) State funds for the support of a rehabilitation district shall be paid from the foundation school fund and shall be considered by the Foundation School Fund Budget Committee in estimating the funds needed for Foundation School Program purposes.

(c) Nothing in this chapter is intended to permit double funding of any rehabilitation district by the Central Education Agency, and if and to the extent that any section is so construed, to that extent said section shall be inoperative.

[Acts 1969, 61st Leg., p. 2982, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1518, ch. 405, § 48, eff. May 26, 1971; Acts 1971, 62nd Leg., p. 2810, ch. 912, § 1, eff. Sept. 1, 1971; Acts 1975, 64th Leg., p. 1351, ch. 509, § 3, eff. Sept. 1, 1975; Acts 1984, 68th Leg., 2nd C.S., p. 341, ch. 28, art. II, § 18, eff. Sept. 1, 1984.]

§ 26.66. Tuition; Fees

The board may fix such fees and tuition rates as are deemed necessary to supplement other sources of funds for maintaining and operating the district in carrying out its functions, with authority, however, to reduce fees and tuitions or waive them altogether in cases where the parents or guardians of the trainees are able to pay a portion only or none of such tuition or fees, in the judgment of the board of directors, or in the judgment of an agency created by the board of directors, to determine such matters; however, no parent or guardian of a school-age student (6 to 21 years of age) residing in the district shall pay tuition, and any fees charged by the district shall be in conformity with Texas laws governing independent school districts.

[Acts 1969, 61st Leg., p. 2982, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1518, ch. 405, § 49, eff. May 26, 1971.]

§ 26.67. Donations; Gifts; Etc.

The board may accept donations, gifts, and endowments for the district, to be taken in trust and administered by the board of directors for such purposes, and under such directions, limitations, and provisions, if any, as may be prescribed in writing by the donor, not inconsistent with the proper management and objects of the rehabilitation district.

[Acts 1969, 61st Leg., p. 2982, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.68. Federal Aid

The board may apply to any agency of the federal government for funds made available, as loans or grants, by the United States Government to carry out the purposes of such rehabilitation district, in the same manner, according to the same procedures, and in all respects as provided for the receipt of such funds by independent school districts.

[Acts 1969, 61st Leg., p. 2982, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 411, ch. 28, art. V, part F, § 4, eff. Sept. 1, 1984.]

§ 26.69. Taxes

(a) The board may levy taxes and distribute the taxes as it may deem necessary for providing needed housing and facilities, and for the support of the rehabilitation program, except that the total annual tax for all district purposes shall not exceed the rate of five cents on each \$100 of assessed valuation of taxable property located in such district.

(b) The portion of the total annual tax rate that may be allocated for paying the principal of and interest on bonds issued by the district may not exceed three cents on each \$100 of assessed valuation of taxable property in the district.

(c) The tax assessors and collectors of each county in a rehabilitation district must assess and collect taxes on taxable property in the county on levies made and rates fixed by the board of directors of that district, not exceeding the rate of five cents on each \$100 of valuation.

[Acts 1969, 61st Leg., p. 2982, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2320, ch. 841, § 4(p), eff. Jan. 1, 1982; Acts 1983, 68th Leg., p. 2953, ch. 506, § 2, eff. June 19, 1983.]

§ 26.70. Group Residence Centers

Each district may, by itself, or in conjunction with service clubs, women's clubs, or other organizations interested in serving the disabled, cities or counties, or any organization or person deemed equipped by the board of directors, provide for group residence rehabilitation centers within the rehabilitation district. Such group residence centers shall be used for those students or trainees of the rehabilitation district who, in the opinion of the board of directors,

would benefit from group living while adjusting to work and to general society.

[Acts 1969, 61st Leg., p. 2983, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 411, ch. 28, art. V, part F, § 5, eff. Sept. 1, 1984.]

§ 26.71. Employment of Trainees

Rehabilitation districts shall cooperate with the Texas Rehabilitation Commission and the Texas Employment Commission and all other state agencies in training, education, and finding employment for their employable trainees.

[Acts 1969, 61st Leg., p. 2983, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1975, 64th Leg., p. 1351, ch. 509, § 3, eff. Sept. 1, 1975.]

§ 26.72. Additional Powers

All powers relating to the acquisition of land and to the construction or acquisition of facilities except the issuance of bonds, and to taxation, vested by law in independent school districts, shall be applicable to any rehabilitation district, subject to a tax limitation of five cents on each \$100 valuation.

[Acts 1969, 61st Leg., p. 2983, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 26.73. Vocational Training

(a) To provide the opportunity for vocational training to handicapped and nonhandicapped scholastics, the board of directors of a rehabilitation district that does not contain in its boundaries a county industrial training school district may:

- (1) provide facilities for, establish, and operate a vocational training school in the district;
- (2) adopt bylaws and rules relating to managing and governing a vocational training school;
- (3) determine the types of vocational training programs the district will offer;
- (4) determine the qualifications for admission to each vocational training program;
- (5) grant diplomas for the successful completion of a vocational training program;
- (6) make a contract with an individual, a corporation, the state, or another educational entity relating to the district's use of real property, facilities, or the services of qualified personnel;
- (7) issue general obligation or revenue bonds, including refunding bonds, or notes to acquire real property, or notes to acquire, construct, improve, or equip buildings and improvements to be used for vocational training purposes;
- (8) charge students reasonable fees for use of any building or other property and pledge the fees to payment of principal and interest on the bonds or notes; and
- (9) make any other necessary arrangements for the proper vocational training of handicapped and nonhandicapped scholastics in the district.

(b) Except as otherwise provided by this chapter, the laws relating to the issuance of school district

bonds apply to the issuance of bonds under this section.

(c) In providing for, establishing, or operating a vocational training school in the district, the board of directors may not take any action that will adversely affect services provided by the district to handicapped scholastics.

[Acts 1983, 68th Leg., p. 2958, ch. 506, § 3, eff. June 19, 1983.]

CHAPTER 27. COUNTY INDUSTRIAL TRAINING SCHOOL DISTRICTS

Sec.

- 27.01. Establishment and Location; Purpose.
- 27.02. Petition and Election; Board of Trustees.
- 27.03. Powers and Duties.
- 27.04. Power of District to Levy, Assess and Collect Tax.
- 27.05. Compensation of the Board of Trustees.
- 27.06. Bonds and Revenues of the District.
- 27.07. Restriction of Establishing District in Counties With Vocational or Technical High Schools.
- 27.08. Abolition of Districts.

§ 27.01. Establishment and Location; Purpose

A district to be known as the "_____ County Industrial Training School District" may be established and located in any county of this state to provide vocational training for residents and nonresidents of such county.

[Acts 1969, 61st Leg., p. 2984, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 27.02. Petition and Election; Board of Trustees

(a) Upon a petition signed by five percent of the resident qualified taxpaying voters in any such county, the commissioners court shall call and cause to be held an election within 30 days after petition has been duly presented for the purpose of electing three members of the board of trustees of such county industrial training school district. The three trustees elected shall then appoint four persons, one each from the following classes:

- (1) a member of the city council of any incorporated city or town located within the county;
- (2) a member of the governing body of any other school district in the county;
- (3) a juvenile judge for that county; and
- (4) the county judge or a member of the commissioners court.

(b) These appointive trustees shall be full voting members of the board of trustees, except as provided in this chapter.

(c) All members of the board shall be residents of the county where the county industrial training school district is established.

(d) The first trustees elected for the district shall by lots divide themselves into three classes: class one, consisting of one member, who shall serve for two years; class two, consisting of one member, who shall serve for four years; and class three

consisting of one member, who shall serve for six years. Each trustee elected thereafter shall be elected for a term of six years.

(e) The appointive trustees for the district shall serve terms of two years.

(f) Any vacancy occurring on the board shall be filled for the unexpired term by an appointee decided on by at least two of the elected trustees.

[Acts 1969, 61st Leg., p. 2984, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 27.03. Powers and Duties

(a) In the management and control of the District, the board of trustees is authorized to exercise the powers and duties as described in this section.

(b) The board of trustees shall select a chairman of the board and define his duties, and shall have the power to remove him when in its judgment the interest of the district shall require it.

(c) The board of trustees shall appoint other officers of the district, the teaching staff, and other employees, and fix their respective salaries, and shall have the power to remove them when in its judgment the interest of the district shall require it.

(d) The board of trustees shall arrange for and operate whatever facilities they deem necessary for the establishment of any vocational school within said district.

(e) The board of trustees shall enact such bylaws, rules, and regulations as may be necessary for the successful management and government of any vocational school within said district.

(f) The board of trustees shall determine what departments of instruction shall be maintained and what subjects of study shall be pursued in the various departments.

(g) The board of trustees shall have the authority to make proper arrangements by contract with other educational institutions, private individuals, corporate institutions, or the state, for the use of facilities and for the services of qualified personnel; and to make such other arrangements as it deems necessary for the proper training and education of students in the district.

(h) The board of trustees shall have general supervision and control of all expenditures of the district.

(i) The board of trustees shall determine the qualifications for admission of students to any school established by the district.

(j) The board of trustees is authorized and empowered to determine the tuition and/or fees, if any, charged students attending any vocational training school established in the district.

(k) The board of trustees is authorized and empowered to grant diplomas for successful completion of any type of vocational training taught.

(l) The board of trustees is authorized to accept donations, gifts, and endowments for the district to be held in trust and administered by the board for such purposes and under such directions, limitations, and provisions as may be declared in writing in the donation, gift or endowment, not inconsistent with the objectives and proper management of the district.

(m) The board of trustees may issue revenue bonds (new or refunding) and notes for the purposes of acquiring, constructing, improving and/or equipping buildings, structures, additions to buildings or structures, and other types of permanent improvements not inconsistent with this chapter. In addition, the board may fix, charge, collect and pledge to the payment of the principal and interest on any such bonds or notes reasonable use fees from the students for the use of any type of building, structure, facility, or property. The laws governing the issuance of bonds (new or refunding) shall be governed by the laws applicable to school districts located in such counties.

[Acts 1969, 61st Leg., p. 2985, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 27.04. Power of District to Levy, Assess and Collect Tax

The district is hereby authorized and empowered to levy, assess, and have collected through the county tax office, the rate of tax as set by the board and confirmed by a favoring majority vote of the resident qualified taxpaying voters of such county in an election, except that such rate shall not exceed that provided by law relating to school districts located in such counties upon such property values as established for county purposes, and the election shall be held in compliance with provisions governing such elections.

[Acts 1969, 61st Leg., p. 2985, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 27.05. Compensation of the Board of Trustees

The board of trustees shall serve without compensation.

[Acts 1969, 61st Leg., p. 2986, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 27.06. Bonds and Revenues of the District

Every such district shall be operated on its bond and/or note revenues, tax revenues, tuition, if any, gifts, donations, and endowments, and shall never become a charge against the state, or require appropriations therefrom.

[Acts 1969, 61st Leg., p. 2986, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 27.07. Restriction of Establishing District in Counties With Vocational or Technical High Schools

No industrial training school district may be established within any county, if any school district in

that county has established or is in the process of establishing a vocational or technical high school. [Acts 1969, 61st Leg., p. 2986, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 27.08. Abolition of Districts

(a) Any county industrial training school district may be abolished in the manner provided in this section.

(b) A petition requesting the abolition of the district, signed by at least five percent of the qualified voters residing in the district shall be presented to the county judge of the county in which the district is located. On receipt of such a petition, the county judge shall:

(1) Issue an order designating the time and place within the district and county of his court at which there shall be held an election to determine whether the district shall be abolished;

(2) Appoint to preside an officer who shall select two judges and two clerks to assist in holding the election; and

(3) Cause notice of the election to be given by posting advertisements for at least 10 days prior to the date of the election at three public places within such county.

(c) Except as provided in this section the election shall be held in the manner prescribed by law for holding general elections.

(d) All persons who are legally qualified taxpaying voters of the state and of the county in which the district is situated and who have resided within the county for at least six months next preceding shall be entitled to vote.

(e) The officers holding the election shall make return thereof to the county judge within 10 days after the election is held.

(f) If a majority of the voters voting at the election, shall vote to abolish the district, the county judge shall declare the district abolished and enter an order to that effect upon the minutes of the commissioners court, and from the date of such order, the district shall cease to exist.

(g) Upon abolishment of such district, the commissioners court shall manage, control, and dispose of all property belonging to the abolished district, and all taxes from outstanding bonds or other indebtedness, if any, against the property of the abolished district shall remain in full force and effect and shall be levied and collected by the proper officers of the county until the entire indebtedness is fully paid. The commissioners court shall have the power to do any and all things necessary for the payment of such bonds or other indebtedness, if any, which the district, or the trustees thereof, could have done had such district not been abolished.

(h) Any creditor of the abolished district may, within 60 days after the district has been abolished, and not thereafter, bring suit in any court of compe-

tent jurisdiction, to assert any claim against such district. The commissioners court shall institute and defend suits in the name of the abolished district, and may make such settlement of any such litigation as it deems advisable.

[Acts 1969, 61st Leg., p. 2986, ch. 889, § 1, eff. Sept. 1, 1969.]

CHAPTER 28. COUNTYWIDE VOCATIONAL SCHOOL DISTRICT AND TAX

Sec.

- 28.01. Creation of Countywide Vocational School Districts.
- 28.02. Taxing Power of School Districts; Election.
- 28.03. Election: Petition; Order; Notice; Ballots; Conduct; Expenses.
- 28.04. Canvass of Returns; Authority to Levy and Assess Tax; Revocation of Tax.
- 28.05. Annual Levy and Collection of Tax; Deposit of Funds.
- 28.06. Duties of Commissioners Court.
- 28.07. Apportionment of Money; Formula Basis.
- 28.08. Monthly Settlements With Eligible Independent School Districts.
- 28.09. Alteration or Enlargement of Duties and Powers of Commissioners Court.
- 28.10. Eligibility to Attend School District Operating Vocational School Program; Tuition; Average Daily Attendance.
- 28.11. Changing Duties or Powers of School District Trustees.

§ 28.01. Creation of Countywide Vocational School Districts

This chapter is applicable to every county of this state. For the purpose of levying, assessing, and collecting a countywide vocational school tax for the countywide support of area vocational school programs set forth and authorized in this chapter and for such further administrative functions set forth in this chapter, the territory of each of such counties is hereby created into a school district, described as the countywide vocational school district, this taxing power to be exercised as provided.

[Acts 1969, 61st Leg., p. 2987, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 28.02. Taxing Power of School Districts; Election

There shall be exercised in and for the entire territory of each of such counties to the extent prescribed in this chapter, the taxing power conferred on school districts by Article VII, Section 3 of the Texas Constitution. Such taxing authority shall not be exercised until and unless authorized by the qualified property taxpaying voters residing therein at an election to be held for that purpose as hereinafter provided.

[Acts 1969, 61st Leg., p. 2987, ch. 889, § 1, eff. Sept. 1, 1969.]

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§ 28.03. Election: Petition; Order; Notice; Ballots; Conduct; Expenses

(a) Whenever a petition is presented to the county judge of any such county, signed by at least 100 qualified property taxpaying voters residing therein, asking for an election to be ordered for the purpose of determining whether or not a countywide vocational school tax shall be levied, assessed, and collected on taxable property within that county for the support of area vocational school program(s) so designated by the Texas Central Education Agency pursuant to a state plan for vocational education, and operated by local school district(s) in that county, not exceeding 20 cents on the \$100 of assessed valuation of taxable property, it shall be the duty of the county judge immediately to order an election to be held throughout the county to determine said question. The finding of the county judge that such petition is sufficient and signed by the number of taxpaying voters required by this law shall be conclusive.

(b) The county judge shall give notice of the election by publication of the election order in a newspaper of general circulation in said county once a week for at least two weeks, the date of the first publication to be not less than 20 days, prior to the date fixed for holding said election. Further notice shall be given by the posting of a copy of said election order within the boundaries of each school district having territory in the county, and one copy of the notice shall be posted at county courthouse door, posted at least 20 days prior to the date fixed for the election.

(c) The ballots for such election shall be printed to provide for voting for or against:

"Countywide vocational school tax."

(d) Except as otherwise provided in this chapter, the manner of holding the election shall be controlled by the general laws of the state, and only legally qualified property taxpaying voters residing in the county who own taxable property in such county and who have duly rendered the same for taxation shall be qualified to vote at such election. The election shall be held at the regular polling places within the county with duly appointed election officers holding the election. The officers holding the election shall make returns thereof to the county judge within five days after the same is held.

(e) All expenses for the election shall be paid from the general fund of the county.

[Acts 1969, 61st Leg., p. 2987, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 28.04. Canvass of Returns; Authority to Levy and Assess Tax; Revocation of Tax

(a) The commissioners court shall, within 10 days after holding the election, make a canvass of the results of said election. If a majority of the votes cast shall favor such tax, the court shall declare the results which shall be recorded in the minutes of the

commissioners court, and certify same to the county tax assessor-collector. The commissioners court shall be authorized to levy said tax and the county tax assessor-collector shall be authorized to assess and collect the same.

(b) No election to revoke the tax shall be ordered until the expiration of three years from the date of the election at which the tax was adopted.

[Acts 1969, 61st Leg., p. 2988, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 28.05. Annual Levy and Collection of Tax; Deposit of Funds

(a) It shall be the duty of the commissioners court, after such tax shall have been voted, at the time other taxes are levied in the county, annually to levy a tax under this law of not to exceed 20 cents on the \$100 valuation. Such taxes shall be assessed and collected by the county tax assessor and collector.

(b) The county tax assessor-collector shall deposit the money as collected from said tax to a separate fund in the county depository to be known as the county vocational school district fund, to be allocated and distributed for the support of area vocational school programs operated by designated school district or districts in the county. He shall have the same authority and the same laws shall apply as in the collection of other county ad valorem tax.

[Acts 1969, 61st Leg., p. 2988, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2321, ch. 841, § 4(q), eff. Jan. 1, 1982.]

§ 28.06. Duties of Commissioners Court

As soon as the commissioners court of said county receives notice of the total of assessed value of taxable property, it shall

(1) determine the estimated total receipts from the levying and collecting of said tax of not exceeding 20 cents on the property in such countywide district according to such valuation;

(2) determine the estimated amount of money apportionable for the ensuing school year to school district or districts under the jurisdiction of the county, which operate designated area vocational school(s), on the formula basis hereinafter prescribed; and

(3) transmit a copy of the order fixing the estimated proportioned amount available, to the president of the board of trustees of each such designated school district or districts eligible therefor.

[Acts 1969, 61st Leg., p. 2989, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1979, 66th Leg., p. 2317, ch. 841, § 4(r), eff. Jan. 1, 1982.]

§ 28.07. Apportionment of Money; Formula Basis

The money collected from any taxes levied by the commissioners court under this chapter shall be distributed to such designated eligible school dis-

trict(s) in the county to be apportioned on the following formula basis: The combined average daily membership (ADM) of students in vocational programs of designated area vocational school(s) as determined for the preceding school year divided into the average daily memberships in vocational programs of each such area vocational school; except that for the first year of operation the apportionment will be upon average daily membership (ADM) in grades 9 through 12 inclusive, determined for the preceding year, in all of the school districts operating designated area vocational school programs.

[Acts 1969, 61st Leg., p. 2989, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 28.08. Monthly Settlements With Eligible Independent School Districts

The tax collector of the county shall make monthly settlements of taxes collected with the independent school districts eligible therefor and situated in such county. Money shall be received and held by the independent school districts and protected in accordance with the existing depository laws. The tax collector shall place to the credit of the common or other school districts using the county depository such money as is apportioned to them.

[Acts 1969, 61st Leg., p. 2989, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 28.09. Alteration or Enlargement of Duties and Powers of Commissioners Court

Until and unless a countywide vocational school tax has been authorized by an election held in such county, the duties and powers of the commissioners court shall not be considered as having been changed, altered, or enlarged by this chapter.

[Acts 1969, 61st Leg., p. 2989, ch. 889, § 1, eff. Sept. 1, 1969.]

§ 28.10. Eligibility to Attend School District Operating Vocational School Program; Tuition; Average Daily Attendance

(a) Irrespective of whether a countywide school district tax has been voted: Any resident of the countywide vocational school district who shall have attained the age of 14 years prior to September 1 shall be considered eligible to attend a school district in his county designated as operating an area vocational school program, provided he is accepted by such district as qualifying under its entrance requirements.

(b) No tuition shall be charged any such eligible resident of the county enrolled in the area vocational school program, if the county has voted and collects a countywide tax to support such program.

(c) Any pupil under 21 years of age on September 1 and who has not completed the 12th grade shall be eligible to be counted in average daily attendance (ADA) for Foundation School Program purposes by the designated area school district in accordance

with policies of the Central Education Agency. However, where such a pupil attends school in his home district a part of a day and attends part of a day in vocational class(es) offered only in a designated area vocational school district, his ADA shall be counted for the entire day in the home district; his state per capita, if any, to remain with the home district. Further, such a pupil shall be eligible to be counted by the designated area vocational school district for purposes of vocational teacher unit allotments pursuant to the policies and formulas adopted by the State Board of Education.

(d) Any eligible child residing in a school district which is under agreement with a neighboring school district designated to operate and accept such in its area vocational school program shall, on timely application of his parents for enrollment in the vocational program, be received by the designated area district free of tuition without the necessity of a formal transfer, any existing law to the contrary notwithstanding.

(e) Any eligible child residing in a school district which is not listed under any agreement with a school district designated to operate and accept such in its area vocational school program may, on timely application of his parents for enrollment in its vocational program, be received by a designated area district in his county or in an adjoining county if there is none in his county, on such terms as the receiving district may deem just and proper, without the necessity of a formal transfer, any existing law to the contrary notwithstanding.

(f) Upon certification of the acceptance and vocational program enrollment of such children from one district to another, by the superintendent of the receiving district, the State Department of Education shall adjust its records to pay over directly the state per capita apportionment to the respective district in which such children are received and educated.

[Acts 1969, 61st Leg., p. 2990, ch. 889, § 1, eff. Sept. 1, 1969. Amended by Acts 1971, 62nd Leg., p. 1519, ch. 405, § 50, eff. May 26, 1971.]

§ 28.11. Changing Duties or Powers of School District Trustees

(a) This chapter shall not have the effect of changing any duties imposed or powers conferred on the trustees of any school district of this state except as expressly provided herein; it being the intention of this law that said respective boards of trustees shall continue to administer their lawful duties and powers as now authorized by law, that the countywide vocational school tax herein authorized, if voted, shall be levied by the commissioners court and assessed and collected by the county tax assessor-collector to be distributed and used for the purpose expressed in this chapter.

(b) This law shall not affect the right and duty of the respective local school districts of the counties to levy, assess, and collect local maintenance and/or

bond taxes authorized for local school district purposes by the property taxpayers in said respective districts.

[Acts 1969, 61st Leg., p. 2990, ch. 889, § 1, eff. Sept. 1, 1969.]

CHAPTER 29. SCHOOLS WITHIN THE DEPARTMENT OF CORRECTIONS

Sec.

29.01. Establishment and Location.

29.02. Eligibility of Students.

29.03. Board May Accept Grants.

29.04. Costs to be Borne by State.

29.05. Allocation of Costs.

§ 29.01. Establishment and Location

The Board of Corrections may establish and operate schools at the various units of the Department of Corrections.

[Acts 1971, 62nd Leg., p. 1519, ch. 405, § 51, eff. May 26, 1971.]

§ 29.02. Eligibility of Students

All persons incarcerated in the Department of Corrections who are not high school graduates are eligible to attend such schools.

[Acts 1971, 62nd Leg., p. 1519, ch. 405, § 51, eff. May 26, 1971.]

§ 29.03. Board May Accept Grants

The Board of Corrections may accept grants from both public and private organizations and expend such funds for the purposes of operating the schools.

[Acts 1971, 62nd Leg., p. 1519, ch. 405, § 51, eff. May 26, 1971.]

§ 29.04. Costs to be Borne by State

The total cost of operating the schools authorized by this chapter shall be borne entirely by the state and shall be paid from the Foundation School Program Fund. Such costs shall be considered annually by the Foundation School Fund Budget Committee and included in estimating the funds needed for purposes of the Foundation School Program. No part of the operating costs herein provided for shall be charged to any of the school districts of this state.

[Acts 1971, 62nd Leg., p. 1519, ch. 405, § 51, eff. May 26, 1971.]

§ 29.05. Allocation of Costs

A formula for the allocation of professional units and other operating expenses shall be developed by the Central Education Agency and approved by the State Board of Education.

[Acts 1971, 62nd Leg., p. 1519, ch. 405, § 51, eff. May 26, 1971.]

**CHAPTER 30. REHABILITATION OF
HANDICAPPED AND DISABLED**

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

30.01, 30.02. Repealed.

**SUBCHAPTER B. TEXAS REHABILITATION COM-
MISSION—CREATION; ADMINISTRATIVE
PROVISIONS**

30.11 to 30.23. Repealed.

SUBCHAPTER C. POWERS AND DUTIES

30.41 to 30.49. Repealed.

**SUBCHAPTER D. EXTENDED REHABILITATION
SERVICES**

30.71 to 30.77. Repealed.

SUBCHAPTER E. RESIDENTIAL CARE FACILITIES

30.81. Purpose.

30.82. Definitions.

30.83. Allocation.

SUBCHAPTER A. GENERAL PROVISIONS

§§ 30.01, 30.02. Repealed by Acts 1979, 66th Leg.,
p. 2429, ch. 842, art. 1, § 2(2), eff. Sept.
1, 1979

Acts 1979, 66th Leg., ch. 842, repealing these sections, enacts the
Human Resources Code.

For disposition of the subject matter of the repealed sections, see
Disposition Table preceding the Human Resources Code.

[Sections 30.03 to 30.10 reserved for expansion]

**SUBCHAPTER B. TEXAS REHABILITATION
COMMISSION—CREATION; ADMINISTRA-
TIVE PROVISIONS**

§§ 30.11 to 30.23. Repealed by Acts 1979, 66th
Leg., p. 2429, ch. 842, art. 1, § 2(2), eff.
Sept. 1, 1979

Acts 1979, 66th Leg., ch. 842, repealing these sections, enacts the
Human Resources Code.

For disposition of the subject matter of the repealed sections, see
Disposition Table preceding the Human Resources Code.

[Sections 30.24 to 30.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§§ 30.41 to 30.49. Repealed by Acts 1979, 66th
Leg., p. 2429, ch. 842, art. 1, § 2(2), eff.
Sept. 1, 1979

Acts 1979, 66th Leg., ch. 842, repealing these sections, enacts the
Human Resources Code.

For disposition of the subject matter of the repealed sections, see
Disposition Table preceding the Human Resources Code.

[Sections 30.50 to 30.70 reserved for expansion]

**SUBCHAPTER D. EXTENDED
REHABILITATION
SERVICES**

§§ 30.71 to 30.77. Repealed by Acts 1979, 66th
Leg., p. 2429, ch. 842, art. 1, § 2(2), eff.
Sept. 1, 1979

Acts 1979, 66th Leg., ch. 842, repealing these sections, enacts the
Human Resources Code.

For disposition of the subject matter of the repealed sections, see
Disposition Table preceding the Human Resources Code.

**SUBCHAPTER E. RESIDENTIAL
CARE FACILITIES**

§ 30.81. Purpose

The purpose of this subchapter is to provide the
necessary means to extend the per capita allocation
from the state available fund to wards of the Texas
Youth Council residing in state residential facilities
for delinquent or dependent and neglected children
and to those handicapped persons residing in state
residential facilities under the control and direction
of the Texas Department of Mental Health and
Mental Retardation, and for the purpose of provid-
ing such state available funds for educational pur-
poses, the educational programs in state residential
care facilities for delinquent, dependent or neglect-
ed children, and the handicapped shall be deemed to
be educational services provided by public free
schools.

[Acts 1977, 65th Leg., p. 1962, ch. 782, § 2, eff. June 16,
1977. Amended by Acts 1979, 66th Leg., p. 1324, ch. 602,
§ 26, eff. Aug. 27, 1979.]

§ 30.82. Definitions

In this subchapter "mentally retarded" means
that condition in which a person is described as
having significantly subaverage general intellectual
functioning existing concurrently with deficits in
adaptive behavior.

[Acts 1977, 65th Leg., p. 1962, ch. 782, § 2, eff. June 16,
1977.]

§ 30.83. Allocation

(a) Each residential care facility for delinquent or
dependent and neglected children under the control
and direction of the Texas Youth Council or residen-
tial care facility for the mentally retarded under the
control and direction of the Texas Department of
Mental Health and Mental Retardation shall be enti-
tled to receive the state available per capita alloca-
tion based on the facility's average daily attendance
in educational programs, of students ages three
through 21.

(b) Personnel authorized under the Foundation
School Program employed in the state facilities pur-
suant to this section shall receive as a minimum
salary the monthly salary rate specified in Chapter
16 of the Texas Education Code, as amended; pro-

vided, however, such personnel may be paid, from funds appropriated to the respective state facilities for delinquent or dependent and neglected children or the mentally retarded, salary rates in excess of the minimum amounts specified in Chapter 16 of the Texas Education Code, as amended, but such salary rates shall never exceed the rates of pay for like positions in the public schools of the adjacent school district or districts.

(c) The commissioner of education, with the assistance of the comptroller of public accounts, shall determine the amount that the schools governed by this section would have received from the available school fund if H.B. No. 72,¹ Acts of the 68th Legislature, 2nd Called Session, 1984, had not transferred statutorily dedicated taxes from the available school fund to the foundation school fund. That amount, minus any amount the schools do receive from the available school fund, shall be set apart as a separate account in the foundation school fund and appropriated to those schools for educational purposes.

[Acts 1977, 65th Leg., p. 1963, ch. 782, § 2, eff. June 16, 1977. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 351, ch. 28, art. II, part B, § 15, eff. Sept. 1, 1984.]

¹ Chapter 28.

CHAPTER 31. TECHNICAL-VOCATIONAL EDUCATION ACT OF 1969

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 31.01. Short Title.
- 31.02. Purpose.
- 31.03. Definitions.

SUBCHAPTER B. ADVISORY COUNCIL—CREATION; ADMINISTRATIVE PROVISIONS

- 31.11. Creation.
- 31.12. Membership.
- 31.13. Terms.
- 31.14. Chairman; Officers.
- 31.15. Meetings.
- 31.16. Expenses.
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- 31.18. Procedural Rules; Hearings.
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- 31.20. Application of Sunset Act.
- 31.21. Conflicts of Interest.
- 31.22. Lobbying Activities.
- 31.23. Removal of Council Members.
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- 31.31. Principal Functions and Purposes.
- 31.32. Replacement of Prior Council.
- 31.33. Duties.
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- 31.38. Gifts, Grants.
- 31.39. Status of Recommendations.
- 31.40. Allocation of State and Federal Funds.

Sec.

- 31.41. Financial Reporting.
- 31.42. Information Concerning Council Activities.
- 31.43. Complaint Files.
- 31.44. Written Complaints.

SUBCHAPTER D. ASSOCIATE COMMISSIONER FOR OCCUPATIONAL EDUCATION AND TECHNOLOGY

- 31.71. Associate Commissioner.

SUBCHAPTER E. JOINT COMMITTEE

- 31.81 to 31.83. Repealed.

SUBCHAPTER F. FISCAL AUDIT

- 31.91. Fiscal Audit.

SUBCHAPTER A. GENERAL PROVISIONS

§ 31.01. Short Title

This chapter may be cited as the Technical-Vocational Education Act.

[Acts 1971, 62nd Leg., p. 1527, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1983, 68th Leg., p. 2718, ch. 466, § 1, eff. Sept. 1, 1983.]

Section 19 of the 1983 amendatory act provides:

"A reference in a law to the Technical-Vocational Education Act of 1969 means the Technical-Vocational Education Act (Chapter 31, Texas Education Code)."

§ 31.02. Purpose

The purpose of this chapter is to provide the necessary legal basis to establish a state educational system which will develop trained personnel in the area of technical and vocational skills, and to accommodate the social and economic needs of the people of the State of Texas. Further, it is the purpose of this chapter to comply in all respects with the Vocational Education Act of 1963, as amended,¹ and related state and federal acts, including those advisory functions therein specified. It is further the purpose of this chapter to establish as a part of the total educational system of the State of Texas, one council responsible for the development of a program to train manpower, through education, to further industrial and economic development in the State of Texas.

[Acts 1971, 62nd Leg., p. 1527, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1975, 64th Leg., p. 2160, ch. 694, § 1, eff. Sept. 1, 1975.]

¹ See 20 U.S.C.A. § 1241 et seq.

§ 31.03. Definitions

In this chapter:

(1) "Advisory council" or "council" means the Advisory Council for Technical-Vocational Education.

(2) "Secondary schools" means those schools supported by the Permanent School Fund or as provided for in Article VII, Section 1, of the Texas Constitution.

(3) "Public junior college" means any public junior college in Texas which may be certified for state appropriations, as provided by Section 61-

063 of this code, or as may be subsequently provided for by the legislature.

(4) "Public senior college or university" means any general academic teaching institution, as defined by Subdivision (4) of Section 61.003 of this code, or as may be subsequently provided for.

(5) "Associate commissioner" means the associate commissioner for occupational education and technology.

(6) "Postsecondary education" means education provided in any public junior college, technical institute, or public senior college or university.

(7) "Apprenticeship" means apprentice training, trade extension, and all postsecondary technical and occupational training programs operated by public schools and not being serviced by public junior colleges, technical institutes, senior colleges, or universities.

(8) "Planning" as pertaining to the role of the advisory council means putting forth alternative actions for policy makers and administrators.

(9) "Manpower training" means training for all existing and future jobs.

[Acts 1971, 62nd Leg., p. 1527, ch. 405, § 53, eff. May 26, 1972. Amended by Acts 1975, 64th Leg., p. 2160, ch. 694, § 2, eff. Sept. 1, 1975.]

[Sections 31.04 to 31.10 reserved for expansion]

SUBCHAPTER B. ADVISORY COUNCIL—CREATION; ADMINISTRATIVE PROVISIONS

§ 31.11. Creation; Fiscal Agent

(a) There is hereby established a council known as the Advisory Council for Technical-Vocational Education.

(b) The Central Education Agency may serve as fiscal agent for the council.

[Acts 1971, 62nd Leg., p. 1528, ch. 405, § 52, eff. May 26, 1971. Amended by Acts 1983, 68th Leg., p. 2720, ch. 466, § 3, eff. Sept. 1, 1983.]

§ 31.12. Membership

(a) The council consists of 24 members appointed by the State Board of Education after recommendation by the governor and subject to confirmation by the Senate.

(b) The council consists of:

(1) one member who represents and is familiar with vocational needs and the problems of management in the state;

(2) one member who represents and is familiar with vocational needs and the problems of labor in the state;

(3) one member who represents state industrial and economic development agencies;

(4) one member who represents community and junior colleges;

(5) one member who is actively engaged in technical training institutes;

(6) one member who represents and is familiar with public programs of vocational education in comprehensive secondary schools;

(7) one member who has special knowledge, experience, or qualifications with respect to vocational education but who is not involved in the administration of state or local vocational-education programs;

(8) one member who is currently serving as superintendent or other administrator of a local educational agency;

(9) one member who is currently serving on a local school board and who is a member of a major parent organization;

(10) one member who represents institutions of higher education other than community and junior colleges, area vocational schools, technical institutes, and post secondary agencies or institutions that provide programs of vocational or technical education and training;

(11) one member who is familiar with post secondary baccalaureate technological degree programs;

(12) one member who represents the State Job Training Coordinating Council established pursuant to the Job Training Partnership Act (Pub. L.No. 97-300);¹

(13) one member who represents a school system with a large concentration of persons who have special academic, social, economic, and cultural needs and of persons who have limited English-speaking ability;

(14) one member who has special knowledge, experience, or qualifications with respect to the special educational needs of physically or mentally handicapped persons;

(15) one member who represents and is familiar with the needs of the poor and disadvantaged in this state and who is receiving or has received within the preceding three years adult basic education services;

(16) one member who represents and is familiar with the vocational needs and problems of agriculture in the state;

(17) one member who represents the general public;

(18) one member who represents proprietary vocational-technical schools of the state;

(19) one member who is a vocational education student who is not otherwise qualified for membership;

(20) one member who represents and is familiar with vocational guidance and counseling services;

(21) one member who represents and is familiar with nonprofit private schools;

(22) one member who represents state correctional institutions;

(23) one member who is a vocational education teacher presently teaching in a local educational agency; and

(24) one member who is a woman with background and experience in employment and training programs, who is knowledgeable with respect to the special experiences and problems of sex discrimination in job training and employment and of sex stereotyping in vocational education, and who is a member of a minority group and has special knowledge of discrimination in job training and employment against women who are members of minority groups.

[Acts 1971, 62nd Leg., p. 1528, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1975, 64th Leg., p. 2160, ch. 694, § 3, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 336, ch. 165, § 1, eff. Aug. 29, 1977; Acts 1981, 67th Leg., p. 137, ch. 63, § 1, eff. April 22, 1981; Acts 1983, 68th Leg., p. 2720, ch. 466, § 4, eff. Sept. 1, 1983.]

129 U.S.C.A. § 1501 et seq.

Sections 6 and 7 of the 1975 amendatory act provided:

"Sec. 6. All members of the Advisory Council for Technical-Vocational Education holding office on the effective date of this Act shall serve for the remainder of their respective terms of office. The governor shall recommend and the State Board of Education shall appoint three new members with the qualifications specified in Subdivisions (18), (19), and (20), of Subsection (b), Section 31.12, Texas Education Code, as amended. The board shall designate one of the new members for a term expiring August 31, 1977, one for a term expiring on August 31, 1979, and one for a term expiring on August 31, 1981."

"Sec. 7. This Act takes effect September 1, 1975."

Section 4 of the 1981 amendatory act provides:

"(a) The first member of the Advisory Council for Technical-Vocational Education appointed under Section 33.12(b)(25) [so in enrolled bill; probably should read 'Section 31.12(b)(25)'], Texas Education Code, as added by this Act, shall serve for a term expiring February 1, 1984.

"(b) Members of the Advisory Council for Technical-Vocational Education appointed for terms expiring on August 31 of 1981, 1982, or 1983 shall serve for terms expiring respectively on February 1 of 1982, 1983, or 1984."

Section 20 of the 1983 amendatory act provides:

"(a) Each office and qualification for an office on the council that exists on August 31, 1983, continues to exist until the expiration of the term for which the incumbent officeholder was appointed. The incumbent officeholder is entitled to continue to hold the office for the term for which he was appointed.

"(b) When council members' terms expired February 1, 1984, the State Board of Education shall appoint eight members for terms to expire February 1, 1987.

"(c) When council members' terms expire February 1, 1985, the State Board of Education shall appoint eight members for terms to expire February 1, 1988.

"(d) When council members' terms expire February 1, 1986, the State Board of Education shall appoint eight members for terms to expire February 1, 1989."

§ 31.13. Terms

Members of the council hold office for staggered terms of three years, with the terms of eight members expiring on February 1 of each year.

[Acts 1971, 62nd Leg., p. 1529, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1977, 65th Leg., p. 337, ch. 165, § 2, eff. Aug. 29, 1977; Acts 1981, 67th Leg., p. 138, ch. 63, § 2, eff. April 22, 1981; Acts 1983, 68th Leg., p. 2722, ch. 466, § 5, eff. Sept. 1, 1983.]

Section 20 of the 1983 amendatory act provides:

"(a) Each office and qualification for an office on the council that exists on August 31, 1983, continues to exist until the expiration of the term for which the incumbent officeholder was appoint-

ed. The incumbent officeholder is entitled to continue to hold the office for the term for which he was appointed.

"(b) When council members' terms expire February 1, 1984, the State Board of Education shall appoint eight members for terms to expire February 1, 1987.

"(c) When council members' terms expire February 1, 1985, the State Board of Education shall appoint eight members for terms to expire February 1, 1988.

"(d) When council members' terms expire February 1, 1986, the State Board of Education shall appoint eight members for terms to expire February 1, 1989."

§ 31.14. Chairman; Officers

The council shall elect annually from among its members a chairman and any other officers it considers necessary.

[Acts 1971, 62nd Leg., p. 1529, ch. 405, § 53, eff. May 26, 1971.]

§ 31.15. Meetings

(a) The majority of the membership of the council shall constitute a quorum at meetings.

(b) The council shall hold four meetings in the city of Austin each year, and may hold additional meetings at times and places as shall be scheduled by it in formal session, as provided by the statutes of the State of Texas or as shall be called by the chairman of the council.

(c) The council is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

[Acts 1971, 62nd Leg., p. 1529, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1983, 68th Leg., p. 2723, ch. 466, § 6, eff. Sept. 1, 1983.]

§ 31.16. Expenses

Members of the council shall serve without pay, but shall be reimbursed for their actual expenses while attending meetings or for such work of the council as is approved by the chairman of the council.

[Acts 1971, 62nd Leg., p. 1529, ch. 405, § 53, eff. May 26, 1971.]

§ 31.17. Committees

The chairman of the council may appoint such committees of the council or such advisory committees as the council shall deem necessary, from time to time.

[Acts 1971, 62nd Leg., p. 1529, ch. 405, § 53, eff. May 26, 1971.]

§ 31.18. Repealed by Acts 1983, 68th Leg., p. 2729, ch. 466, § 17, eff. Sept. 1, 1983

§ 31.19. Staff; Consultants

The council shall employ such professional and clerical personnel and consultants as are necessary to perform the duties assigned by this chapter.

[Acts 1971, 62nd Leg., p. 1529, ch. 405, § 53, eff. May 26, 1971.]

§ 31.20. Application of Sunset Act

The council is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished effective September 1, 1995.

[Acts 1979, 66th Leg., p. 1877, ch. 759, § 1, eff. June 13, 1979. Amended by Acts 1983, 68th Leg., p. 2723, ch. 466, § 7, eff. Sept. 1, 1983.]

§ 31.21. Conflicts of Interest

A member or employee of the council may not be an employee or paid consultant of a trade association in the field of technical-vocational education.

[Acts 1983, 68th Leg., p. 2723, ch. 466, § 8, eff. Sept. 1, 1983.]

§ 31.22. Lobbying Activities

A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the council may not serve as a member of the council or act as the general counsel to the council.

[Acts 1983, 68th Leg., p. 2723, ch. 466, § 8, eff. Sept. 1, 1983.]

§ 31.23. Removal of Council Members

(a) It is a ground for removal from the council if a member:

- (1) does not have at the time of appointment the qualifications required by Section 31.12 of this code for appointment to the council;
- (2) does not maintain during the service on the council the qualifications required by Section 31.12 for appointment to the council; or
- (3) violates a prohibition established by Section 31.21.

(b) The validity of an action of the council is not affected by the fact that it was taken when a ground for removal of a member of the council existed.

[Acts 1983, 68th Leg., p. 2723, ch. 466, § 8, eff. Sept. 1, 1983.]

§ 31.24. Career Ladder Program

The executive director of the council or his designee shall develop an intraagency career ladder program, one part of which shall be the intraagency posting of all nonentry level positions for at least 10 days before any public posting.

[Acts 1983, 68th Leg., p. 2723, ch. 466, § 8, eff. Sept. 1, 1983.]

Section 18 of the 1983 Act provides:

"The requirements under Sections 31.24 and 31.25, Texas Education Code, as added by this Act, that the chairman of the council develop an intraagency career ladder program and a system of annual performance evaluations shall be implemented before September 1, 1984. The requirement of Section 31.25, Texas Educa-

tion Code, that merit pay be based on the performance evaluation system shall be implemented before September 1, 1985."

§ 31.25. Merit Pay System

The executive director of the council or his designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for council employees must be based on the system established under this section.

[Acts 1983, 68th Leg., p. 2723, ch. 466, § 8, eff. Sept. 1, 1983.]

Section 18 of the 1983 Act provides:

"The requirements under Sections 31.24 and 31.25, Texas Education Code, as added by this Act, that the chairman of the council develop an intraagency career ladder program and a system of annual performance evaluations shall be implemented before September 1, 1984. The requirement of Section 31.25, Texas Education Code, that merit pay be based on the performance evaluation system shall be implemented before September 1, 1985."

[Sections 31.26 to 31.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 31.31. Principal Functions and Purposes

(a) It is the purpose of the advisory council to cause to be established a climate conducive to the development of technical, vocational, and manpower training in educational institutions in the State of Texas to meet the needs of industrial and economic development of the state.

(b) The council is responsible for planning, recommending, and evaluating educational programs in the vocational, technical, adult education, and manpower training areas at the state level in the public secondary and postsecondary educational institutions and other institutions; and other boards or agencies will act upon these matters after receiving recommendations from the council except as may be precluded by the constitution or the laws of the State of Texas.

(c) The council shall perform only the functions as are herein enumerated, those specified in 20 U.S.C. Ch. 44, and those assigned to it by the legislature or the governor.

(d) It will be the function of this council to recommend the coordination and implementation of programs of training consistent with the purpose of this chapter, and subject to the approval of the State Board for Vocational Education.

(e) Methods to address evaluation topics received from the State Board for Vocational Education as required by Subdivision (10) of Subsection (a) of Section 11.26 of this code shall be considered in the development of the council's annual work plan.

[Acts 1971, 62nd Leg., p. 1530, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1983, 68th Leg., p. 2724, ch. 466, § 9, eff. Sept. 1, 1983.]

§§ 31.32, 31.33. Repealed by Acts 1983, 68th Leg., p. 2729, ch. 466, § 17, eff. Sept. 1, 1983

§ 31.34. **Studies; Reports**

(a) The council shall make certain studies on its own initiative regarding a system of technical, vocational, adult education, and manpower training in the State of Texas and shall furnish reports and make such studies as may be requested by the governor or the Legislative Budget Board.

(b) The council shall make a biennial report of its activities to the governor and to the legislature not later than December 1 prior to the regular session of the legislature.

(c) In the biennial report the council shall set forth the numbers of physically and mentally handicapped individuals deriving benefits from vocational education programs within the State of Texas during the period covered by the report, indicate the severity of the handicaps of the individuals involved, reflect the types of vocational education being received, specify the amounts of state and federal vocational education funds expended, evaluate the impact of such vocational education services on the lives of the handicapped individuals involved, describe the cooperation received from other state boards and agencies pursuant to Section 31.36 of this code, and make recommendations to improve the vocational education programs established to serve physically and mentally handicapped individuals.

[Acts 1971, 62nd Leg., p. 1531, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1975, 64th Leg., p. 2380, ch. 734, § 5, eff. June 21, 1975; Acts 1983, 68th Leg., p. 2725, ch. 466, § 10, eff. Sept. 1, 1983.]

§ 31.35. **Public-Private Cooperation**

The council shall encourage cooperation between public and private institutions wherever possible. [Acts 1971, 62nd Leg., p. 1531, ch. 405, § 53, eff. May 26, 1971.]

§ 31.36. **Assistance of State Agencies**

The Texas Education Agency, the Coordinating Board, Texas College and University System, the Texas Employment Commission, and all other state boards and agencies are directed to cooperate with the advisory council and to supply such information and material as requested by the council.

[Acts 1971, 62nd Leg., p. 1531, ch. 405, § 53, eff. May 26, 1971.]

§ 31.37. **Contracts**

In achieving the goals outlined in this chapter and the performing of functions assigned to it, the council may contract with any other state governmental agency as authorized by law, with any agency of the United States government, and with corporations and individuals. The council shall propose, foster, and encourage the use of interagency contracts among the educational institutions to reduce

duplication and to achieve better utilization of personnel and facilities.

[Acts 1971, 62nd Leg., p. 1531, ch. 405, § 53, eff. May 26, 1971.]

§ 31.38. **Gifts, Grants**

The council may accept gifts, grants, or donations of personal property from any individual, group, association, or corporation or the United States government, subject to such limitations or conditions as may be provided by law, and provided that gifts, grants, or donations of money shall be deposited with the state treasury and expended in accordance with the specific purpose for which given under such conditions as may be imposed by the donor and as provided by law.

[Acts 1971, 62nd Leg., p. 1532, ch. 405, § 53, eff. May 26, 1971.]

§ 31.39. **Status of Recommendations**

(a) It is recognized that the State Board for Vocational Education is vested with the final authority to accept or reject the recommendations of the advisory council.

(b) Recommendations of the advisory council submitted to the State Board for Vocational Education must be acted upon, and either accepted or rejected.

(c) Any recommendations which are rejected must be returned immediately to the advisory council.

(d) Each state board, commission, council, or agency which develops policy or administers programs of vocational, technical, or adult education or manpower training shall receive the reports and recommendations of the advisory council and shall respond in accordance with procedures outlined in this section.

[Acts 1971, 62nd Leg., p. 1532, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1975, 64th Leg., p. 2162, ch. 694, § 5, eff. Sept. 1, 1975.]

§ 31.40. **Allocation of State and Federal Funds**

(a) The State Board for Vocational Education shall have the authority to allocate, as provided herein, funds appropriated by the legislature and funds of the United States government received by the State of Texas under the Vocational Education Act of 1963, as amended,¹ and the Manpower Development and Training Act of 1962, as amended,² or other such federal statutes, as may come under its jurisdiction. Only institutions and programs approved by the State Board of Education or the Coordinating Board, Texas College and University System, will be eligible for the distribution of such funds; such program approvals shall include all those previously approved including industrial arts.

(b) Of the state funds appropriated for the support of vocational education programs within the State of Texas, there is hereby allocated for specific and identifiable use in behalf of individuals with handicapping conditions of such severity as to ren-

der such individuals eligible for vocational rehabilitation services, a percentage of the appropriation of state funds which corresponds to the percentage of the federal appropriation for vocational education required by federal law to be expended in behalf of handicapped individuals.

[Acts 1971, 62nd Leg., p. 1532, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1975, 64th Leg., p. 2380, ch. 734, § 6, eff. June 21, 1975.]

¹ See 20 U.S.C.A. § 1241 et seq.

² 42 U.S.C.A. § 2571 et seq. (repealed; see, now, 29 U.S.C.A. § 801 et seq.)

§ 31.41. Financial Reporting

All financial reporting for postsecondary institutions shall be the same as that prescribed by Section 61.065 of this code. The council will obtain student enrollment data and instructional data and financial data gathered by the Uniform Reporting System established by the Coordinating Board, Texas College and University System, or by the Texas Education Agency, whichever may be applicable.

[Acts 1971, 62nd Leg., p. 1532, ch. 405, § 53, eff. May 26, 1971. Amended by Acts 1983, 68th Leg., p. 2726, ch. 466, § 11, eff. Sept. 1, 1983.]

§ 31.42. Information Concerning Council Activities

The council shall prepare information of interest describing the function of the council and describing the council's procedures by which complaints are filed with and resolved by the council. The council shall make the information available to the general public and appropriate state agencies.

[Acts 1983, 68th Leg., p. 2727, ch. 466, § 12, eff. Sept. 1, 1983.]

§ 31.43. Complaint Files

The council shall keep an information file about each complaint filed with the council relating to delivery of technical-vocational education services in this state.

[Acts 1983, 68th Leg., p. 2727, ch. 466, § 13, eff. Sept. 1, 1983.]

§ 31.44. Written Complaints

If a written complaint is filed with the council relating to delivery of technical-vocational education in this state, the council may refer the complaint to the appropriate state agency and may consider the elements of the complaint during the council's evaluation efforts.

[Acts 1983, 68th Leg., p. 2727, ch. 466, § 14, eff. Sept. 1, 1983.]

[Sections 31.45 to 31.70 reserved for expansion]

SUBCHAPTER D. ASSOCIATE COMMISSIONER FOR OCCUPATIONAL EDUCATION AND TECHNOLOGY

§ 31.71. Associate Commissioner

(a) There is hereby created the position of associate commissioner for occupational education and technology within the Texas Education Agency.

(b) The associate commissioner shall be a person of high professional qualifications, having a thorough background of training and experience in the fields of technical, vocational, adult, and manpower education and training, and shall possess such other qualifications as the commissioner of education may prescribe.

(c) The associate commissioner shall be selected by the commissioner of education with the advice and consent of the State Board of Education.

(d) The associate commissioner will publish annually and make available to public institutions of education provided for in this chapter a certified list of courses for which funds may be made available in accordance with the appropriations of the legislature. Only those courses which appear on the certified list will be approved for appropriations or allocations of funds.

[Acts 1971, 62nd Leg., p. 1532, ch. 405, § 53, eff. May 26, 1971.]

[Sections 31.72 to 31.80 reserved for expansion]

SUBCHAPTER E. JOINT COMMITTEE

§§ 31.81 to 31.83. Repealed by Acts 1981, 67th Leg., p. 917, ch. 333, § 1(5), eff. Aug. 31, 1981

SUBCHAPTER F. FISCAL AUDIT

§ 31.91. Fiscal Audit

The State Auditor shall audit the financial transactions of the council during each fiscal year.

[Acts 1983, 68th Leg., p. 2727, ch. 466, § 15, eff. Sept. 1, 1983.]

CHAPTER 32. TEXAS PROPRIETARY SCHOOL ACT

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SUBCHAPTER A. TITLE AND PURPOSE

§ 32.01. Short Title

This Act shall be known as the "Texas Proprietary School Act."

[Acts 1971, 62nd Leg., p. 2006, ch. 620, § 1, eff. June 4, 1971.]

§ 32.02. Purpose and Objectives

The aim in adopting this Chapter is to provide certification and regulation of proprietary schools in Texas.

[Acts 1971, 62nd Leg., p. 2006, ch. 620, § 1, eff. June 4, 1971.]

[Sections 32.03 to 32.10 reserved for expansion]

SUBCHAPTER B. GENERAL PROVISIONS

§ 32.11. Definitions

The following words, terms, and phrases shall have the meaning ascribed to them in this section.

(1) "Proprietary School," referred to as "school," means any business enterprise operated for a profit, or on a nonprofit basis, which maintains a place of business within the State of Texas, or solicits business within the State of Texas, and which is not specifically exempted by the provisions of this Chapter and;

(A) which offers or maintains a course or courses of instruction or study; or

(B) at which place of business such a course or courses of instruction or study is available through classroom instruction or by correspondence, or both, to a person or persons for the purpose of training or preparing the person for a field of endeavor in a business, trade, technical, or industrial occupation, or for avocational

or personal improvement, except as hereinafter excluded.

(2) "Owner" of a school means:

(A) in the case of a school owned by an individual, that individual;

(B) in the case of a school owned by a partnership, all full, silent, and limited partners;

(C) in the case of a school owned by a corporation, the corporation, its directors, officers, and each shareholder owning shares of issued and outstanding stock aggregating at least ten per cent (10%) of the total of the issued and outstanding shares.

(3) "School employee" means any person, other than an owner, who directly or indirectly receives compensation from the school for services rendered.

(4) "Representative" means a person employed by the school as defined herein, whether the school is located within or without the State of Texas, to act as an agent, solicitor, broker, or independent contractor to directly procure students or enrollees for the school by solicitation within or without this State at any place.

(5) "Administrator" means the State Commissioner of Education or a person, knowledgeable in the administration of regulating proprietary schools, designated by the Commissioner to administer the provisions of this chapter.

(6) "Notice to the school" means written correspondence sent to the address of record for legal service contained in the application for a certificate of approval. "Date of Notice" means the date the notice is mailed by the administrator.

(7) "Support" or "supported" means the primary source and means by which a school derives revenue to perpetuate its operation.

(8) "Person" means any individual, firm, partnership, association, corporation, or other private entity or combination thereof.

(9) "Unearned tuition" means refunds due former students under Section 32.39, total tuition and fees collected from students currently enrolled, and total tuition and fees collected from prospective students.

[Acts 1971, 62nd Leg., p. 2007, ch. 620, § 1, eff. June 4, 1971. Amended by Acts 1973, 63rd Leg., p. 1264, ch. 463, § 1, eff. June 14, 1973.]

§ 32.12. Exemptions

(a) The following schools or educational institutions are specifically exempt from the provisions of this chapter and are not within the definition of "proprietary school."

(1) a school or educational institution supported by taxation from either a local or State source;

(2) nonprofit schools owned, controlled, operated, and conducted by bona fide religious, denominational, eleemosynary, or similar public institutions exempt from property taxation under the laws of this State, but such schools may choose to

apply for a certificate of approval hereunder, and upon approval and issuance, shall be subject to the provisions of this chapter as determined by the administrator;

(3) a school or training program which offers instruction of purely avocational or recreational subjects as determined by the administrator;

(4) a course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student;

(5) a course or courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership;

(6) private colleges or universities which award a recognized baccalaureate, or higher degree, and which maintain and operate educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or State source;

(7) a school which is otherwise regulated and approved under and pursuant to any other law of the State;

(8) aviation schools or instructors approved by and under the supervision of the Federal Aviation Administration;

(9) a school which offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations, or medical college admissions tests.

(b) Schools offering a course or courses of special study or instruction financed and/or subsidized by local, state or federal funds or any person, firm, association, or agency other than the student involved, on a contract basis and having a closed enrollment may apply to the Administrator for exemption of such course or courses from the provisions of this Chapter and such course or courses may be declared exempt by the Administrator where he finds the course or courses to be outside the purview of this Chapter.

[Acts 1971, 62nd Leg., p. 2007, ch. 620, § 1, eff. June 4, 1971. Amended by Acts 1972, 62nd Leg., 4th C.S., p. 15, ch. 1, § 1, eff. Oct. 17, 1972; Acts 1973, 63rd Leg., p. 1264, ch. 463, § 2, eff. June 14, 1973; Acts 1977, 65th Leg., p. 1075, ch. 392, § 1, eff. Aug. 29, 1977.]

[Sections 32.13 to 32.20 reserved for expansion]

SUBCHAPTER C. GENERAL POWERS AND DUTIES

§ 32.21. Central Education Agency

The Central Education Agency shall exercise jurisdiction and control of the system of schools, and it shall be the duty of the Commissioner of Education to carry out supervision of the provisions of this chapter, and to enforce minimum standards for ap-

proval of schools under the operating regulations and policies hereinafter set forth and as may from time to time be adopted pursuant to the provisions of this chapter.

[Acts 1971, 62nd Leg., p. 2008, ch. 620, § 1, eff. June 4, 1971.]

§ 32.22. The State Board of Education

The State Board of Education shall adopt policies, regulations and rules necessary for carrying out the provisions of this chapter after consultation with the Proprietary School Advisory Commission.

[Acts 1971, 62nd Leg., p. 2008, ch. 620, § 1, eff. June 4, 1971.]

§ 32.23. Proprietary School Advisory Commission

(a) The Proprietary School Advisory Commission is created. The Commission shall be composed of nine members appointed by the State Board of Education for staggered terms of six (6) years expiring on January 31 of each odd-numbered year. In making the initial appointments, the Board shall designate three (3) members for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977. If one of the commission members resigns or is otherwise unable to serve, a new member shall be appointed by the State Board of Education to fill the unexpired terms. Four members of the Commission shall be "owners" or shall be "employees" employed in a managerial or executive capacity by the schools as defined in Section 32.11 of this Code and shall include at least one member from each of the following school areas: (1) trade and technical schools, (2) business schools and (3) correspondence schools; of these four members, one shall be a person who owns or operates not more than two (2) proprietary schools in Texas; three members shall be public school officials; and two members shall be distinguished citizens of Texas with an interest in providing vocational-technical training in Texas. All members shall have been recommended by the Administrator to the State Board of Education. In making his recommendations, the Administrator shall consider any recommendations made to him by parties interested in the composition of the Advisory Commission.

(b) The commission shall elect one member as chairman of the commission. A majority of the appointed members at the call of the chair shall organize and elect the other officers that the commission deems necessary.

(c) The commission shall meet regularly in Austin at 10:00 a. m. on the second Tuesday of January, May, and September, and shall conduct special meetings at the call of the chair, the administrator, or upon the written petition of at least four members of the commission.

(d) A member of the commission serves without compensation but upon presentation of a voucher

signed by the chairman of the commission and approved by the administrator is entitled to receive reimbursement for actual expenses incurred while traveling on official commission business in accordance with the policy and regulations of the State of Texas.

(e) A majority of the commission is a quorum for the conduct of business; provided, however, that no less than four voting members must concur in any matter before the commission.

(f) The commission shall be advisory in nature. It shall act with the advice and assistance of the administrator and may hold hearings upon substantive changes in rules, regulations and minimum standards. The advice of the commission with respect to the policies, regulations, minimum standards, and rules for carrying out the provisions of this chapter, shall be forwarded by the administrator to the State Board of Education.

[Acts 1971, 62nd Leg., p. 2008, ch. 620, § 1, eff. June 4, 1971.]

§ 32.24. Duties of Administrator

(a) The administrator shall carry out the policies of this chapter and enforce the rules and regulations adopted by the State Board of Education. He shall also certify the names of those schools meeting the requirements for a certificate of approval.

(b) The administrator may adopt and enforce temporary rules and regulations pursuant to the provisions of this chapter but the temporary rules and regulations are valid only until the next meeting of the State Board of Education.

[Acts 1971, 62nd Leg., p. 2009, ch. 620, § 1, eff. June 4, 1971.]

[Sections 32.25 to 32.30 reserved for expansion]

SUBCHAPTER D. AUTHORIZED OPERATION OF SCHOOLS

§ 32.31. Certificate of Approval

(a) No school shall maintain, advertise, solicit for, or conduct any course of instruction in Texas without first obtaining a certificate of approval from the administrator.

(b) Any contract entered into with any person for a course of instruction after the effective date of this chapter by or on behalf of any person operating any school to which a certificate of approval has not been issued pursuant to the provisions of this chapter, shall be unenforceable in any action brought thereon.

[Acts 1971, 62nd Leg., p. 2009, ch. 620, § 1, eff. June 4, 1971.]

§ 32.32. Application for Certificate of Approval

Every proprietary school desiring to operate in the State of Texas or do business in the State shall make written application to the administrator for a certificate of approval. Such application shall be

verified, be in such form as may be prescribed by the State Board of Education, and shall furnish the administrator such information as he may require.

[Acts 1971, 62nd Leg., p. 2009, ch. 620, § 1, eff. June 4, 1971.]

§ 32.33. Criteria

The administrator may approve the application of such proprietary school when the school is found, upon investigation, to have met the following criteria:

(a) The courses, curriculum, and instruction are of such quality, content, and length as may reasonably and adequately achieve the stated objective for which the courses, curriculum or instruction are offered.

(b) There is in the school adequate space, equipment, instructional material and instructor personnel to provide training of good quality.

(c) Educational and experience qualifications of directors, administrators and instructors are adequate.

(d) The school maintains a written record of the previous education and training of the applicant student and clearly indicates that appropriate credit has been given by the school for previous education and training, with the new training period shortened where warranted through use of appropriate skills or achievement tests and the student so notified.

(e) A copy of the course outline; schedule of tuition, fees, refund policy, and other charges; regulations pertaining to absence, grading policy, and rules of operation and conduct will be furnished the student prior to enrollment.

(f) Except as provided by Section 32.40 of this code, on completion of training, the student is given a certificate by the school indicating the course and that training was satisfactorily completed.

(g) Adequate records as prescribed by the administrator are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress and conduct are enforced.

(h) The school complies with all local, city, county, municipal, state and federal regulations, such as fire, building and sanitation codes. The administrator may require such evidence of compliance as is deemed necessary.

(i) The school is financially sound and capable of fulfilling its commitments for training.

(j) The school's administrators, directors, owners, and instructors are of good reputation and character.

(k) The school has, maintains and publishes in its catalogue and enrollment contract, the proper policy for the refund of the unused portion of tuition, fees and other charges in the event the student enrolled by the school fails to take the course or withdraws

or is discontinued therefrom at any time prior to completion.

(l) The school does not utilize erroneous or misleading advertising, either by actual statement, omission, or intimation as determined by the State Board of Education.

(m) Such additional criteria as may be required by the State Board of Education.

(n) The school does not use a name like or similar to an existing tax supported school in the same area.

[Acts 1971, 62nd Leg., p. 2010, ch. 620, § 1, eff. June 4, 1971. Amended by Acts 1983, 68th Leg., p. 1972, ch. 359, § 1, eff. Sept. 1, 1983.]

§ 32.34. Issuance of Certificate of Approval: Renewal

(a) The administrator, upon review of an application for a certificate of approval duly submitted in accordance with the provisions of Section 32.32 and meeting the requirements of Section 32.33 of this chapter, shall issue a certificate of approval to the applicant school. The certificate of approval shall be in a form recommended by the commission and approved by the State Board of Education and shall state in a clear and conspicuous manner at least the following information:

(1) date of issuance, effective date, and term of approval;

(2) correct name and address of the school;

(3) authority for approval and conditions of approval, if any, referring specifically to the approved catalogue or bulletin published by the school;

(4) signature of the administrator or such person as may have been designated by him to administer the provisions of this chapter; and

(5) any other fair and reasonable representations that are consistent with this chapter and deemed necessary by the administrator.

(b) The term for which a certificate of approval shall be issued shall not exceed one year.

(c) The certificate of approval shall be issued to the owner of the applicant school and shall be nontransferable. In the event of a change in ownership of the school, a new owner must, at least thirty (30) days prior to the change in ownership, apply for a new certificate of approval.

(d) At least thirty (30) days prior to expiration of a certificate of approval, the school shall forward to the administrator an application for renewal. The administrator shall reexamine the school and either renew or cancel the school's certificate of approval.

(e) A school not yet in operation when its application for certificate of approval is filed may not begin operation until receipt of certificate of approval.

[Acts 1971, 62nd Leg., p. 2010, ch. 620, § 1, eff. June 4, 1971.]

§ 32.35. Denial of Certificate of Approval

(a) If the administrator, upon review and consideration of an application for certificate of approval, shall determine the applicant to be unacceptable, the administrator shall set forth the reasons for denial, in writing, to the applicant.

(b) Any applicant whose certificate of approval is denied shall have the right of appeal under Subchapter E of this chapter.¹

[Acts 1971, 62nd Leg., p. 2011, ch. 620, § 1, eff. June 4, 1971. Amended by Acts 1973, 63rd Leg., p. 1265, ch. 463, § 3, eff. June 14, 1973.]

¹ Section 32.41 et seq.

§ 32.36. Revocation of Certificate of Approval

(a) The Administrator may revoke an issued certificate or approval or place reasonable conditions upon the continued approval represented by the certificate. Prior to revocation or imposition of conditions upon a certificate of approval, the Administrator shall notify the holder of the certificate, in writing, of the impending action and set forth the grounds for the action.

(b) A certificate of approval may be revoked or made conditional if the Administrator has reasonable cause to believe that the school is guilty of a violation of this chapter or of any rules and regulations promulgated hereunder.

[Acts 1971, 62nd Leg., p. 2011, ch. 620, § 1, eff. June 4, 1971.]

§ 32.37. Registration of Representatives

(a) All representatives employed by a school shall register with the administrator. Application for registration may be made at any time and shall be based on information submitted in accordance with the provisions of Section 32.32 of this chapter.

(b) Registration of a representative shall be effective upon receipt of notice from the administrator and shall remain in effect for a period not in excess of twelve (12) calendar months. Renewal of representative registration shall be in accordance with the renewal application form forwarded to the school by the administrator.

(c) Denial or revocation of registration of a representative by the administrator shall be in accordance with the provisions of this chapter applicable to denial or revocation of a certificate of approval; provided, however, the administrator may deny, suspend or revoke the registration of a representative who has been convicted of a felony, whether within or without the State of Texas.

(d) Schools domiciled, or having their principal place of business outside of the State of Texas that engage representatives to canvass, solicit or contract with any person within the State of Texas,

shall be subject to the requirements for registration of representatives.

[Acts 1971, 62nd Leg., p. 2011, ch. 620, § 1, eff. June 4, 1971.]

§ 32.38. Bond Requirements

(a) Before a certificate of approval is issued under this chapter, a bond shall be provided by the school for the period during which the certificate of approval is issued, and the obligation of the bond shall be that neither a provision of this chapter nor any rule or regulation adopted pursuant thereto shall be violated by the school or any of its officers, agents, or employees. The bond shall be in the penal sum of \$25,000 except a bond in the penal sum of \$5,000 may be provided if the school submits evidence acceptable to the administrator that the total unearned tuition of the school will not exceed \$5,000 at any given time during the period of the certificate of approval. The bond shall be a corporate surety bond issued by a company authorized to do business in the State, conditioned that the parties thereto shall pay all damages or expenses which the State or any governmental subdivision thereof, or any student or potential student may sustain resulting from a violation. The bond shall be to the State for the use and benefit of any student or potential student or governmental subdivision of the State which may suffer expenses or damage by breach thereof. The bond shall be filed with the administrator and shall be in such form as shall be approved by the administrator.

(b) Before a representative may be registered under this Chapter, a bond in the penal sum of \$1,000.00 shall be provided by or for each representative for a period running concurrently with that of the school's certificate of approval, and the obligation of the bond shall be that neither a provision of this chapter nor any rule or regulation adopted pursuant thereto shall be violated, nor shall fraud or misrepresentation in securing the enrollment of a student be committed by the representative. The bond shall be a corporate surety bond issued by a company authorized to do business in the State, conditioned that the parties thereto shall pay all damages or expenses which the State, any governmental subdivision thereof, or any student or potential student may sustain resulting from a violation. The bond shall be to the State for the use and benefit of any student or potential student or governmental subdivision of the State which may suffer expense or damage by breach thereof. The bond shall be filed with the administrator and shall be in such form as shall be approved by the administrator.

(c) In lieu of the corporate surety bond required in subsections (a) and (b) of this Section, the school may, in the alternative, provide any other similar certificate or evidence of indebtedness as may be acceptable to the Administrator, provided that the Certificate or evidence of indebtedness meets all the

requirements applicable to the corporate surety bond.

(d) Schools domiciled, or having their principal place of business, outside of the State of Texas, that engage representatives to canvass, solicit, or contract with any person within the State of Texas, shall be subject to the bond requirements for both the school and its representatives.

(e) The administrator, for good cause shown, as recommended by the commission and approved by the State Board of Education, may waive and suspend the requirements set forth in Subsections (a), (b), and (c) of this Section with respect to schools operating wholly or in part under a federal grant where no tuition fee is charged to the student. [Acts 1971, 62nd Leg., p. 2012, ch. 620, § 1, eff. June 4, 1971. Amended by Acts 1973, 63rd Leg., p. 1265, ch. 463, § 4, eff. June 14, 1973.]

§ 32.39. Refund Policy

(a) As a condition for granting certification each school must maintain a cancellation and settlement policy which must provide a full refund of all monies paid by a student if:

(1) the student cancels the enrollment agreement or contract within 72 hours (until midnight of the third day excluding Saturdays, Sundays, and legal holidays) after the enrollment contract is signed by the prospective student;

(2) the enrollment of the student was procured as the result of any misrepresentation in advertising, promotional materials of the school, or representations by the owner or representatives of the school.

(b) As a condition for granting certification, each school must maintain a policy for the refund of the unused portion of tuition, fees, and other charges in the event the student, after expiration of the 72-hour cancellation privilege, fails to enter the course, or withdraws, or is discontinued therefrom at any time prior to completion, and such policy must provide:

(1) refunds for resident courses will be based on the period of enrollment computed on the basis of course time expressed in clock hours;

(2) the effective date of the termination for refund purposes in residence schools will be the earliest of the following:

(A) the last date of attendance, if the student is terminated by the school;

(B) the date of receipt of written notice from the student;

(C) ten school days following the last date of attendance;

(3) if tuition is collected in advance of entrance, and if, after expiration of the 72-hour cancellation privilege, the student does not enter the residence school, not more than \$100 shall be retained by the school;

(4) for the student who enters a residence course of not more than 12 months in length,

terminates or withdraws, the school may retain \$100 of tuition and fees and the minimum refund of the remaining tuition will be:

(A) during the first week or one-tenth of the course, whichever is less, 90 percent of the remaining tuition;

(B) after the first week or one-tenth of the course, whichever is less, but within the first three weeks of the course, 80 percent of the remaining tuition;

(C) after the first three weeks of the course, but within the first quarter of the course, 75 percent of the remaining tuition;

(D) during the second quarter of the course, 50 percent of the remaining tuition;

(E) during the third quarter of the course, 10 percent of the remaining tuition;

(F) during the last quarter of the course, the student may be considered obligated for the full tuition;

(5) for residence courses more than 12 months in length, the refund shall be applied to each 12-month period, or part thereof separately;

(6) refunds of items of extra expense to the student, such as instructional supplies, books, student activities, laboratory fees, service charges, rentals, deposits, and all other such ancillary miscellaneous charges, where these items are separately stated and shown in the data furnished the student before enrollment, will be made in a reasonable manner acceptable to the administrator;

(7) refunds based on enrollment in residence schools will be totally consummated within 30 days after the effective date of termination;

(8) refunds for correspondence courses will be computed on the basis of the number of lessons in the course;

(9) the effective date of the termination for refund purposes in correspondence courses will be the earliest of the following:

(A) the date of notification to the student if the student is terminated;

(B) the date of receipt of written notice from the student;

(C) the end of the third calendar month following the month in which the student's last lesson assignment was received unless notification has been received from the student that he wishes to remain enrolled;

(10) if tuition is collected before any lessons have been completed, and if, after expiration of the 72-hour cancellation privilege, the student fails to begin the course, not more than \$50 shall be retained by the school;

(11) in cases of termination or withdrawal after the student has begun the correspondence course, the school may retain \$50 of tuition and fees, and the minimum refund policy must provide that the student will be refunded the pro rata portion of the remaining tuition fees and other charges that the number of lessons completed and serviced by

the school bears to the total number of lessons in the course;

(12) refunds based on enrollment in correspondence schools will be totally consummated within 30 days after the effective date of termination.

(c) In lieu of the refund policy herein set forth, for programs of instruction not regularly offered to the general public, the State Board of Education may, for good cause shown, amend, modify, substitute and/or alter the terms of such policy due to the specialized nature and objective of the subject school's course of instruction.

(d) If a course of instruction is discontinued by the school and this prevents the student from completing the course, all tuition and fees paid are then due and refundable.

[Acts 1971, 62nd Leg., p. 2013, ch. 620, § 1, eff. June 4, 1971. Amended by Acts 1973, 63rd Leg., p. 1266, ch. 463, § 5, eff. June 14, 1973; Acts 1983, 68th Leg., p. 1972, ch. 359, § 3, eff. Sept. 1, 1983.]

Section 4 of the 1983 amendatory act amended § 32.71. Section 5 of the amendatory act provides:

"(a) Section 3 of this Act applies only to a proprietary school's retention of tuition, fees, and other charges for a course that begins on or after September 1, 1983. Retention of tuition, fees, and other charges for a course that began before September 1, 1983, is governed by Subsection (b), Section 32.39, Texas Education Code, as it existed before amendment by this Act, and that law is continued in effect for that purpose.

"(b) Section 4 [so in enrolled bill; probably should read 'Section 3'] of this Act applies only to refunds given by a proprietary school for a course that begins on or after September 1, 1983.

"(c) Section 5 [so in enrolled bill; probably should read 'Section 4'] of this Act applies only to fees payable by a proprietary school or its representative on or after September 1, 1983."

§ 32.40. Withholding Certificate of Completion

A proprietary school may withhold a student's certificate of completion of training until the student has fulfilled his financial obligation to the school.

[Acts 1983, 68th Leg., p. 1972, ch. 359, § 2, eff. Sept. 1, 1983.]

SUBCHAPTER E. APPEAL

§ 32.41. Hearing

Should the applicant be dissatisfied with the denial of a certificate of approval by the Administrator, the applicant shall have the right to appeal the decision of the Administrator and request a hearing with the Administrator within fifteen (15) days after receipt of notice. Upon receipt of the request for a hearing, the Administrator shall set a time and place for said hearing and then send notice to the school of said time and place. Said hearing shall be held within thirty (30) days from the receipt of the request for a hearing. At said hearing, an applicant may appear in person or by counsel and present evidence to the Administrator in support of the granting of the permit specified herein. All interested persons may also appear and present oral and documentary evidence to the Administrator, concerning the issuance of a certificate of approval to

the applicant school. Within ten (10) days after the hearing, the Administrator shall send notice to the school either affirming or revoking the denial of the certificate of approval.

[Acts 1971, 62nd Leg., p. 2014, ch. 620, § 1, eff. June 4, 1971.]

§ 32.42. Appeal

(a) The administrator's decision may be appealed to a District Court in Travis County.

(b) Repealed by Acts 1984, 68th Leg., 2nd C.S., p. 305, ch. 28, art. I, part D, § 10, eff. Sept. 1, 1984.

(c) Unless stayed by the Court upon a showing of good cause, the administrator's decision may not be superseded during the appeal.

(d) Upon the filing of the lawsuit, citation shall be served upon the administrator. Whereupon, the administrator shall cause to be made a complete record of all proceedings had before the administrator, and shall certify a copy of the proceedings to the Court. Trial before the Court shall be upon the basis of the record made before the administrator, and the Court shall make its decision based upon the record. The administrator's decision shall be affirmed by the Court if the Court finds substantial evidence in the record to justify the decision, unless the Court finds the order to be:

- (1) arbitrary and capricious, or
- (2) in violation of the Constitution or laws of the State of Texas, or
- (3) in violation of rules and regulations promulgated by the State Board of Education pursuant to the provisions of the Act.

(e) The decision of the trial court shall be subject to appeal in like manner as any other civil lawsuit under the Texas Rules of Civil Procedure.

(f) Appeals concerning revocation of certificates of approval shall be prosecuted in the same manner and under the same provisions as herein provided for appeals from denial of such certificates.

[Acts 1971, 62nd Leg., p. 2014, ch. 620, § 1, eff. June 4, 1971. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 304, ch. 28, art. I, part D, §§ 9, 10, eff. Sept. 1, 1984.]

[Sections 32.43 to 32.50 reserved for expansion]

SUBCHAPTER F. CLASS ACTION SUITS

§ 32.51. Class Action

Any person or persons who shall be injured by any act taken or permitted in violation of this Act may, on behalf of himself or themselves and others similarly situated, maintain an action in any District Court of competent jurisdiction, regardless of the amount in controversy, for temporary or permanent injunctive relief, declaratory relief, or other relief, including damages, such action to be pursued in accordance with the provisions of Rule 42 of the Texas Rules of Civil Procedure; provided, however, that venue for any such action shall be in Austin, Travis County, Texas. A party filing such an action

must give prompt notice to the Attorney General, who shall be permitted to join, upon application within 30 days, as a party plaintiff.

[Acts 1971, 62nd Leg., p. 2015, ch. 620, § 1, eff. June 4, 1971.]

§ 32.52. Notice

In any class action permitted under this Act, the Court shall direct the defendant to serve upon each member of the class the best possible notice; and if required in the interest of justice, the Court may direct that individual notice be served upon all members of the class who can be identified through reasonable efforts. Such notice shall inform the recipient that he is thought to be a member of the class and, if so, he may enter an appearance and join in the suit, either for himself or through counsel.

[Acts 1971, 62nd Leg., p. 2015, ch. 620, § 1, eff. June 4, 1971.]

§ 32.53. Judgment and Costs

The Court shall enter judgment in each class action brought under the provisions hereof in such form as shall be justified by the facts and the law applicable thereto. Damages shall be awarded only to those members of the class who joined as parties plaintiff, but all other relief granted by the Court shall inure to the benefit of all members of the class. Should a plaintiff prevail in such a class action, he shall be awarded court costs and a reasonable counsel fee in the judgment. A legal aid society or legal services program which represents the plaintiff or plaintiffs in such an action shall be awarded a service fee in lieu of a counsel fee.

[Acts 1971, 62nd Leg., p. 2015, ch. 620, § 1, eff. June 4, 1971.]

[Sections 32.54 to 32.60 reserved for expansion]

SUBCHAPTER G. PROHIBITED ACTS

§ 32.61. Prohibitions

(a) No person shall:

- (1) operate a school without a certificate of approval issued by the Administrator;
- (2) solicit prospective students without being bonded as required by this Chapter;
- (3) accept contracts or enrollment applications from a representative who is not bonded as required by this Chapter;
- (4) utilize advertising designed to mislead or deceive prospective students;
- (5) fail to notify the Administrator of the discontinuance of the operation of any school within 72 hours of cessation of classes and make available accurate records as required by this Chapter;
- (6) fail to secure and file within 30 days an increased bond as required by this Chapter;
- (7) negotiate any promissory instrument received as payment of tuition or other charge prior to completion of 75 percent of the course, provid-

ed that prior to such time, the instrument may be transferred by assignment to a purchaser who shall be subject to all the defenses available against the school named as payee;

(8) violate any provision of this Chapter.

(b) A person who violates Subsection (a) of this Section is guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) and each day that any prohibited act continues shall constitute a separate offense.

[Acts 1971, 62nd Leg., p. 2015, ch. 620, § 1, eff. June 4, 1971. Amended by Acts 1973, 63rd Leg., p. 1267, ch. 463, § 6, eff. June 14, 1973.]

§ 32.62. Injunctions

Whenever the Administrator has probable cause to believe that any school has committed any acts that would be in violation of this Chapter, the Administrator shall have the duty to make application to a court of competent jurisdiction for an injunction restraining the commission of such acts.

[Acts 1971, 62nd Leg., p. 2016, ch. 620, § 1, eff. June 4, 1971.]

[Sections 32.63 to 32.70 reserved for expansion]

SUBCHAPTER H. FEES

§ 32.71. Certificate and Registration Fees

Certificate and registration fees shall be collected by the Administrator and deposited with the State Treasurer in accordance with the following schedule:

- (1) the initial fee for a school is \$500;
- (2) the annual renewal fee for a school is \$400;
- (3) the initial registration fee for a representative is \$40; and
- (4) the annual renewal fee for a representative is \$20.

[Acts 1971, 62nd Leg., p. 2016, ch. 620, § 1, eff. June 4, 1971. Amended by Acts 1973, 63rd Leg., p. 1268, ch. 463, § 7, eff. June 14, 1973; Acts 1983, 68th Leg., p. 1975, ch. 359, § 4, eff. Sept. 1, 1983.]

Section 3 of the 1983 amendatory act amended § 32.39. Section 5 of the amendatory act provides:

"(a) Section 3 of this Act applies only to a proprietary school's retention of tuition, fees, and other charges for a course that begins on or after September 1, 1983. Retention of tuition, fees, and other charges for a course that began before September 1, 1983, is governed by Subsection (b), Section 32.39, Texas Education Code, as it existed before amendment by this Act, and that law is continued in effect for that purpose.

"(b) Section 4 [so in enrolled bill; probably should read 'Section 3'] of this Act applies only to refunds given by a proprietary school for a course that begins on or after September 1, 1983.

"(c) Section 5 [so in enrolled bill; probably should read 'Section 4'] of this Act applies only to fees payable by a proprietary school or its representative on or after September 1, 1983."

[Sections 32.72 to 32.80 reserved for expansion]

SUBCHAPTER I. FUNDING

§ 32.81. Funding

(a) The cost of administration of this Chapter shall be included in the State budget allowance for the State Board of Education.

(b) Fees collected by the Administrator and deposited with the State Treasurer shall be used to help defray the cost and expense of administering the provisions of this Chapter.

[Acts 1971, 62nd Leg., p. 2016, ch. 620, § 1, eff. June 4, 1971.]

CHAPTER 33. APPRENTICESHIP SYSTEM OF ADULT VOCATIONAL EDUCATION

Sec.

- 33.01. Definitions.
- 33.02. General Provisions Relating to Apprenticeship Training Programs.
- 33.03. Duties of Apprenticeship Committee.
- 33.04. Notice of Available Funds.
- 33.05. Apprenticeship and Training Advisory Committee.
- 33.06. Duties of Apprenticeship and Training Advisory Committee.
- 33.07. Audit Procedures.
- 33.08. Appropriation and Distribution of Funds.
- 33.09. Rules.
- 33.10. Status of Recommendations.
- 33.11. Applicability.

§ 33.01. Definitions

In this chapter:

(1) "Apprenticeship training program" means a training program that provides on-the-job training, preparatory instruction, supplementary instruction, or related instruction in a trade that has been certified as an apprenticeship occupation by the Bureau of Apprenticeship Training of the United States Department of Labor.

(2) "Preparatory instruction" means a course of instruction lasting six months or less that teaches the basic skills required for an individual to comply with the terms of his or her apprenticeship agreement as required by Section 33.02(d) of this code.

(3) "Supplementary instruction" means a course of instruction for persons employed as journeymen craftsmen in apprenticeship trades that is designed to provide new skills or upgrade current skills.

(4) "Related instruction" means organized, off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship program for a particular apprenticeship trade.

(5) "Advisory committee" means the Apprenticeship and Training Advisory Committee to the State Board of Vocational Education.

(6) "BAT" means the Bureau of Apprenticeship Training of the United States Department of Labor.

(7) "CEA" means the Central Education Agency.

[Acts 1977, 65th Leg., p. 621, ch. 230, § 1, eff. Aug. 29, 1977.]

§ 33.02. General Provisions Relating to Apprenticeship Training Programs

(a) Pursuant to the provisions of this chapter, the commissioner of education may allocate state funds for the support of apprenticeship training programs that meet the criteria set forth in this chapter.

(b) A program must be sponsored by a public school district or a state postsecondary institution pursuant to a contract between the district or institution and an apprenticeship committee.

(c) A program must be under the direction of an apprenticeship committee whose members are appointed by one or more employers of apprentices, one or more bargaining agents representing members of an apprenticeship trade, or a combination of the above, and the committee shall perform the duties set forth in Section 33.03 of this code. If an apprenticeship committee is composed of representatives of one or more employers and one or more bargaining agents, the number of committee members designated by the employer or employers shall be equal to the number of committee members designated by the bargaining agent or agents.

(d) Each apprentice participating in a program must be given a written apprenticeship agreement by the apprenticeship committee stating the standards and conditions of his employment and training. The standards must conform substantially with the standards of apprenticeship for the particular trade which have been adopted by BAT.

(e) An apprentice may not be charged tuition or fees by a public school district or state postsecondary institution other than an administrative fee to cover the costs of processing his records which shall not exceed \$5 for each course in which the apprentice is enrolled.

(f) Funding for a program, in addition to any other money available, shall be provided by the apprenticeship committee pursuant to the terms of the contract referred to in Subsection (b) of this section.

(g) Pursuant to the terms of the contract referred to in Subsection (b) of this section, adequate facilities, personnel, and resources to effectively administer the apprenticeship training program in a manner consistent with the public's need for skilled craftsmen and the apprentices' need for marketable skills in apprenticeship occupations must be provided.

(h) A program must be registered with the BAT and approved by the State Board of Vocational Education or the Coordinating Board, Texas College and University System.

[Acts 1977, 65th Leg., p. 622, ch. 230, § 1, eff. Aug. 29, 1977.]

§ 33.03. Duties of Apprenticeship Committee

The apprenticeship committee for each apprenticeship training program shall:

(1) establish standards and goals for preparatory instruction, supplementary instruction, and related instruction for apprentices in the program;

(2) establish rules governing the on-the-job training and other instruction for apprentices in the program;

(3) plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;

(4) recommend qualified instructors for the program;

(5) monitor and evaluate the performance and progress of each apprentice in the program and the program as a whole;

(6) interview applicants and select those most qualified for entrance into the program;

(7) provide for the keeping of records of the on-the-job training and progress of each apprentice;

(8) encourage instructors to maintain recommended qualifications; and

(9) perform any other duties which, in the opinion of the apprenticeship committee, promote the goals of individual apprentices and of the program as a whole.

[Acts 1977, 65th Leg., p. 622, ch. 230, § 1, eff. Aug. 29, 1977.]

§ 33.04. Notice of Available Funds

In order to insure that all citizens of Texas have an equal opportunity to benefit from apprenticeship training programs, the State Board of Vocational Education shall provide for statewide publication in a manner recommended by the advisory committee and intended to give actual notice to all potential program sponsors of the amount of funds that will be available to support apprenticeship training programs during the current and following fiscal years, the qualifications required of program sponsors and apprenticeship committees, and the procedures to be followed in applying for state funds. The notice may also include other information recommended by the advisory committee and approved by the State Board of Vocational Education. Notwithstanding the foregoing, the State Board of Vocational Education shall publish any information concerning available funds given to a particular program sponsor in a manner recommended by the advisory committee and intended to give actual notice to all potential program sponsors statewide.

[Acts 1977, 65th Leg., p. 623, ch. 230, § 1, eff. Aug. 29, 1977.]

§ 33.05. Apprenticeship and Training Advisory Committee

(a) The State Board of Vocational Education shall appoint an Apprenticeship and Training Advisory

Committee composed of members with the following qualifications:

- (1) five persons representing employers of members of apprenticeship trades;
- (2) five persons representing bargaining agents for members of apprenticeship trades;
- (3) five persons employed as training directors of program administrators by apprenticeship committees;
- (4) five persons employed by public schools or state postsecondary institutions who teach or immediately supervise preparatory instruction, supplementary instruction, or related instruction courses.

(b) Members of the advisory committee shall serve terms of four years, except that the state board shall designate two members from each of the groups referred to in Subdivisions (1), (2), (3), and (4) of Subsection (a) of this section to serve an initial term of two years. Thereafter all members shall serve four-year terms.

(c) Vacancies shall be filled for the unexpired portion of a term vacated.

(d) Nonvoting members of the advisory committee shall include the following:

- (1) one person designated by and representing the State Board of Vocational Education;
- (2) one person designated by and representing the Advisory Council for Technical Vocational Education;
- (3) one person designated by and representing the Coordinating Board, Texas College and University System;
- (4) one person designated by and representing BAT;
- (5) one person designated by and representing the Teachers Training Division of the Texas A&M University Engineering Extension Service; and
- (6) one person representing the general public who is familiar with the goals and needs of technical vocational education in Texas, and who is not otherwise eligible for service on the advisory committee.

(e) The member representing the general public shall be appointed by the State Board of Vocational Education for a term of four years. All other nonvoting members of the advisory committee shall serve at the pleasure of the agency or institution each respective member represents.

[Acts 1977, 65th Leg., p. 623, ch. 230, § 1, eff. May 24, 1977.]

§ 33.06. Duties of Apprenticeship and Training Advisory Committee

(a) The advisory committee shall recommend and evaluate a statewide plan for the development of a comprehensive program of apprenticeship training which shall include but not be limited to the following:

(1) formulas and administrative procedures to be used in requesting appropriations of state funds for apprenticeship training;

(2) forms, formulas, and administrative procedures to be used in distributing available funds to apprenticeship training programs, with the formulas based on data contained in the biennial update to the Apprenticeship Related Instruction Cost Study required by Section 33.08 of this code, and the formulas shall be uniform in application to all program sponsors; and

(3) the content and method of the public notice required by this chapter.

(b) The CEA shall furnish the advisory committee with the current data necessary to determine these formulas. All state boards and agencies shall cooperate with the advisory committee and shall furnish information and material on request.

[Acts 1977, 65th Leg., p. 624, ch. 230, § 1, eff. Aug. 29, 1977.]

§ 33.07. Audit Procedures

(a) The CEA shall maintain a clear audit trail of all funds appropriated for the apprenticeship system of adult vocational education. For each course that is funded, the audit trail in the CEA shall include the following records:

- (1) the name of the sponsoring public school district or state postsecondary institution;
- (2) the name of the instructor;
- (3) the number of students enrolled;
- (4) the place and schedule of class meetings; and
- (5) certification by the BAT for preparatory and related instruction courses that the students enrolled were registered apprentices.

(b) Public school districts or state postsecondary institutions receiving funds shall maintain a clear audit trail which shall include records of receipts for all expenditures relating solely to each particular course. Where an expense is shared by two or more courses, the allocation to that expense from the funds for a particular course shall be supported by a formula based on the comparative benefit derived by each course from the expense. No charges for the depreciation of facilities or the retirement of indebtedness shall be allocated to an apprenticeship course.

(c) Funds appropriated for the apprenticeship system of adult vocational education shall not be commingled with funds appropriated for other purposes.

(d) The State Auditor shall include all state funds appropriated to the Central Education Agency pursuant to this chapter in the periodic audits of the Central Education Agency. Funds received pursuant to this chapter by a school district or postsecondary institution are subject to audit as otherwise provided by law.

(e) All records, receipts, working papers, and other components of the audit trail shall be public records.

[Acts 1977, 65th Leg., p. 624, ch. 230, § 1, eff. Aug. 29, 1977. Amended by Acts 1981, 67th Leg., p. 23, ch. 19, § 1, eff. April 1, 1981.]

§ 33.08. Appropriation and Distribution of Funds

(a) On recommendation of the advisory committee the State Board of Vocational Education shall adopt formulas and administrative procedures to be used in requesting appropriations of state funds as a budgetary line item for the Apprenticeship System of Adult Vocational Education.

(b) The CEA shall prepare an update to the Apprenticeship Related Instruction Cost Study adopted by the State Board of Education on February 10, 1973, prior to each biennial session of the legislature.

(c) On recommendation of the advisory committee the State Board of Vocational Education shall adopt forms, formulas, and administrative procedures for the distribution of available funds to apprenticeship training programs. Distribution formulas must be uniform in application to all local program sponsors.

(d) On recommendation of the advisory committee the State Board of Vocational Education shall reserve until December 1 of each year a percentage of the funds appropriated under the line item described in this section to be used solely for apprenticeship-related instruction programs. This percentage shall be established by the formulas required by this section. Reserved funds that are not obligated on December 1 may be used for preparatory and supplementary instruction programs as well as related instruction programs.

(e) No funds shall be distributed to a public school district or state postsecondary institution until the district or institution has filed all reports required by this chapter and by the State Board of Vocational Education.

[Acts 1977, 65th Leg., p. 625, ch. 230, § 1, eff. Aug. 29, 1977.]

§ 33.09. Rules

The State Board of Vocational Education shall promulgate rules necessary to implement the provisions of this chapter.

[Acts 1977, 65th Leg., p. 625, ch. 230, § 1, eff. Aug. 29, 1977.]

§ 33.10. Status of Recommendations

(a) Recommendations of the advisory committee submitted to the State Board of Vocational Education must be acted on, and either accepted or rejected.

(b) A recommendation which is rejected must be returned immediately to the advisory committee,

accompanied by written notice of the reasons for rejecting the recommendation.

[Acts 1977, 65th Leg., p. 625, ch. 230, § 1, eff. Aug. 29, 1977.]

§ 33.11. Applicability

The provisions of this chapter apply only to those apprenticeship training programs which receive state funds pursuant to the provisions of Section 33.02 of this chapter.

[Acts 1977, 65th Leg., p. 625, ch. 230, § 1, eff. Aug. 29, 1977.]

TITLE 3. HIGHER EDUCATION

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Enactment

Title 3 of the Texas Education Code was added by Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 1, effective September 1, 1971. Sections 2 and 4 of Article 1 provide:

"Sec. 2. Legislative intent. This is intended as a recodification only and no substantive changes are intended by this legislation."

"Sec. 4. Effective date. This article takes effect on September 1, 1971."

Chapter 51 originally was entitled "Public Junior Colleges" and consisted of

Sections 51.001 to 51.203 as enacted by Acts 1969, 61st Leg., p. 2735, ch. 889, § 1, the provisions of which were transferred to Chapter 130 entitled "Junior College Districts" and renumbered as Sections 130.001 to 130.133 by Acts 1971, 62nd Leg., p. 3278, ch. 1024, art. 1, § 1.

Article 2 of the 1971 Act, which by sections 1 to 44 incorporated the provisions of certain acts passed during the 62nd Legislature into the Code, provided in sections 45 to 48:

"Sec. 45. Each section of this article takes effect only if and when the legislation on which it is based takes effect, but not earlier than September 1, 1971.

"Sec. 46. All provisions of the Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes) apply to this article.

"Sec. 47. This article is intended as a codification only, and nothing in this article is intended to effect any substantive change in the law.

"Sec. 48. As each section of this article takes effect, the Act on which it is based is repealed."

Conversion Table

A conversion table is provided preceding this Code to enable the user to trace the disposition in the Education Code of the subject matter of repealed articles of the Civil Statutes and the Penal Code.

SUBCHAPTER A. CONTROL OF FUNDS BY CERTAIN INSTITUTIONS

§ 51.001. Institutions to which Applicable

Subject to Section 51.008 of this code, the provisions of this subchapter apply to:

- (1) each institution and branch of The University of Texas System;
- (2) each institution, agency, and service of The Texas A & M University System;
- (3) Texas A & I University;
- (4) Texas Tech University;
- (5) East Texas State University;
- (6) North Texas State University;
- (7) Sam Houston State University;
- (8) Stephen F. Austin State University;
- (9) Southwest Texas State University;
- (10) Sul Ross State University;
- (11) West Texas State University;
- (12) Texas Eastern University; and
- (13) each public junior college to the extent possible.

[Acts 1971, 62nd Leg., p. 3076, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1656, ch. 601, § 1, eff. June 15, 1973; Acts 1975, 64th Leg., p. 813, ch. 317, § 2, eff. Sept. 1, 1975.]

§ 51.002. Funds Subject to Control

(a) The governing board of each institution listed in Section 51.001 of this code may retain control of the following sums of money collected at the institution, subject to Section 51.008 of this code.

- (1) student fees of all kinds;
- (2) charges for use of rooms and dormitories;
- (3) receipts from meals, cafes, and cafeterias;
- (4) fees on deposit refundable to students under certain conditions;
- (5) receipts from school athletic activities;
- (6) income from student publications and other student activities;
- (7) receipts from the sale of publication products and miscellaneous supplies and equipment;
- (8) students' voluntary deposits of money for safekeeping;
- (9) all other fees and local institutional income of a strictly local nature arising out of and by virtue of the educational activities, research, or demonstrations carried on by the institution; and
- (10) donations and gifts to the institution.

(b) The provisions of this subchapter do not apply to any income derived from the permanent university fund.

[Acts 1971, 62nd Leg., p. 3077, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.003. Depositories

(a) The governing board of each institution may select depository banks as places of deposit for the funds enumerated in Section 51.002 of this code.

(b) The funds shall be deposited in the depository bank or banks within seven days from the date of collection.

(c) The governing board shall require adequate surety bonds or securities to be posted to secure the deposits and may require additional security at any time it deems the deposits inadequately secured. The depository banks selected may pledge their securities to protect the funds.

(d) A depository shall pay interest on the deposits at a rate agreed on by the depository and the governing board.

(e) Any surety bond furnished under the provisions of this section shall be payable to the governor and his successors in office. Venue for a suit to recover an amount claimed by the state to be due on a surety bond is in Travis County.

[Acts 1971, 62nd Leg., p. 3077, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.004. Separate Accounts; Trust Funds; Interest

(a) Separate accounts shall be kept on the books of the institution showing the sources of all sums collected and the purposes for which disbursements are made.

(b) All trust funds, including gifts, grants, and bequests received, establishing or adding to endowment funds, loan and scholarship funds, and funds for other current restricted purposes, shall be credited to separate accounts and shall not be commingled with the general income from student fees or other institutional income.

(c) If the governing board so elects, deposits of all funds not specifically required to be deposited to special accounts may be deposited in a single bank account if the records of the institution clearly reflect the balances attributable to general funds and various categories of trust funds.

(d) Interest received from depository banks for funds on deposit may be credited to an appropriate account in either general funds or trust funds in relation to the sources of temporary investments in time deposits, if the disposition of the earnings was not specified by the grantor. Interest received from the trust funds time deposits shall be available for loans, scholarships, fellowships, institutional research, faculty aid, and other lawful purposes.

[Acts 1971, 62nd Leg., p. 3077, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.005. Reports

(a) True and full accounts shall be kept by the governing board and by the employees of the institution of all funds collected from all sources and of all sums paid out and the persons to whom and the purposes for which the sums are paid. The governing board shall annually, between September 1 and January 1, print a complete report of all the sums collected, all expenditures, and all sums remaining on hand. The report shall show the true condition of all funds as of the August 31 preceding as well as the collections and expenditures for the preceding year.

(b) The governing board shall furnish one copy of the report each to the governor, comptroller of public accounts, state auditor, Coordinating Board, Texas College and University System, Legislative Budget Board, House Appropriations Committee, and Legislative Reference Library. The governing board shall retain five copies of the report for distribution to legislators or other state officials on request.

[Acts 1971, 62nd Leg., p. 3078, ch. 1024, art. 1, § 1, eff. Sept. 1, 1972. Amended by Acts 1975, 64th Leg., p. 568, ch. 227, § 1, eff. May 20, 1975; Acts 1977, 65th Leg., p. 1187, ch. 455, § 1, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 1053, ch. 484, § 1, eff. Aug. 27, 1979.]

§ 51.006. Funds not to be Used to Increase Salaries

No part of any of the funds listed in Section 51.002 of this code shall ever be used to increase any salary beyond the sum fixed by the legislature in the general appropriations act, and the provisions of this subchapter are subordinate to the general

appropriations act for the support of each institution.

[Acts 1971, 62nd Leg., p. 3078, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.007. Penalty

Any state officer, agent, employee, or member of a governing board of any of the above named institutions, or any other person who violates any provision of this subchapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$500, and in addition may be sentenced to not less than 15 days nor more than three months in the county jail. Failure to print and furnish to the officers above named, the reports above specified, shall subject all of the members of the governing board of the institutions above mentioned to the penalties provided for in this section. Every day in excess of the number of days hereinabove provided for that any sum of money belonging to any of the funds enumerated in this subchapter, whether depositable in special depositories or whether those that should be deposited in the state treasury, shall be withheld from deposit at its proper place of deposit, shall constitute a separate offense and each day of such withholding shall subject the officer, agent, employee, or person so withholding said sum to the penalties herein provided for.

[Acts 1971, 62nd Leg., p. 3078, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.008. Certain Receipts to be Deposited in State Treasury

(a) The governing board of every state institution of higher education is directed to designate special depository banks, subject to the approval of the state treasurer, for the purpose of receiving and keeping certain receipts of the institution separate and apart from funds now deposited in the state treasury. The receipts here referred to are described in Subsection (b) of this section. The state treasurer is directed to deposit the receipts, or funds representing such receipts, enumerated herein, in the special depository bank or banks nearest the institution credited with the receipts, so far as is practicable, and is authorized to withdraw such funds on drafts or checks prescribed by the state treasurer. The state treasurer is authorized to promulgate rules and regulations to require collateral security for the protection of such funds pursuant to the provisions of Articles 2529 and 2530, Revised Civil Statutes of Texas, 1925, as amended. For the purpose of facilitating the clearance and collection of the receipts herein enumerated, the state treasurer is hereby authorized to deposit such receipts in any state depository bank and transfer funds representing such receipts enumerated herein to the respective special depository banks. Banks so designated as special depository banks are hereby authorized to pledge their securities to protect such funds.

(b) The governing board of every state institution of higher education shall deposit in the state treasury all cash receipts accruing to any college or university under its control that may be derived from all sources except auxiliary enterprises, noninstructional services, agency, designated, and restricted funds, endowment and other gift funds, student loan funds, and Constitutional College Building Amendment funds. The state treasurer is directed to credit such receipts deposited by each such institution to a separate fund account for the institution depositing the receipts, but he shall not be required to keep separate accounts of types of funds deposited by each institution. For the purpose of facilitating the transferring of such institutional receipts to the state treasury, each institution shall open in a local depository bank a clearing account to which it shall deposit daily all such receipts, and shall, not less often than every seven days, make remittances therefrom to the state treasurer of all except \$500 of the total balance in said clearing account, such remittances to be in the form of checks drawn on the clearing account, such remittances to be in the form of checks drawn on the clearing account¹ by the duly authorized officers of the institution, and no disbursements other than remittances to the state treasury shall be made from such clearing account. All money so deposited in the state treasury shall be paid out on warrants drawn by the comptroller of public accounts as provided by law.

(c) The legislature is authorized to create revolving funds for the handling of funds of institutions of higher education, as enumerated herein, by making provision in each biennial appropriation bill enacted by the legislature.

(d) Nothing in this section affects the provisions of Title 47, Revised Civil Statutes of Texas, 1925,² usually referred to as the State Depository Law. However, the limitation of deposits contained in Article 2532, Revised Civil Statutes of Texas, 1925, as amended, shall not apply insofar as the specific funds enumerated in this section are concerned.

(e) This section prevails over Sections 51.001-51.007 of this code to the extent of any conflict.

(f) Interest earned on the receipts deposited under this section to an institution's separate fund account in the state treasury shall be credited to that separate fund account.

[Acts 1971, 62nd Leg., p. 3078, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 4650, ch. 804, §§ 1, 2, eff. Aug. 29, 1983.]

¹ Duplication of "such remittances to be in the form of checks drawn on the clearing account" so in enrolled bill.

² Civil Statutes, art. 2525 et seq.

[Sections 51.009 to 51.050 reserved for expansion]

SUBCHAPTER B. GENERAL PROPERTY DEPOSITS: INVESTMENT AND USES

§ 51.051. Investment of General Property Deposits

The governing board of each institution of higher education may invest in United States government

securities or may place on time deposit with a bank located in the state not more than 85 percent of the funds received as general property deposits authorized in Section 54.502 of this code. If the funds are placed on time deposit, they shall be secured by United States government securities.

[Acts 1971, 62nd Leg., p. 3080, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.052. Student Deposit Fund; Composition and Uses

(a) The student deposit fund consists of the income from the investment or time deposits of general property deposits and of forfeited general property deposits. Any general property deposit which remains without call for refund for a period of four years from the date of last attendance of the student making the deposit shall be forfeited and become a part of the student deposit fund. Nothing in this section shall be construed to prohibit refund of any balance remaining in a general property deposit when made on proper demand and within the four-year limitation period. The board may require that no student withdraw his deposit until he has been graduated or has apparently withdrawn from school.

(b) The student deposit fund shall be used, at the discretion of the board, for any of the following purposes: making scholarship awards to needy and deserving students, the support of a general student union program, or for the establishment of an institutional loan program for students. Loans made under this subsection shall bear a nominal interest rate, be secured by a promissory note from the student to the loan fund, require no collateral, and be of a duration not more than 12 months. A student obtaining a loan under this subsection may have no more than two such loans outstanding at any time. The board shall administer the scholarship awards for the institution, including the selection of recipients and the amounts and conditions of the awards. The recipients of the scholarships must be residents of the state as defined for tuition purposes. Any use of the funds for the support of student union programs shall be approved as to amount and purpose by the board. The student deposit funds for The University of Texas at Austin, Texas A&M University, and Texas Tech University shall be available for scholarship purposes only. Direct expenses for the administration of the funds shall be paid from the funds.

[Acts 1971, 62nd Leg., p. 3080, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 1691, ch. 670, § 1, eff. Aug. 29, 1977.]

[Sections 51.053 to 51.100 reserved for expansion]

SUBCHAPTER C. FACULTY DEVELOPMENT LEAVES OF ABSENCE

§ 51.101. Definitions

In this subchapter:

(1) "Institution of higher education" has the meaning assigned to it in Section 61.003 of this

code, except that Texas State Technical Institute is included and the Rodent and Predatory Animal Control Service is excluded for the purposes of this subchapter.

(2) "Governing board" means the body charged with policy direction of an institution of higher education.

(3) "Faculty member" means a person who is employed by an institution of higher education on a full-time basis as a member of the faculty or staff and whose duties include teaching, research, administration, including professional librarians, or the performance of professional services. However, the term does not include a person employed in a position which is in the institution's classified personnel system or a person employed in a similar type of position if the institution does not have a classified personnel system.

[Acts 1971, 62nd Leg., p. 3080, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.102. Legislative Findings and Purpose

The legislature finds that higher education is vitally important to the welfare, if not the survival, of Texas and the United States at this stage in history and that the quality of higher education is dependent upon the quality of college and university faculties. The legislature finds, therefore, that money spent on recognized means for producing an excellent system of public higher education is money spent to serve a public purpose of great importance. The legislature finds further that a sound program of faculty development leaves of absence designed to enable the faculty member to engage in study, research, writing, and similar projects for the purpose of adding to the knowledge available to himself, his students, his institution, and society generally is a well-recognized means for improving a state's program of public higher education. The legislature's purpose in establishing the faculty development leave program provided for by this subchapter is to improve further the higher education available to the youth at the state-supported colleges and universities and to establish this program of faculty development leaves as part of the plan of compensation for the faculty of these colleges and universities.

[Acts 1971, 62nd Leg., p. 3081, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.103. Granting Leaves of Absence; Procedures

(a) On the application of a faculty member, the governing board of an institution of higher education may grant a faculty development leave of absence for study, research, writing, field observations, or other suitable purpose, to a faculty member if it finds that he is eligible by reason of service, that the purpose for which he seeks a faculty development leave is one for which a faculty develop-

ment leave may be granted, and that granting leave to him will not place on faculty development leave a greater number of faculty members than that authorized.

(b) The governing board by regulation shall establish a procedure whereby the applications for faculty development leaves of absence are received by a committee elected by the general faculty for evaluation and whereby this faculty committee then makes recommendations to the chief administrative officer of the institution of higher education, who shall then make recommendations to the governing board as to which applications should be granted.

[Acts 1971, 62nd Leg., p. 3081, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.104. Service Required

A faculty member is eligible by reason of service to be considered for a faculty development leave when he has served as a member of the faculty of the same institution of higher education for at least two consecutive academic years. This service may be as an instructor or as an assistant, associate, or full professor, or an equivalent rank, and must be full-time academic duty but need not include teaching.

[Acts 1971, 62nd Leg., p. 3081, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.105. Duration and Compensation

(a) The governing board may grant to a faculty member a faculty development leave either for one academic year at one-half of his regular salary or for one-half academic year at his full regular salary. Payment of salary to the faculty member on faculty development leave may be made from the funds appropriated by the legislature specifically for that purpose, or from such other funds as might be available to the institution.

(b) A faculty member on faculty development leave may accept a grant for study, research, or travel from any institution of higher education, from a charitable, religious, or educational corporation or foundation, from any business enterprise, or from any federal, state, or local governmental agency. An accounting of all grants shall be made to the governing board of the institution by the faculty member. A faculty member on faculty development leave may not accept employment from any other person, corporation, or government, unless the governing board determines that it would be in the public interest to do so and expressly approves the employment.

[Acts 1971, 62nd Leg., p. 3082, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3351, ch. 1024, art. 2, § 27, eff. Sept. 1, 1971; Acts 1973, 63rd Leg., p. 1640, ch. 597, § 1, eff. Aug. 27, 1973; Acts 1981, 67th Leg., p. 890, ch. 316, § 1, eff. Aug. 31, 1981.]

§ 51.106. Number on Leave at One Time

Not more than six percent of the faculty members of any institution of higher education may be on faculty development leave at any one time.

[Acts 1971, 62nd Leg., p. 3082, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.107. Rights Retained

(a) A faculty member on faculty development leave shall continue to be a member of the Teacher Retirement System of Texas or of the Optional Retirement Program of the institution of higher education, or of both, just as any other member of the faculty on full-time duty.

(b) The institution of higher education shall cause to be deducted from the compensation paid to a member of the faculty on faculty development leave the deposit and membership dues required to be paid by him to the Teacher Retirement System of Texas or to the Optional Retirement Program, or both, the contribution for Old Age and Survivors Insurance, and any other amounts required or authorized to be deducted from the compensation paid any faculty member.

(c) A member of the faculty on faculty development leave is a faculty member for purposes of participating in the programs and of receiving the benefits made available by or through the institution of higher education or the state to faculty members.

[Acts 1971, 62nd Leg., p. 3082, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.108. Regulations Concerning Absence

(a) The governing board of each college or university supported in whole or in part by state funds shall issue regulations concerning the authorized and unauthorized absence from duty of faculty members, including teaching assistants and research assistants.

(b) Each governing board shall file a copy of these regulations with the Coordinating Board, Texas College and University System. Each governing board shall file any amendment to its regulations with the coordinating board not later than 30 days after the effective date of the amendment.

[Acts 1971, 62nd Leg., p. 3352, ch. 1024, art. 2, § 28, eff. Sept. 1, 1971.]

[Sections 51.109 to 51.150 reserved for expansion]

**SUBCHAPTER D. INFORMATION
NETWORK ASSOCIATIONS**

§ 51.151. Definitions

In this subchapter:

(1) "Association" means the Western Information Network Association or any other regional network association created and named by the Coordinating Board, Texas College and University System.

(2) "Member" means one of the institutions of higher education which compose an association.

(3) "Associate member" means an organization other than an institution of higher education admitted to associate membership in an association.

(4) "Board" means the board of directors of an association.

(5) "Director" means a member of a board.

[Acts 1971, 62nd Leg., p. 3082, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.152. Purpose

The purpose of this subchapter is to promote the educational programs of state-supported institutions of higher education in Texas by authorizing the establishment and operation of a cooperative system for communication and information retrieval and transfer between the institutions and between the institutions and private educational institutions, industry, and the public. The system, employing two-way, closed-circuit television and other electronic communication facilities, is to provide a means of effecting the interchange of ideas, talents, faculties, libraries, and data processing equipment and a means of carrying out an approved program of instructional television.

[Acts 1971, 62nd Leg., p. 3083, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.153. Western Information Network Association

(a) The Western Information Network Association is an agency of the state composed of the following state-supported member institutions of higher education: Amarillo College, Angelo State University, Clarendon Junior College, Frank Phillips College, Howard County Junior College, Midwestern University, Odessa College, South Plains College, Sul Ross State University, Texas Tech University, The University of Texas at El Paso, and West Texas State University.

(b) The board by a majority vote may admit other state-supported institutions of higher education to membership in the association on the approval of the Coordinating Board, Texas College and University System.

(c) The board by unanimous vote may admit private institutions of higher education to membership in the association on the approval of the Coordinating Board, Texas College and University System.

(d) The board by unanimous vote may admit other organizations to associate membership in the association.

(e) The Western Information Network Association is subject to the Texas Sunset Act,¹ and unless

continued in existence as provided by that Act the association is abolished effective September 1, 1989.

[Acts 1971, 62nd Leg., p. 3083, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 1854, ch. 735, § 2.157, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 51.154. Board of Directors

The association is governed by a board of directors. The chief administrative officer, or a person designated by the chief administrative officer, of each institution of higher education holding membership in the association shall serve as a director of the board. Service on the board is an additional duty of employment of the chief administrative officers or the persons designated by the chief administrative officers of state-supported institutions and is not an additional position of honor, trust, or profit. The legislature finds that this service is necessary in accomplishing the purpose of this subchapter; is compatible with their employment; and will benefit the educational program of the institution and of the state.

[Acts 1971, 62nd Leg., p. 3083, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.155. Director's Expenses

A director is entitled to receive reimbursement for actual expenses incurred in attending meetings of the board and in attending to the business of the association which is authorized by a resolution of the board.

[Acts 1971, 62nd Leg., p. 3083, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.156. Meetings of the Board; Quorum; Action by Board

(a) The board shall hold a meeting at least once each quarter and may hold meetings at other times at the call of the chairman of the board or at the request of a majority of the other directors.

(b) A majority of the membership of the board constitutes a quorum at a meeting of the board.

(c) Action may be taken by the board by the affirmative vote of the majority of the directors present at a meeting at which a quorum is present.

[Acts 1971, 62nd Leg., p. 3084, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.157. Chairman, Vice Chairman

The board shall select a director to serve as chairman and a director to serve as vice chairman of the board. The chairman shall preside at meetings of the board. If the chairman is not present, or is unable to act, the vice chairman shall preside at the meeting.

[Acts 1971, 62nd Leg., p. 3084, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.158. General Manager, Employees

The board may employ a general manager who shall serve as the chief executive officer of the association. The board may employ other employees it considers necessary in carrying on the association's duties and functions.

[Acts 1971, 62nd Leg., p. 3084, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.159. Delegation of Authority

The board may delegate any of the powers, duties, or functions of the association to the general manager or to any other employee.

[Acts 1971, 62nd Leg., p. 3084, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.160. Bond of Officer, Agent, or Employee

(a) The general manager and every agent or employee of the association charged with the collection, custody, or payment of any money of the association shall execute a bond conditioned on the faithful performance of his duties.

(b) The board shall approve the form, amount, and surety of the bond.

(c) The surety may be a surety company authorized to do business in this state.

(d) The association shall pay the premium on the bond.

[Acts 1971, 62nd Leg., p. 3084, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.161. Powers and Duties of Association

(a) The association may acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, a multichannel, two-way communications system, including closed-circuit television, linking classrooms, libraries, computer facilities, information retrieval systems, and communications facilities located at the member institutions.

(b) The association may lease, acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, any facilities in addition to those described in Subsection (a) of this section, which the board considers necessary or desirable in carrying out the purposes of this subchapter.

(c) The association is authorized to lease, as lessor or lessee, acquire, operate, maintain, and equip a dormitory or dormitories located on or near the campus of any member institution of the association that is a state-supported institution of higher education, and to issue its revenue bonds therefor as provided in this subchapter.

(d) The association may interchange educational information with private educational institutions, school districts, the United States government, and other parties engaged in education or participating in educational projects, and use the facilities of the

association only in the exchange, retrieval, and transfer of information and the interchange of approval course offering and instruction between member-institutions and other parties engaged in education or participating in educational projects. Any dormitories leased, acquired, operated, and maintained by the association shall not be subject to the use limitation of this subsection that applies to all other facilities of the association.

[Acts 1971, 62nd Leg., p. 3084, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.162. Gifts and Grants

The association may accept gifts, grants, or donations of real or personal property from any individual, group, association, or corporation. It may accept grants from the United States government subject to the limitations or conditions provided by law.

[Acts 1971, 62nd Leg., p. 3085, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.163. Information Network Association Fund

The Information Network Association Fund is a special fund in the state treasury. All money deposited in the treasury by the Western Information Network Association or any other regional network association created by the Coordinating Board, Texas College and University System, shall be credited to the special fund and disbursed as provided by legislative appropriation.

[Acts 1971, 62nd Leg., p. 3085, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.164. Rules and Regulations

The association shall adopt and publish rules to govern the conduct of its business.

[Acts 1971, 62nd Leg., p. 3085, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.165. Principal Office

The board for Western Information Network Association shall maintain its principal office in Lubbock, at or near Texas Tech University. The boards for other regional information network associations created by the Coordinating Board, Texas College and University System, shall maintain their principal offices at locations designated by the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3085, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.166. Facilities

Each member institution shall furnish suitable space to the association for a classroom-studio, a lecture studio, and a control room. It may also furnish any additional physical plant facility needed by the association in carrying on its functions at the institution. The facilities may with the approval of the association board and the governing body of the

state-supported member institutions be located in a dormitory owned and operated by the association.

[Acts 1971, 62nd Leg., p. 3085, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.167. Designation of Regions for Additional Associations

(a) In addition to the Western Information Network Association, the Coordinating Board, Texas College and University System, shall at such times as the board shall determine, divide the state into information network association regions consisting of state-supported institutions of higher education located within geographical boundaries prescribed by the coordinating board.

(b) The coordinating board shall give due consideration to the geographical proximity and number of institutions of higher education to be included within a proposed region.

[Acts 1971, 62nd Leg., p. 3086, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.168. Creation of Additional Associations

(a) The coordinating board shall create and name an information network association within an information network region if:

- (1) a majority of the institutions of higher education within a region apply to create an association; and
- (2) the institutions applying show good cause for creating an association.

(b) The coordinating board may not create more than one information network association in an information network region.

(c) Each information network association created is an agency of the state.

(d) An information network association created under this section is subject to the Texas Sunset Act;¹ and unless continued in existence as provided by that Act the association is abolished effective September 1, 1989.

[Acts 1971, 62nd Leg., p. 3086, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 1854, ch. 735, § 2.158, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 51.169. Provisions Applicable to Additional Associations

Except for Subsection (a), Section 51.153 of this Code, the provisions of this subchapter apply to any additional information network association created by the coordinating board.

[Acts 1971, 62nd Leg., p. 3086, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.170. Revenue Bonds

(a) The board may issue its revenue bonds for the purpose of providing funds to lease, as lessor or lessee, acquire, purchase, construct, improve, enlarge, or equip any property, buildings, structures,

or other facilities, including but not limited to dormitories, for and on behalf of the association.

(b) The bonds shall be payable from and secured by liens on and pledges of all or any part of the revenues from any lease rentals, rentals, charges, fees, or other resources of the board or association.

(c) The bonds may be issued to mature serially or otherwise within not more than 40 years from their date. The board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under the terms and conditions set forth in the resolution authorizing the issuance of the bonds.

(d) The bonds, and any interest coupons appertaining to them, are negotiable instruments. The bonds may be issued registrable as to principal alone or as to both principal and interest. They shall be executed, and may be made redeemable prior to maturity, may be issued in the form, denominations, and manner, and under the terms, conditions, and details, may be sold in the manner, at the price, and under the terms, and shall bear interest at the rate or rates, as is determined and provided by the board in the resolution authorizing the issuance of the bonds.

(e) Proceeds from the sale of the bonds may be used for paying interest on the bonds during the period of the acquisition or construction of any facilities to be provided through the issuance of the bonds and for providing a reserve for the payment of the principal of and interest on the bonds. The proceeds may be placed on time deposit or invested until needed to the extent and in the manner provided in the bond resolution.

(f) The board shall fix and collect lease rentals, rentals, rates, charges, and fees, or any combination of them, from students or others for the occupancy, use, or availability of all or any of its property, buildings, structures, or other facilities in amounts which will be sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with any bonds issued under this section, and, to the extent required by the resolution authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the issuance of the bonds and for the payment of operation, maintenance, and other expenses in connection with the property, buildings, structures, or facilities.

(g) Fees for the use or availability of all or any property, buildings, structures, or facilities may be pledged to the payment of the bonds, and shall be fixed and collected in the manner determined and provided by the board in the resolution authorizing the issuance of the bonds. The board may pledge to the payment of the bonds all or any part of any resources of the board or association to the extent that the resources are permitted to be pledged to the payment of the revenue bonds. Each board may pledge to the payment of the bonds all or any part of any grant, donation, or income received or to

be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise.

[Acts 1971, 62nd Leg., p. 3086, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.171. Revenue Refunding Bonds

Any revenue bonds issued by the board under this subchapter may be refunded, and in that case all pertinent and appropriate provisions of this subchapter are applicable to the refunding bonds. In refunding any of the bonds the board may, in the same authorizing proceedings, refund bonds issued under this subchapter and may combine all the refunding bonds with any other additional new bonds to be issued under this subchapter into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under terms and conditions set forth in the authorizing proceedings.

[Acts 1971, 62nd Leg., p. 3087, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.172. Approval of Bonds; Registration

All bonds issued under this subchapter shall be submitted to the attorney general for examination. If he finds that the bonds have been authorized in accordance with law, he shall approve them, and thereupon they shall be registered by the comptroller of public accounts. After the approval and registration the bonds are incontestable for any reason and are valid and binding obligations in accordance with their terms for all purposes. If the bonds recite that they are secured partially or otherwise by a pledge of the proceeds of a contract or lease made between the board and another party or parties, public agencies, or otherwise, a copy of the contract or lease and of the proceedings authorizing it may or may not be submitted to the attorney general along with the bond records. If submitted, then the approval by the attorney general of the bonds shall constitute an approval of the contract or lease, and thereafter the contract or lease shall be incontestable.

[Acts 1971, 62nd Leg., p. 3087, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.173. Bonds as Legal Investments

All bonds issued under this subchapter are legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas, and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. The bonds are eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties,

cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of the bonds, when accompanied by any unmaturred interest coupons appurtenant to them.

[Acts 1971, 62nd Leg., p. 3088, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 51.174 to 51.200 reserved for expansion]

SUBCHAPTER E. PROTECTION OF BUILDINGS AND GROUNDS

§ 51.201. Applicability of Criminal Laws

All the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of the state institutions of higher education of this state.

[Acts 1971, 62nd Leg., p. 3088, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.202. Rules and Regulations; Penalty

(a) The governing board of each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of this subchapter and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control, including but not limited to the following:

- (1) limiting the rate of speed;
- (2) assigning parking spaces and designating parking areas and their use and assessing a charge for parking;
- (3) prohibiting parking as it deems necessary;
- (4) removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator; and
- (5) instituting a system of registration for vehicle identification, including a reasonable charge.

(b) A person who violates any provision of this subchapter or any rule or regulation promulgated under the authority of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200.

[Acts 1971, 62nd Leg., p. 3088, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.203. Campus Security Personnel

The governing boards of each state institution of higher education may employ campus security personnel for the purpose of carrying out the provisions of this subchapter and may commission them as peace officers. Any officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the institution of higher education or otherwise in the performance of his duties. Any officer assigned to

duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of \$1,000, payable to the governor and his successors in office, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform all the duties that may be required of him by law. The bond may be sued on from time to time in the name of any person injured until the whole amount of the bond is recovered.

[Acts 1971, 62nd Leg., p. 3089, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.204. Trespass, Damage, Etc.

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education.

[Acts 1971, 62nd Leg., p. 3089, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.205. Parking; Blocking or Impeding Traffic

It is unlawful for any person to park a vehicle on any property under the control and jurisdiction of a state institution of higher education of this state except in the manner designated by the institution and in the spaces marked and designated by the governing board, or to block or impede traffic through any driveway of that property. All laws regulating traffic on highways and streets apply to the operation of vehicles within the property of the institution, except as may be modified in this subchapter.

[Acts 1971, 62nd Leg., p. 3089, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.206. Parking and Traffic Tickets; Summons; Arrest Warrants

In connection with traffic and parking violations, only the officers authorized to enforce the provisions of this subchapter have the authority to issue and use traffic tickets and summons of the type used by the Texas Highway Patrol, with any changes that are necessitated by reason of this subchapter. On the issuance of any parking or traffic ticket or summons, the same procedures shall be followed as prevail in connection with the use of parking and traffic violation tickets by the cities of this state and the Texas Highway Patrol. Nothing in this subchapter restricts the application and use of regular arrest warrants.

[Acts 1971, 62nd Leg., p. 3089, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.207. Vehicle Identification Insignia

Each institution may provide for the issuance and use of suitable vehicle identification insignia. The institution may bar or suspend the permit of any vehicle from driving or parking on any institutional

property for the violation of any rule or regulation promulgated by the board as well as for any violation of this subchapter. Reinstatement of the privileges may be permitted and a reasonable fee assessed.

[Acts 1971, 62nd Leg., p. 3089, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.208. Courts Having Jurisdiction

The judge of a municipal court or any justice of the peace of any city or county where property under the control and jurisdiction of a state institution of higher education is located is each separately vested with all jurisdiction necessary to hear and determine criminal cases involving violations of this subchapter or rules or regulations promulgated under this subchapter for which the punishment does not exceed a fine of \$200.

[Acts 1971, 62nd Leg., p. 3090, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.209. Unauthorized Persons: Refusal of Entry, Ejection, Identification

The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may eject any undesirable person from the property on his refusal to leave peaceably on request. Identification may be required of any person on the property:

[Acts 1971, 62nd Leg., p. 3090, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.210. Enforcement of Rules and Regulations

Notwithstanding any of the provisions of this subchapter, all officers commissioned by the governing board of a state institution of higher education may be empowered by the board to enforce rules and regulations promulgated by the board. Nothing in this subchapter is intended to limit or restrict the authority of each institution to promulgate and enforce appropriate rules and regulations for the orderly conduct of the institution in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel.

[Acts 1971, 62nd Leg., p. 3090, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.211. Cumulative Effect

The provisions of this subchapter are cumulative of all other laws.

[Acts 1971, 62nd Leg., p. 3090, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.212. Security Officers at Private Institutions

(a) The governing boards of private institutions of higher education, including private junior colleges, are authorized to employ and commission

campus security personnel for the purpose of enforcing the law of this state on the campuses of private institutions of higher education. Any officer commissioned under the provisions of this section is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the respective private institution of higher education or otherwise in the performance of his assigned duties. Any officer assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of \$1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform the duties as may be required of him by law. The bond may be sued on from time to time in the name of the person injured until the whole amount is recovered.

(b) The governing boards of private institutions of higher education are authorized to hire and pay on a regular basis law-enforcement officers commissioned by an incorporated city. The officers shall be under the supervision of the hiring institution, but shall be subject to dismissal and disciplinary action by the city. An incorporated city is authorized to contract with a private institution of higher education for the use and employment of its commissioned officers in any manner agreed to, provided that there is no expense incurred by the city.

[Acts 1971, 62nd Leg., p. 3090, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.213. Abandoned Personal Property

The governing board of each state institution of higher education, including public junior colleges, is authorized to promulgate rules and regulations providing for the disposition of abandoned and unclaimed personal property coming into the possession of the campus security personnel where the personal property is not being held as evidence to be used in any pending criminal case.

[Acts 1977, 65th Leg., p. 1712, ch. 680, § 1, eff. Aug. 29, 1977.]

§ 51.214. Security Officers for Medical Corporations in Certain Cities

In any city with a population of 1,200,000 or more, according to the most recent federal census, the governing board of a private, nonprofit medical corporation that provides security services for institutions of higher education and other entities located within the same medical complex, or that provides security services for a branch of that medical complex, may employ and commission security personnel to enforce the law of this state at the medical complex and its branches. An officer commissioned under this section has all the powers, privileges, and immunities of a peace officer while on the property under the control and jurisdiction of the medical corporation or while otherwise performing his assigned duties. An officer assigned to duty and

commissioned shall take and file the oath required of peace officers and shall execute and file a good and sufficient bond in the sum of \$1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform the duties required of him by law. The bond may be sued on from time to time in the name of the person injured until the whole amount is recovered.

[Acts 1981, 67th Leg., p. 1810, ch. 399, § 1, eff. June 11, 1981.]

Section 2 of the 1981 Act provides:

"Security personnel who on the effective date of this Act are in the employment of a medical corporation described in Section 1 of this Act may be commissioned as provided for by that section."

§ 51.215. Access to Police Records of Employment Applicants

(a) An institution of higher education, as defined in Section 61.003(7) of the Texas Education Code, is entitled to obtain criminal history record information pertaining to an applicant for employment for a security-sensitive position. The institution of higher education may deny employment to an applicant for a security-sensitive position who fails to provide a complete set of fingerprints upon request.

(b) An institution of higher education may obtain information under this section from any law enforcement agency, including a police department or sheriff's department or the Department of Public Safety, or from the Texas Department of Corrections. The criminal history information request shall be handled by the chief of police of each institution of higher education who shall be responsible for the confidentiality of said information.

(c) An institution of higher education may use information obtained under this section only for the purpose of evaluating applicants for employment in security-sensitive positions. Security-sensitive positions shall be restricted to employees who handle currency, have access to a computer terminal, have access to a master key, or who work in an area of the institution which has been designated as a security-sensitive area. A security-sensitive position shall be so identified in the job description and advertisement for the position.

(d) All conviction data received by an institution of higher education shall be for the exclusive use of that institution, and shall be privileged and confidential and shall not be released or otherwise disclosed to any other person or agency except on court order. Immediately following the employment decision of the department with respect to the applicant, all such conviction data relating to the application shall be collected and sealed, forwarded to the custody of the president of the institution and not opened or released for any purpose except upon the order of a court of competent jurisdiction. Any unauthorized release of such conviction data for any purpose shall constitute official misconduct and shall invoke the penalties established for disclosure of confidential information in Section 10(e) of the

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open records act, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

[Acts 1983, 68th Leg., p. 5011, ch. 901, § 1, eff. Aug. 29, 1983.]

[Sections 51.216 to 51.230 reserved for expansion]

SUBCHAPTER E-1. MAINTAINING CAMPUS ORDER DURING PERIODS OF DISRUPTION

Acts 1971, 62nd Leg., p. 2752, ch. 893, effective August 30, 1971, classified as Penal Code, art. 295d, was repealed by Acts 1973, 63rd Leg., p. 90, ch. 51, § 19, which by § 6 thereof incorporated the provisions of the 1971 Act into the Education Code by adding this Subchapter E-1, consisting of Sections 51.231 to 51.244.

§ 51.231. Definition of Periods of Disruption

For purposes of this subchapter a period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of willful disruption of the orderly operation of the campus or facility.

[Acts 1973, 63rd Leg., p. 84, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.232. Identification of Persons on Campus

(a) During periods of disruption, as determined by the chief administrative officer of a state-supported institution of higher education, the chief administrative officer, or an officer or employee of the institution designated by him to maintain order on the campus or facility of the institution, may require that any person on the campus or facility present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official institutional identification card, or other evidence of his relationship with the institution.

(b) If any person refuses or fails upon request to present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official identification card, or other evidence of his relationship with the institution, and if it reasonably appears that the person has no legitimate reason to be on the campus or facility, the person may be ejected from the campus or facility.

[Acts 1973, 63rd Leg., p. 84, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.233. Withdrawal of Consent to Remain on Campus

(a) During periods of disruption, the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on the campus or facility, may notify a person that consent to remain on the campus or facility under the control of the chief

administrative officer has been withdrawn whenever there is reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility.

(b) In no case shall consent be withdrawn for longer than 14 days from the date on which consent was initially withdrawn.

(c) Notification shall be in accordance with procedures set out in Section 51.234 of this code.

[Acts 1973, 63rd Leg., p. 84, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.234. Notice of Withdrawal of Consent

When the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on the campus or facility, decides to withdraw consent for any person to remain on the campus or facility, he shall notify that person in writing that consent to remain is withdrawn. The written notice must contain all of the following:

- (1) that consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed 14;
- (2) the name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;
- (3) a brief statement of the activity or activities resulting in the withdrawal of consent; and
- (4) notification that the person from whom consent has been withdrawn is entitled to a hearing on the withdrawal not later than three days from the date of receipt by the chief administrative officer of a request for a hearing.

[Acts 1973, 63rd Leg., p. 85, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.235. Report to Chief Administrative Officer

Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, the officer or employee shall submit a written report to the chief administrative officer within 24 hours, unless the authorized officer or employee has reinstated consent for the person to remain on the campus. The report must contain all of the following:

- (1) the description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number; and
- (2) a statement of the facts giving rise to the withdrawal of consent.

[Acts 1973, 63rd Leg., p. 85, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.236. Confirmation of Withdrawal of Consent

(a) If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the written report described in Section 51.235, finds that there was reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility, and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee.

(b) If the chief administrative officer, or in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

[Acts 1973, 63rd Leg., p. 85, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.237. Request for Hearing

(a) A person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal to the chief administrative officer within the 14-day period. The written request must state the address to which notice of hearing is to be sent. The chief administrative officer shall grant a hearing not later than three days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of the hearing to the person.

(b) The hearing shall be held before a duly designated discipline committee or authorized hearing officer of the institution in accordance with Section 51.243. In no instance shall the person issuing the withdrawal notice or causing it to be issued serve on any committee where the validity of his order of withdrawal is in question.

[Acts 1973, 63rd Leg., p. 85, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.238. Reinstatement of Consent to Remain on Campus

The chief administrative officer shall reinstate consent whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility.

[Acts 1973, 63rd Leg., p. 86, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.239. Entering or Remaining on Campus After Withdrawal of Consent

(a) Any person who has been notified by the chief administrative officer of a campus or facility of a state-supported institution of higher education, or by an officer or employee designated by the chief

administrative officer to maintain order on the campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Section 51.233, who has not had consent reinstated, and who willfully and knowingly enters or remains upon the campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Section 51.244.

(b) This section does not apply to any person who enters or remains on the campus or facility for the sole purpose of applying to the chief administrative officer or authorized officer or employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

[Acts 1973, 63rd Leg., p. 86, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.240. Authority to Suspend, Dismiss, or Expel Students or Employees Not Affected

This subchapter does not affect the power of the duly constituted authorities of a state-supported institution of higher education to suspend, dismiss, or expel any student or employee at the university or college.

[Acts 1973, 63rd Leg., p. 86, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.241. Students and Employees Barred From Campus After Suspension or Dismissal

(a) Every student or employee who has been suspended or dismissed from a state-supported institution of higher education after a hearing, in accordance with procedures established by the institution, for disrupting the orderly operation of the campus or facility of the institution, as a condition of the suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year.

(b) A person who has been notified by personal service of the suspension or dismissal and condition and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and is subject to punishment as set out in Section 51.244.

(c) Knowledge shall be presumed if personal service has been given as prescribed in Subsection (b) of this section.

[Acts 1973, 63rd Leg., p. 86, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.242. Refusing or Failing to Leave Building Closed to Public

No person may refuse or fail to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during those hours of the day or night when the building is regularly closed to the public,

upon being requested to do so by a guard, watchman, or other employee of a public agency, including a state-supported institution of higher education, controlling and managing the building or property, if the surrounding circumstances are such as to indicate to a reasonable person that the individual or individuals have no apparent lawful business to pursue.

[Acts 1973, 63rd Leg., p. 87, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.243. Required Hearing Procedures

A person from whom consent to remain on the campus of a state-supported institution of higher education has been withdrawn in accordance with Section 51.233 is entitled, in addition to the procedures set out in Section 51.234, to the following:

- (1) to be represented by counsel;
- (2) to the right to call and examine witnesses and to cross-examine adverse witnesses;
- (3) to have all matters upon which the decision may be based introduced into evidence at the hearing in his presence;
- (4) to have the decision based solely on the evidence presented at the hearing;
- (5) to prohibit the introduction of statements made against him unless he has been advised of their content and the names of the persons who made them, and has been given the opportunity to rebut unfavorable inferences that might otherwise be drawn; and
- (6) to have all findings made at the hearing be final, subject only to his right to appeal to the president and the governing board of the institution.

[Acts 1973, 63rd Leg., p. 87, ch. 51, § 6, eff. Aug. 27, 1973.]

§ 51.244. Penalties

A person who violates Section 51.239, 51.241, or 51.242 of this code is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$500 or imprisonment in the county jail for not more than six months, or both.

[Acts 1973, 63rd Leg., p. 87, ch. 51, § 6, eff. Aug. 27, 1973.]

[Sections 51.245 to 51.300 reserved for expansion]

SUBCHAPTER F. REQUIRED AND ELECTIVE COURSES

§ 51.301. Government or Political Science

Every college and university receiving state support or state aid from public funds shall give a course of instruction in government or political science which includes consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas. This course shall have a credit value of not less than six semester hours or its equivalent. No college or university receiving state support or state aid from public funds may grant a baccalaureate degree or a lesser degree or academic certificate to any person

unless he has credit for such a course. The college or university may determine that a student has satisfied this requirement in whole or in part on the basis of credit granted to him by the college or university for a substantially equivalent course completed at another accredited college or university or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its equivalent toward satisfaction of this requirement for substantially equivalent work completed by the student in the program of an approved senior R.O.T.C. unit. Credit for the advanced standing examination referred to above shall never exceed three semester hours.

[Acts 1971, 62nd Leg., p. 3091, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.302. American or Texas History

No college or university receiving state support or state aid from public funds may grant a baccalaureate degree or a lesser degree or academic certificate to any person unless he has credit for six semester hours or its equivalent in American History. A student is entitled to submit as much as three semester hours of credit or its equivalent in Texas History in partial satisfaction of this requirement. The college or university may determine that a student has satisfied this requirement in whole or part on the basis of credit granted to him by the college or university for a substantially equivalent course completed at another accredited college or university, or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its equivalent toward satisfaction of this requirement for substantially equivalent work completed by a student in the program of an approved senior R.O.T.C. unit. Credit for the advanced standing examination referred to above shall never exceed three semester hours.

[Acts 1971, 62nd Leg., p. 3091, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.303. Elective Courses in Dactylogy

(a) In this section, "dactylogy" means the art of communicating ideas by signs made with the fingers, as in the manual alphabets of deaf-mutes.

(b) Any state college or university offering a fully accredited program for teachers of the deaf may offer a three-hour elective course in dactylogy.

(c) American Sign Language is recognized as a language, and any state institute of higher education may offer an elective course in American Sign

Language. A student is entitled to count credit received for a course in American Sign Language toward satisfaction of a foreign language requirement of the institution of higher education where it is offered.

[Acts 1971, 62nd Leg., p. 3092, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 735, ch. 327, § 2, eff. Aug. 27, 1979.]

§ 51.304. Courses in Military and Naval Training

The governing board of any state-supported institution of higher education may request the United States Department of Defense to establish and maintain courses in military and naval training qualifying men student graduates of the courses for reserve commission awards as a part of its curriculum. The board may enter into mutually agreeable contracts for that purpose. The work of the students enrolling in the courses may be credited toward degree requirements under regulations prescribed by the board.

[Acts 1971, 62nd Leg., p. 3092, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 51.305 to 51.350 reserved for expansion]

SUBCHAPTER G. OPTIONAL RETIREMENT SYSTEM [REPEALED]

§§ 51.351 to 51.358. Repealed by Acts 1981, 67th Leg., p. 2063, ch. 453, § 3(2), eff. Sept. 1, 1981

Acts 1981, 67th Leg., ch. 453, repealing these sections, enacted Title 110B of the Revised Civil Statutes, Public Retirement Systems.

For disposition of the subject matter of the repealed sections, see Disposition Table following Title 110B.

SUBCHAPTER H. GUIDELINES FOR ACADEMIC WORKLOADS

§ 51.401. Purpose

It is the intent of the legislature that all public higher education institutions of this state shall manage their institutions and institutional resources to achieve maximum effectiveness and to provide the greatest attainable educational benefit from the expenditure of public funds.

[Acts 1977, 65th Leg., p. 1478, ch. 601, § 1, eff. Aug. 29, 1977.]

§ 51.402. Report of Institutional and Academic Duties

(a) The Coordinating Board, Texas College and University System, in cooperation with governing boards, institutional officials, and faculty representatives of general academic institutions of higher education, shall develop and recommend general policies and standard reports for academic faculty workloads and services.

(b) The governing board of each institution of higher education in the state shall adopt rules and regulations concerning faculty academic workloads.

The established rules and regulations of each institution shall be reported to the coordinating board and included in the operating budgets of each institution.

(c) Within 30 days of the end of each academic year, the institution shall file with its governing board a report, by department, of the academic duties and services performed by each member of the faculty during the nine-month academic year, showing evidence of compliance with requirements established by the governing board. The report of academic duties and services performed by each member of the faculty shall indicate all appointments held by the faculty member in the employing institution, the salary paid to each appointment, the percent of time of each appointment, and the source of funds from which salary payments were made. Teaching responsibilities in each workload standard shall be in proportion to the portion of salary paid from funds appropriated for instructional purposes.

(d) The institutional head of each higher education institution shall designate the officer of his staff who will monitor workloads, prepare and review appropriate workload reports, and submit the reports to the institutional head for his certification or approval and comments as may be appropriate.

[Acts 1977, 65th Leg., p. 1478, ch. 601, § 1, eff. Aug. 29, 1977.]

§ 51.403. Reports of Student Enrollment

(a) All higher education institutions of this state shall offer only such courses and teach such classes as are economically justified in the considered judgment of the appropriate governing board.

(b) The chief executive officer of each institution shall provide its governing board a report for each fall and spring semester indicating for each instructor the number of students enrolled in each class, the number of semester-credit hours accrued to each course, the course number and title, the department in which the course is offered, and the identity and academic rank of the instructor.

(c) At the close of each fall and spring semester, the chief executive officer of each institution shall provide the appropriate governing board with a semester report comparing student enrollments in each class on the last day with enrollments as set out in Section 51.403(b) of this code.

(d) Each institution shall file with its governing board and the coordinating board a small class report, excluding individual instruction courses, indicating department, course number, title of course, and the name of the instructor. "Small classes," for the purpose of this report, are undergraduate-level courses with less than 10 registrations, and graduate-level courses with less than 5 registrations. No small classes shall be offered in any institution except as authorized by the appropriate

governing board, within the guidelines established by the Coordinating Board.

[Acts 1977, 65th Leg., p. 1479, ch. 601, § 1, eff. Aug. 29, 1977. Amended by Acts 1979, 66th Leg., p. 1100, ch. 516, § 1, eff. Aug. 27, 1979.]

§ 51.404. Submission of Reports

Each institution shall submit all reports required by this subchapter to the coordinating board. The coordinating board shall furnish such summaries of these reports as the governor's budget office and legislative budget board may request, including an analysis of compliance by each institution of higher education with its adopted rules and regulations as filed with the coordinating board in compliance with Section 51.402(b) of this code. All such reports shall be public information.

[Acts 1977, 65th Leg., p. 1479, ch. 601, § 1, eff. Aug. 29, 1977.]

§ 51.405. Reporting of Noncompliance

Should any institution of higher education fail to comply with its adopted rules and regulations as determined by the coordinating board in Section 51.404 of this code, the coordinating board shall inform the governor's budget office, the legislative budget board, and the chairmen of the house and senate appropriations committees.

[Acts 1977, 65th Leg., p. 1479, ch. 601, § 1, eff. Aug. 29, 1977.]

[Sections 51.406 to 51.450 reserved for expansion]

SUBCHAPTER I. TEXAS EMINENT SCHOLARS PROGRAM

§ 51.451. Purpose

The purpose of this subchapter is to establish a Texas eminent scholars program to encourage donations from the private sector to institutions of higher education for attracting to and retaining in this state eminent scholars.

[Acts 1983, 68th Leg., p. 2039, ch. 373, § 1, eff. Sept. 1, 1983.]

§ 51.452. Definitions

In this subchapter:

(1) "Eligible institution" means:

(A) a general academic teaching institution, as defined by Subdivision (3) of Section 61.003 of this code;

(B) a medical and dental unit, as defined by Subdivision (5) of Section 61.003 of this code; and

(C) a special purpose educational, research, or health care institution under the authority of the governing board of a general academic teaching institution.

(2) "Eligible gift" means an inter vivos or testamentary gift of at least \$50,000 in cash or negotiable securities received on or after September 1,

1983, that the donor has specifically designated as a permanent endowment for an academic position at an eligible institution; provided, however, that a gift to The University of Texas at Austin or to the Texas A & M University campus in Brazos County that is otherwise eligible under this subchapter is not eligible if the governing board of either institution elects to match the gift under a program involving the use of matching money from the Available University Fund.

[Acts 1983, 68th Leg., p. 2039, ch. 373, § 1, eff. Sept. 1, 1983.]

§ 51.453. Eminent Scholars Fund

(a) A special fund to be known as the eminent scholars fund is created in the State Treasury.

(b) Biennially, the legislature shall appropriate general revenue to the fund in an amount not to exceed the estimated income that will be earned on the eligible gifts of eligible institutions during the biennium for which the appropriation is made.

(c) The estimation of income shall be made by the Legislative Budget Board based on information provided by the eligible institutions, the commissioner of higher education, and the comptroller of public accounts.

[Acts 1983, 68th Leg., p. 2039, ch. 373, § 1, eff. Sept. 1, 1983.]

§ 51.454. Disbursement

(a) On the last day of February and on August 31 of each year or as soon as possible after those dates, a disbursement shall be made from the eminent scholars fund to each eligible institution as provided by this section.

(b) Not later than February 7 and August 7 of each year, the chief executive officer of each eligible institution shall present to the comptroller a voucher detailing the actual income earned on the investment of the institution's eligible gifts during the six-month period ending the preceding January 31 or July 31, as applicable.

(c) The comptroller shall devise a plan for semiannual disbursement of the eminent scholars fund. The plan must provide for the disbursements to be made promptly after receipt of the vouchers.

(d) Except as provided by Subsection (e) of this section, each disbursement from the fund to an eligible institution shall be in an amount equal to the actual income earned on the investment of the institution's eligible gifts during the preceding six-month period as stated in the institution's voucher and as verified by the comptroller.

(e) Based on the Legislative Budget Board's estimate, if the comptroller determines that the amount available for disbursement during the biennium is insufficient to match the actual income that will be earned on the eligible institutions' eligible gifts, the comptroller shall:

(1) promptly provide each eligible institution with an estimate of the amount that will be disbursed to it from the fund during the biennium;

(2) prorate each disbursement so that a disbursement may be made semiannually during the biennium; and

(3) determine each eligible institution's disbursement in accordance with the following:

(A) allocate to each eligible institution an amount necessary to match the income earned by the institution with the smallest amount of income earned;

(B) allocate to each institution that is not fully matched by the first allocation an amount necessary to match the income earned by the institution with the next larger amount of earned income;

(C) continue to allocate in the manner provided by Paragraph (B) of this subdivision until the amount that remains cannot be fully allocated in that manner; and

(D) allocate the amount remaining equally among the remaining institutions that have not been fully matched.

[Acts 1983, 68th Leg., p. 2039, ch. 373, § 1, eff. Sept. 1, 1983.]

Section 2 of the 1983 Act provides:

"Notwithstanding Section 51.454, Texas Education Code, as added by this Act, the first disbursements from the eminent scholars fund shall be made on or as soon as possible after the last day of February, 1984, on the basis of income earned during the period beginning the preceding September 1 and ending the preceding January 31."

§ 51.455. Excess Appropriation

If the amount appropriated to the eminent scholars fund exceeds the actual income earned on the investment of eligible institutions' eligible gifts during any biennium, the excess shall be returned to the General Revenue Fund.

[Acts 1983, 68th Leg., p. 2039, ch. 373, § 1, eff. Sept. 1, 1983.]

§ 51.456. Use of Funds

An institution may use money it receives from the eminent scholars fund only for supplementing the salary or directly supporting the research or other academic endeavors of an eminent scholar holding an endowed academic position at the institution and may not use any of the money for general operating expenses of the institution.

[Acts 1983, 68th Leg., p. 2039, ch. 373, § 1, eff. Sept. 1, 1983.]

§ 51.457. Rules

The governing board of each eligible institution may adopt rules to administer its responsibilities under this subchapter.

[Acts 1983, 68th Leg., p. 2039, ch. 373, § 1, eff. Sept. 1, 1983.]

§ 51.458. Intent

It is the intent of the legislature that, insofar as possible within constitutional and fiscal constraints, the program established by this subchapter shall operate in perpetuity.

[Acts 1983, 68th Leg., p. 2039, ch. 373, § 1, eff. Sept. 1, 1983.]

[Sections 51.459 to 51.500 reserved for expansion]

SUBCHAPTER J. ENGINEERING EXCELLENCE FUND

§ 51.501. Purpose

The purpose of this subchapter is to establish an engineering excellence fund to encourage donations from the private sector to Texas colleges of engineering to be used for the acquisition of capital equipment.

[Acts 1983, 68th Leg., p. 2154, ch. 396, § 1, eff. Aug. 29, 1983.]

§ 51.502. Definitions

In this subchapter:

(1) "Eligible institution" means the college, department, or other unit of engineering at any of the following institutions of higher education:

- (A) The University of Texas at Austin;
- (B) The University of Texas at Arlington;
- (C) The University of Texas at El Paso;
- (D) The University of Texas at San Antonio;
- (E) The University of Texas of the Permian Basin;
- (F) Texas A&M University;
- (G) Prairie View A&M University;
- (H) Texas Tech University;
- (I) Lamar University;
- (J) University of Houston; and
- (K) Texas A&I University.

(2) "Eligible gift" means a gift of at least \$1,000 in cash received on or after September 1, 1983, that the donor has specifically designated as a donation for the purchase of engineering and related equipment that satisfies the critical needs of an eligible institution.

(3) "Fund" means the engineering excellence fund.

(4) "Commissioner" means the commissioner of higher education.

[Acts 1983, 68th Leg., p. 2154, ch. 396, § 1, eff. Aug. 29, 1983.]

§ 51.503. Engineering Excellence Fund

(a) A special fund to be known as the engineering excellence fund is created in the State Treasury.

(b) Funds appropriated by the legislature to the engineering excellence fund shall be used to match eligible gifts to eligible institutions at a ratio of \$2 of appropriated money to \$1 of eligible gift money.

Total cumulative appropriations to the fund may not exceed \$67 million.

(c) The fund shall be administered by the commissioner and shall consist of an appropriations account and a gifts account. Legislative appropriations to the fund shall be deposited to the credit of the appropriations account. Eligible gifts to eligible institutions shall be deposited to the credit of the gifts account each year until the total deposits to the credit of the gifts account, disregarding any disbursements, equal 50 percent of the amount available for expenditure from the appropriations account in that year. Thereafter, any eligible gift received by an eligible institution during that year shall be retained by the eligible institution for its separate use.

[Acts 1983, 68th Leg., p. 2154, ch. 396, § 1, eff. Aug. 29, 1983.]

§ 51.504. Determination of Critical Needs

(a) For the 1984 fiscal year and thereafter, each eligible institution shall annually prepare and submit to the Coordinating Board, Texas College and University System, a list of proposed critical needs for engineering and related equipment. The coordinating board shall adopt any guidelines necessary relating to submission of the lists.

(b) Not later than July 15 of each year, the coordinating board shall submit to the Legislative Budget Board its findings as to the critical needs of each eligible institution for engineering and related equipment. The findings must include an estimate of the cost of each item.

(c) Not later than August 31 of each year, the Legislative Budget Board shall approve a list of critical needs of each eligible institution for engineering and related equipment. The list must include the estimated cost of each approved item.

[Acts 1983, 68th Leg., p. 2154, ch. 396, § 1, eff. Aug. 29, 1983.]

Section 2 of the 1983 Act provides:

"(a) For the fiscal year beginning September 1, 1983, the General Appropriations Act shall specify the critical needs of each eligible institution for engineering and related equipment.

"(b) Each institution eligible to benefit from the engineering excellence fund shall submit its first list of proposed critical needs under Subsection (a), Section 51.504, Texas Education Code, for the fiscal year beginning September 1, 1984."

§ 51.505. Distribution and Disbursement of Fund

(a) Each year, the commissioner shall periodically distribute the money in the gifts account, combined with state matching money from the appropriations account, to each eligible institution in proportion to its approved critical needs for engineering and related equipment.

(b) Disbursements from the fund shall be made by the comptroller of public accounts on the basis of vouchers approved by the commissioner.

[Acts 1983, 68th Leg., p. 2154, ch. 396, § 1, eff. Aug. 29, 1983.]

§ 51.506. Excluded Gifts

Gifts specifically designated by the donor for the exclusive use of the receiving eligible institution shall be for the separate use of that institution and are not eligible for purposes of state matching money.

[Acts 1983, 68th Leg., p. 2154, ch. 396, § 1, eff. Aug. 29, 1983.]

§ 51.507. Report of Gifts

An eligible gift received by an eligible institution and the use of the gift shall be reported to the commissioner in the manner specified by the commissioner.

[Acts 1983, 68th Leg., p. 2154, ch. 396, § 1, eff. Aug. 29, 1983.]

§ 51.508. Excess Appropriation

If the amount appropriated to the fund exceeds the amount needed to match eligible gifts received by eligible institutions during any biennium, the excess shall be returned to the General Revenue Fund.

[Acts 1983, 68th Leg., p. 2154, ch. 396, § 1, eff. Aug. 29, 1983.]

§ 51.509. Use of Fund

An eligible institution may use the money it receives from the fund only for the purchase of engineering and related capital equipment.

[Acts 1983, 68th Leg., p. 2154, ch. 396, § 1, eff. Aug. 29, 1983.]

[Sections 51.510 to 51.550 reserved for expansion]

SUBCHAPTER K. PRIVATE DONOR RESEARCH FUND

§ 51.551. Purpose

The purpose of this subchapter is to establish a private donor research fund to encourage donations from the private sector to support research and development in teacher education and teaching.

[Acts 1984, 68th Leg., 2nd C.S., p. 380, ch. 28, art. III, part J, § 4, eff. Sept. 1, 1984.]

§ 51.552. Fund

(a) A special fund to be known as the private donor research fund is created in the state treasury.

(b) The fund shall be administered by the State Board of Education.

(c) Biennially, the legislature may appropriate general revenue to the fund in an amount not to

exceed the amount of donations to the fund during the preceding biennium.

(d) In addition to donations from private sources and appropriations by the legislature, the board shall solicit money for the fund from the federal government.

[Acts 1984, 68th Leg., 2nd C.S., p. 380, ch. 28, art. III, part J, § 4, eff. Sept. 1, 1984.]

Article III, part J, § 5 of the 1984 Act provides:

"Notwithstanding Section 51.552, Education Code, for the biennium beginning September 1, 1985, the legislature may appropriate not more than \$5 million in general revenue to the private donor research fund created by that section."

§ 51.553. Use of Fund

(a) The board shall develop concepts for research projects in the areas of teacher education and teaching and shall assign each research project, together with the amount of money from the fund necessary to implement the project, to an approved teacher education program of an institution of higher education or to a school district, as appropriate.

(b) The board shall adopt guidelines to ensure it assigns projects and distributes money from the fund equitably among teacher education programs and equitably among school districts. In addition, the board shall adopt standards and timetables for the projects it assigns and shall periodically review the progress of the projects.

[Acts 1984, 68th Leg., 2nd C.S., p. 380, ch. 28, art. III, part J, § 4, eff. Sept. 1, 1984.]

[Sections 51.554 to 51.900 reserved for expansion]

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

§ 51.901. Liability Insurance for Operators of Atomic Energy Reactors

(a) The governing boards of the state institutions of higher education, as state agencies, which are or will be constructing and operating atomic energy reactors, or otherwise performing experiments in the field of nuclear science, in cooperation with and licensed by the Atomic Energy Commission, or its successor in function, or any other governmental agency, may purchase liability insurance in any amount not to exceed \$250,000, and may pay the premium from funds appropriated for that purpose.

(b) The defense of sovereign immunity shall not be available to or asserted by the insurer in any claim against it or in any cause of action arising or growing out of a nuclear incident.

[Acts 1971, 62nd Leg., p. 3095, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.902. Contracts for Teacher Training

The governing board of any state-supported institution of higher education which trains teachers may contract with the trustees of any independent school district for the use of the public schools of the school district as laboratory schools for the

training of teachers. The available local funds of the institution or the local funds of the school district may be used in the performance of the contracts.

[Acts 1971, 62nd Leg., p. 3095, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.903. Archives; Certified Copies

(a) The commissioners court of any county or any other custodian of public records may lend to the library of any state-supported institution of higher education, for any period and on any conditions it may determine, any parts of its archives or records that have become mainly of historical value. The librarian shall give a receipt for any archives or records received. The librarian may make copies for historical study.

(b) The librarian and the archivist of any state-supported institution of higher education are authorized to make certified copies of public records in the custody of the institution. These certified copies are valid in law and have the same force and effect for all purposes as if certified by the county clerk or other custodian as otherwise provided by law. In making a certified copy, the librarian or archivist shall certify that the foregoing is a true and correct copy of the document, and after signing the certificate shall swear to it before any officer authorized to take oaths under the laws of this state.

(c) Nothing in this section affects the authority of the Texas State Librarian concerning public records as currently or later granted by law.

[Acts 1971, 62nd Leg., p. 3096, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 51.904. Street Closing

The governing body of a state-supported college or university in a county having a population in excess of 2,000,000 may vacate, abandon, and close a street or alley running through the campus if the state-supported college or university owns all of the real property abutting the street or alley.

[Acts 1971, 62nd Leg., p. 3338, ch. 1024, art. 2, § 5, eff. Sept. 1, 1971. Amended by Acts 1981, 67th Leg., p. 597, ch. 237, § 136, eff. Sept. 1, 1981.]

§ 51.905. State-Owned Museum Buildings

(a) The governing board of each state-supported institution of higher education commonly referred to as a senior college shall formulate and adopt reasonable rules and regulations for the use of a state-owned museum building located on its campus, including the designation of rooms or areas in honor of donors or other benefactors, if appropriate, and shall administer the expenditure of all state funds appropriated for construction, equipment, operation, maintenance, or improvement of such museum, including restoration or refurbishing of collections.

(b) Repealed by Acts 1975, 64th Leg., p. 1251, ch. 474, § 1, eff. Sept. 1, 1975.

(c) If state funds appropriated for construction, equipment, operation, maintenance, or improvement of a museum located on a college or university campus referred to in Subsection (a) of this section are used or expended conjunctively with funds belonging to a historical society or group incorporated as a nonprofit organization, the state auditor is granted authority and it shall be his duty to perform an audit of all accounts, books, and other financial records of the state government and the nonprofit corporation pertaining to the expenditure of funds which have been used or expended jointly for constructing, equipping, operating, maintaining, or improving such museum. The state auditor shall prepare a written report or reports of such audit or audits to the legislative audit committee and the governing board of the state-supported institution of higher education.

(d) No employee of a museum located on a campus referred to in Subsection (a) of this section, who is paid in whole or in part by state funds may be employed or discharged except with the approval and consent of the governing board of the state-supported institution on which campus the museum is located.

[Acts 1971, 62nd Leg., p. 3361, ch. 1024, art. 2, § 42, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1251, ch. 474, § 1, eff. Sept. 1, 1975.]

§ 51.906. Sequential Education Planning for Nursing Education

The governing board of each state-supported institution of higher education which provides a nursing education program shall plan and incorporate into the program standards and sequential procedures which will recognize and grant credit for actual educational and clinical experiences in the nursing field which are equivalent to regular course content. The board may require students to pass examinations demonstrating competence based on educational and clinical experiences before granting academic credit.

[Acts 1975, 64th Leg., p. 1912, ch. 615, § 1, eff. Sept. 1, 1975.]

§ 51.907. Competitive Bidding on Contracts

All contracts for the construction or erection of permanent improvements at an institution of higher education as defined in Section 61.003 of this code are void unless made after advertising for bids thereon in a manner prescribed by its governing board, receiving sealed competitive bids, and awarding of the contract to the lowest responsible bidder by the governing body. If a contract is to be recommended for award to other than the lowest bidder, any bidder making a lower bid than the recommended bid shall be notified of the recommendation for award and shall be allowed an opportunity prior to the award to present evidence to the

board or its designated representative as to the responsibility of that bidder.

[Acts 1977, 65th Leg., p. 562, ch. 197, § 1, eff. May 20, 1977.]

§ 51.908. [Blank]

§ 51.909. Expulsion of Certain Foreign Students

(a) The governing board of a public institution of higher education may expel from that institution any student who is a citizen of a country other than the United States attending the institution under a nonimmigrant visa issued by the Immigration and Naturalization Service and who is finally convicted of an offense under Section 28.03, 28.04, 42.02, 42.03, 42.05, or 42.09, Penal Code, as amended, or under Section 4.30 of this code.

(b) In this section, a person is finally convicted if the conviction has not been reversed on appeal and all appeals, if any, have been exhausted.

[Acts 1979, 66th Leg., p. 1258, ch. 595, § 1, eff. June 13, 1979.]

§ 51.910. Interviews for Historical Purposes

Text as added by Acts 1983, 68th Leg., p. 2814, ch. 482, § 1

An oral interview that is obtained for historical purposes by an agreement of confidentiality between an interviewee and a state institution of higher education is not public information. The interview becomes public information when the conditions of the agreement of confidentiality have been met.

[Acts 1983, 68th Leg., p. 2814, ch. 482, § 1, eff. June 19, 1983.]

For text as added by Acts 1983, 68th Leg., p. 5467, ch. 1030, § 1, see § 51.910, post

§ 51.910. Pilot Programs for Learning Disabled

Text as added by Acts 1983, 68th Leg., p. 5467, ch. 1030, § 1, effective until September 1, 1985

(a) The Coordinating Board, Texas College and University System, shall select a vocational-technical school, two junior colleges, and a senior college in which to operate pilot programs for researching and demonstrating appropriate teaching techniques to be used in instructing students at the postsecondary level who have learning disabilities.

(b) An advocacy program shall be established as part of each pilot program. The advocacy program shall provide support to the learning-disabled students participating in the pilot program and shall work for the enforcement of federal and state laws and rules that concern the rights of students with learning disabilities.

(c) The governing board of each institution operating a pilot program shall appoint a program officer to supervise the institution's pilot program.

(d) To the extent possible, the pilot programs shall be supported by available federal, state, and local funds. Students participating in the programs shall pay for program expenses that are not paid for by the other funds.

(e) The program officer of each pilot program shall submit a report to the 69th Legislature concerning the problems and successes of the pilot program and the need for similar programs in all postsecondary institutions in this state to take care of the over one million adults with learning disabilities residing in this state and to provide them with an educational opportunity equal to that available to other adults.

(f) The coordinating board shall adopt any rules necessary to administer this section, including rules providing a procedure by which an institution may apply to operate a pilot program and guidelines for determining which applicants to accept.

(g) This section expires September 1, 1985.

[Acts 1983, 68th Leg., p. 5467, ch. 1030, § 1, eff. Aug. 29, 1983.]

For text as added by Acts 1983, 68th Leg., p. 2814, ch. 482, § 1, see § 51.910, ante

CHAPTER 52. STUDENT LOAN PROGRAM

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SUBCHAPTER A. ADMINISTRATION

§ 52.01. Administration

The Coordinating Board, Texas College and University System, or its successors, shall administer the student loan program authorized by this chapter pursuant to Article III, Section 50b, of the Texas Constitution. Personnel and other expenses required to properly administer this chapter shall be provided in the general appropriations acts.

[Acts 1971, 62nd Leg., p. 3097, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.02. Delegation of Powers and Duties

The board may delegate to the commissioner of higher education the powers, duties, and functions authorized by this chapter, except those relating to the sale of bonds and the letting of contracts for insurance.

[Acts 1971, 62nd Leg., p. 3097, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 52.03 to 52.10 reserved for expansion]

SUBCHAPTER B. BONDS

§ 52.11. Issuance of Bonds

(a) The board may from time to time provide by resolution for the issuance of negotiable bonds in a total aggregate amount not exceeding \$285 million.

(b) All bonds shall be on a parity and shall be called the Texas College Student Loan Bonds.

(c) The proceeds from the sale of bonds shall be placed in the Texas Opportunity Plan Fund.

(d) To assure the orderly and economical marketing of the bonds and the reasonable availability of money in the Texas Opportunity Plan Fund, the bonds may be issued in installments.

(e) The bonds of each issue shall be dated and shall bear interest at rates prescribed by the board, subject to the limitations imposed by law. At the option of the board, the interest may be payable annually or semiannually.

(f) The bonds shall mature serially or otherwise not later than 40 years from their date and may be redeemable before maturity, at the option of the board, at a price or prices and under terms and conditions fixed by the board in the resolution providing for the issuance of the bonds.

(g) The board shall determine the form of the bonds, including the form of any interest coupon to be attached to the bonds, and shall fix the denomination or denominations of the bonds and the place or places for the payment of the principal and interest.

(h) The bonds shall be executed on behalf of the coordinating board, or its successor, as general obligations of the State of Texas in the following manner: They shall be signed by the chairman or vice chairman and the secretary of the board, and the seal of the board shall be impressed on them. They shall be signed by the governor and attested by the secretary of state and the seal of the state impressed on them. The resolution authorizing the issuance of any installment or series of bonds may prescribe the extent to which facsimile signatures and facsimile seals may be used in executing the bonds and appurtenant coupons. Interest coupons may be signed with the facsimile signatures of the chairman or vice chairman and the secretary of the board. In the event any officer whose manual or facsimile signature appears on any bond or coupon ceases to hold that office before the delivery of the bond or coupon, the signature will nevertheless be valid and sufficient for all purposes as if he had remained in office until the delivery had been made.

(i) The resolution may provide for registration of the bonds as to ownership and for successive conversion and reconversion from registered to bearer bonds and vice versa.

(j) Before any of the bonds issued are delivered to the purchasers, the record pertaining to the bonds shall be examined by the attorney general and the records and the bonds shall be approved by him. After approval by the attorney general, the bonds shall be registered in the office of the comptroller of public accounts. When approved, registered, and delivered to the purchasers, the bonds are incontestable and constitute general obligations of the State of Texas.

(k) The performance of official duties prescribed by Article III, Section 50b, of the Texas Constitution, in reference to the provision for the payment and the payment of the bonds may be enforced in any court of competent jurisdiction through mandamus or other appropriate proceedings.

(l) All bonds issued in accordance with the provisions of this chapter are negotiable instruments under the laws of this state.

(m) The board may provide for the replacement of any bond which is mutilated, lost, or destroyed.

[Acts 1971, 62nd Leg., p. 3097, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.12. Refunding Bonds

(a) The board may provide by resolution for the issuance of refunding bonds for the purpose of refunding any bonds issued under the provisions of this chapter and then outstanding, together with accrued interest on them.

(b) The issuance of the refunding bonds, and maturities, and all other details of the bonds, the rights of the holders, and the duties of the board with respect to the bonds, shall be governed by the applicable provisions of Section 52.11 of this code.

(c) The refunding bonds may be exchanged for the outstanding bonds or may be sold and the proceeds used to retire the outstanding bonds.

[Acts 1971, 62nd Leg., p. 3099, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.13. Bonds as Investments

All bonds issued pursuant to the provisions of this chapter are legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, and guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and all other political subdivisions and public agencies of the State of Texas. The bonds, when accompanied by all unmatured coupons appurtenant to them, are lawful and sufficient security for all deposits of state funds and of all funds of any agency or political subdivision of the state, and of counties, school districts, cities, and all other municipal corporations or subdivisions at the par value of the bonds. The bonds and the income from them, including the profits made on their sale, shall at all times be free from taxation in this state.

[Acts 1971, 62nd Leg., p. 3099, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.14. Sale of Bonds

When the board has authorized the issuance of a series of bonds and has determined to call for bids on the bonds, it shall publish an appropriate notice of the sale at least one time not less than 20 days before the date of the sale. The publication shall be made in a daily newspaper of general statewide circulation which is published not less than seven times weekly. The notice shall also be published for a number of times determined by the board in one or more recognized financial publications of general circulation published in the state and one or more of these publications published outside the state. The board shall demand of bidders, other than the administrators of the state funds, that each bid be accompanied by an exchange or bank cashier's check for a sum considered adequate by the board to be a forfeit guaranteeing the acceptance of and payment for all bonds covered by each bid accepted by the board.

[Acts 1971, 62nd Leg., p. 3099, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.15. Competitive Bids

No installment or series of bonds may be sold for an amount less than the face value of all the bonds comprising the installment or series with accrued interest from their date, and all bonds shall be sold after competitive bidding to the highest and best bidder. The board may reject any and all bids.

[Acts 1971, 62nd Leg., p. 3099, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.16. Proceeds from Bond Sale

All proceeds from the sale of bonds shall be deposited in the state treasury in the Texas Opportunity Plan Fund.

[Acts 1971, 62nd Leg., p. 3100, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.17. Interest and Sinking Fund

(a) Each fiscal year a sufficient portion of the funds received by the board as repayment of student loans granted under this chapter and as interest on the loans shall be deposited in the state treasury in the Texas College Student Loan Bonds Interest and Sinking Fund, referred to in this chapter as the interest and sinking fund, to pay the interest and principal coming due during the ensuing fiscal year and to establish and maintain a reserve in the interest and sinking fund equal to the average annual principal and interest requirements of all outstanding bonds issued under this chapter.

(b) If in any year funds are received in excess of the foregoing requirements, then the excess shall be deposited in the Texas Opportunity Plan Fund and may be used for the same purposes and upon the same terms and conditions prescribed for the proceeds derived from the sale of the Texas College Student Loan Bonds.

(c) In the event that funds received by the board in any fiscal year as repayment of student loans and as interest on the loans are insufficient to pay the interest coming due and the principal maturing on the bonds during the ensuing fiscal year, the state treasurer shall transfer into the interest and sinking fund out of the first money coming into the treasury, which is not otherwise appropriated by the constitution, an additional amount sufficient to pay the interest coming due and the principal maturing on the bonds during the ensuing fiscal year.

(d) The resolution authorizing the issuance of the bonds may provide for the deposit, from bond proceeds, of not more than 24 months' interest, and may provide for the use of bond proceeds as a reserve for the payment of principal of and interest on the bonds.

[Acts 1971, 62nd Leg., p. 3100, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.18. Duties of Comptroller and Treasurer

The comptroller of public accounts shall make the transfers required under the provisions of this chapter, and the state treasurer shall pay or cause to be paid the principal of and interest on the bonds as they mature and come due.

[Acts 1971, 62nd Leg., p. 3100, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.19. Investment of Funds

All money standing to the credit of the reserve portion of the interest and sinking fund and any money in the Texas Opportunity Plan Fund in ex-

cess of the amount necessary for student loans may be invested by the board in direct obligations of or obligations the principal and interest of which are guaranteed by the United States of America or invested in direct obligations of or participation certificates guaranteed by the Federal Intermediate Credit Bank, federal land banks, Federal National Mortgage Association, federal home loan banks, banks for cooperatives, and in certificates of deposit of any bank or trust company the deposits of which are fully secured by a pledge of securities of any of the kind previously specified in this section, or in bonds of the State of Texas, or of the several counties or municipalities or other political subdivisions of the State of Texas. However, money in the interest and sinking fund, except for that which is in the reserve portion of the fund, may be invested only in obligations which are scheduled to mature prior to the date money must be available for use for its intended purpose. All the bonds and obligations owned in the interest and sinking fund or in the Texas Opportunity Plan Fund are defined as "securities." The board may sell any securities owned in the interest and sinking fund or in the Texas Opportunity Plan Fund at the prevailing market price. Income from these investments shall be deposited in the interest and sinking fund.

[Acts 1971, 62nd Leg., p. 3100, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 52.20 to 52.30 reserved for expansion]

SUBCHAPTER C. STUDENT LOANS

§ 52.31. Participating Institutions

A participating higher educational institution is any institution of higher education, public or private nonprofit, including a junior college, which is recognized or accredited by the Texas Education Agency or the Coordinating Board, Texas College and University System, or its successors, and which complies with the provisions of this chapter and the rules and regulations of the board promulgated in accordance with this chapter.

[Acts 1971, 62nd Leg., p. 3101, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.32. Qualifications for Loans

(a) The board may authorize loans from the Texas Opportunity Plan Fund to qualified students at any participating institution of higher education in Texas if the applicant:

- (1) is a resident of Texas as defined by the board in accordance with Subchapter B, Chapter 54 of this code;¹
- (2) has been accepted for enrollment;
- (3) has established that he has insufficient resources to finance his college education;
- (4) has been recommended by reputable persons in his home community; and

(5) has complied with other requirements established by rules and regulations adopted by the board in conformity with this chapter.

(b) In no event may a higher standard of academic performance be required of an applicant than the minimum standard required for enrollment in the participating institution. The student must be meeting the minimum academic requirements of the institution in the semester any loan is made.

[Acts 1971, 62nd Leg., p. 3101, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Section 54.051 et seq.

§ 52.33. Amount of Loan

The amount of the loan to any qualified applicant shall be limited to the difference between the financial resources available to him, including but not limited to his income from parents and other sources, scholarships, gifts, grants, other financial aid, and the amount he can reasonably be expected to earn, and the amount necessary to pay his reasonable expenses as a student at the participating institution of higher education where he has been accepted for enrollment, under the rules and regulations adopted by the board. The total loan to any individual student may never be more than the amount he can reasonably be expected to repay in a maximum period of five years after he is last enrolled in a participating institution, except as otherwise provided for in this chapter.

[Acts 1971, 62nd Leg., p. 3101, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.34. Payments to Student

No payment may be made to any student until he has executed a note payable to the Texas Opportunity Plan Fund for the full amount of the authorized loan plus interest. For the purposes of this chapter, a student has the capacity to contract and is bound by any contract executed by him, and the defense that he was a minor at the time he executed the note is not available to him in any action arising on the note. Payments to students executing notes may be made annually, semiannually, quarterly, monthly, or for each semester as the board may determine, depending on the demonstrated capacity of the student to manage his financial affairs. Disbursements may be made by the board or by the participating institution pursuant to a contract between the board and the institution executed in conformity with this chapter. No funds may be distributed to a participating institution except to make payments to a student under a loan authorized by this chapter.

[Acts 1971, 62nd Leg., p. 3102, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.35. Term of Loans

The term of all authorized loans must be for the shortest possible period, as determined by the board. However, no loan may be made to any

student for a period longer than 10 years from the date he is last enrolled in a participating institution, except as a longer period is authorized for medical students, dental students, and students seeking professional or graduate degrees as authorized under the provisions of Section 52.38 of this code.

[Acts 1971, 62nd Leg., p. 3102, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3339, ch. 1024, art. 2, § 7, eff. Sept. 1, 1971.]

§ 52.36. Loan Interest

The board shall from time to time fix the interest to be charged for any student loan at a rate sufficient to pay the interest on outstanding bonds plus any expenses incident to their issuance, sale, and retirement. Interest shall be postponed by the board as long as a student is enrolled at a participating institution and may be postponed at the board's discretion as long as a student is enrolled at any other higher educational institution, provided that the total interest paid is to be equal to that fixed at the time the note evidencing the loan is executed.

[Acts 1971, 62nd Leg., p. 3102, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 785, ch. 347, § 1, eff. June 6, 1979.]

§ 52.37. Insurance

The board may contract with any insurance company or companies licensed to do business in Texas for insurance on the life of any student borrower in an amount sufficient to retire the principal and interest owed under a loan made under the provisions of this chapter. The cost of the insurance shall be paid by the student borrower. No contract for insurance as provided for in this section may be approved except by the board during a regular meeting attended by a quorum of the total board membership.

[Acts 1971, 62nd Leg., p. 3102, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.38. Repayment of Loans

Repayment of any loan and interest authorized under this chapter shall be made monthly and shall begin not later than nine months after the date the student borrower is last enrolled in a participating institution or any other institution of higher education and in no event later than five years from the date the first note evidencing a loan under this chapter is executed. The board may, however, authorize a longer period before beginning repayment of loans to medical students, dental students, and other students seeking professional or graduate degrees. The board may extend the time for beginning repayment for unusual financial hardships, with the approval of the attorney general. Repayment shall be made directly to the board or to a participating institution pursuant to a contract exe-

cuted by the board in accordance with its rules and regulations.

[Acts 1971, 62nd Leg., p. 3103, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3339, ch. 1024, art. 2, § 7, eff. Sept. 1, 1971.]

§ 52.39. Default; Suit

When any person who has received a loan authorized by this chapter has failed or refused to make as many as six monthly payments due in accordance with an executed note, then the full amount of the remaining principal and interest becomes due and payable immediately, and the amount due, the person's name and his last known address, and other necessary information shall be reported by the board to the attorney general. Suit for the remaining sum shall be instituted by the attorney general, or any county or district attorney acting for him, in the county of the person's residence, the county in which is located the institution at which the person was last enrolled, or in Travis County, unless the attorney general finds reasonable justification for delaying suit and so advises the board in writing.

[Acts 1971, 62nd Leg., p. 3103, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.40. Cancellation of Certain Loan Repayments

(a) The board may cancel the repayment of a loan received by a student who earns a professional doctor of medicine degree or a doctorate of psychology degree and who is employed by the Texas Youth Council, State Department of Public Welfare, Texas Department of Corrections, or Department of Mental Health and Mental Retardation prior to the date on which repayment of the loan is to commence.

(b) The board shall cancel the repayment of a loan received by a student after his or her entry to an accredited teacher education program if the student earns certification in an area designated by the State Board of Education to be an area or field of acute teacher shortage and the student teaches in that area or field in the elementary and secondary schools of Texas. Only those students whose loans have never been in default shall be eligible to participate in the provisions of this section.

(c) A person who wishes to apply for a loan cancellation shall enter into a contract with the board which contains the following provisions:

(1) No payment is due from the person as long as he is employed by one of the designated state agencies or teaches in an elementary or secondary school of Texas in an area or field designated by the State Board of Education.

(2) Half of the total amount of the loan plus interest due is to be cancelled after two years of the appropriate service, and the remainder is to be cancelled after two additional years of service.

(3) Repayment of the loan and interest is to commence immediately if the person leaves the

designated state agency or ceases teaching in a designated area or field before the expiration of two years; repayment of one-half of the loan and interest is to commence immediately if the person leaves the designated state agency or ceases teaching in a designated area or field after completing two years service; upon completion of four years service, the loan, principal and interest, shall be fully cancelled.

(4) Interest continues to accrue until the loan is cancelled or repaid.

(d) Loans and interest on loans may be cancelled under the Texas Opportunity Plan Fund in any year in a total amount not to exceed the amount appropriated for that purpose from general revenue funds.

(e) The board shall publicize the availability of the loan cancellation procedures provided in this section at all institutions of higher education which offer a teacher education program or graduate programs in medicine or psychology.

[Acts 1975, 64th Leg., p. 1344, ch. 503, § 1, eff. Sept. 1, 1975. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 381, ch. 28, art. III, part K, § 1, eff. Sept. 1, 1984.]

[Sections 52.41 to 52.50 reserved for expansion]

SUBCHAPTER D. GENERAL PROVISIONS

§ 52.51. Advisory Committees

The board may appoint advisory committees from outside its membership as it deems necessary to assist it in achieving the purposes of this chapter.

[Acts 1971, 62nd Leg., p. 3103, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.52. Contracts

In achieving the goals outlined in this chapter and the performance of functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations, associations, partnerships, and individuals.

[Acts 1971, 62nd Leg., p. 3103, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.53. Gifts and Grants

The board may accept gifts, grants, or donations of real or personal property from any individual, group, association, or corporation or the United States, subject to limitations or conditions set by law. The gifts, grants, or donations of money shall be deposited in the Texas Opportunity Plan Fund, separately accounted for, and expended in accordance with the specific purpose for which given and under such conditions as are imposed by the donor and as provided by law.

[Acts 1971, 62nd Leg., p. 3103, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.54. Rules and Regulations

(a) The board shall adopt and publish rules and regulations to effectuate the purposes of this chapter in accordance with and under the conditions applied to other agencies by Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes).

(b) The board may adopt rules and regulations necessary for participation in the federal guaranteed loan program provided by the Higher Education Act of 1965 (Public Law 89-329).¹

[Acts 1971, 62nd Leg., p. 3104, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3340, ch. 1024, art. 2, § 7, eff. Sept. 1, 1971.]

¹ See 20 U.S.C.A. § 421 et seq.

§ 52.55. Audit

All transactions under the provisions of this chapter are subject to audit by the state auditor.

[Acts 1971, 62nd Leg., p. 3104, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 52.56. Annual Report

(a) The board shall make a report of the operations of the Texas Opportunity Plan to the governor annually and to the legislature not later than December 1 prior to the regular session of the legislature.

(b) The report shall include, for the state as a whole and for each participating institution, the following information:

- (1) the number of loans;
- (2) the maximum loan;
- (3) the minimum loan;
- (4) the total amount of loans made;
- (5) a list of persons who have failed or refused to make as many as six monthly payments on any note, showing the amount due and the person's last known address; and
- (6) any other information that will describe the effectiveness of the loan program.

[Acts 1971, 62nd Leg., p. 3104, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

CHAPTER 53. HIGHER EDUCATION AUTHORITIES

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SUBCHAPTER A. GENERAL PROVISIONS

§ 53.01. Short Title

This chapter may be cited as the Higher Education Authority Act.

[Acts 1971, 62nd Leg., p. 3105, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.02. Definitions

In this chapter:

- (1) "City" means an incorporated city or town in this state.
- (2) "Governing body" means the council, commission, or other governing body of a city.
- (3) "Authority" means a higher education authority created under this chapter.
- (4) "Board" means the board of directors of an authority.
- (5) "Institution of higher education" means either a degree-granting college or university corporation accredited by the Texas Education Agency or by a recognized accrediting agency, as defined by Subdivision (12) of Section 61.003 of this code, or a postsecondary proprietary school accredited by the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, or the National Accrediting Commission of Cosmetology Arts and Sciences.
- (6) "Educational facility" means a classroom building, laboratory, science building, faculty or administrative office building, or other facility used exclusively for the conduct of the educational and administrative functions of an institution of higher education.
- (7) "Housing facility" means a single- or multi-family residence used exclusively for housing or boarding, or housing and boarding students, faculty, or staff members of an institution of higher learning. The term includes infirmary and student union building, but does not include a hous-

ing or boarding facility for the use of a fraternity, sorority, or private club.

(8) "Bond resolution" means the resolution authorizing the issuance of revenue bonds.

(9) "Trust indenture" means the mortgage, deed of trust, or other instrument pledging revenue of property, or creating a mortgage lien on property, or both, to secure the revenue bonds issued by the authority.

(10) "Trustee" means the trustee under the trust indenture.

(11) "Repurchase agreement" means a simultaneous agreement between a higher education authority and another entity in which one of the parties has agreed to purchase investment securities on a specified date and the other party has agreed to repurchase the investment securities at the same price plus accrued interest on a later date, in which the market value of the investment securities purchased is in excess of the amount of the repurchase agreement, and in which the investment securities are so purchased and held separately from all other investment securities, in trust, in order to complete the contractual commitment.

[Acts 1971, 62nd Leg., p. 3105, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1981, 67th Leg., p. 3067, ch. 807, § 1, eff. June 17, 1981; Acts 1983, 68th Leg., p. 860, ch. 200, §§ 1, 2, eff. Aug. 29, 1983.]

[Sections 53.03 to 53.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 53.11. Creation of Authority

When the governing body of a city finds that it is to the best interest of the city and its inhabitants to create a higher education authority, it shall pass an ordinance creating the authority and designating the name by which it shall be known. If the governing bodies of two or more cities find that it is to the best interest of the cities to create an authority to include those cities, each governing body shall pass an ordinance creating the authority and designating the name by which it shall be known.

[Acts 1971, 62nd Leg., p. 3106, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.12. Territory

The authority comprises only the territory included within the boundaries of the city or cities creating it.

[Acts 1971, 62nd Leg., p. 3106, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.13. Corporate Powers

An authority is a body politic and corporate having the power of perpetual succession. It shall

have a seal; it may sue and be sued; and it may make, amend, and repeal its bylaws.

[Acts 1971, 62nd Leg., p. 3106, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.131. Authority's Earnings

A private person may not share in any of an authority's earnings.

[Acts 1983, 68th Leg., p. 861, ch. 200, § 3, eff. Aug. 29, 1983.]

§ 53.14. Board of Directors

(a) The authority shall be governed by a board of directors consisting of not less than 7 nor more than 11 members to be determined at the time of creating the authority. The directors shall be appointed by the governing body of the city or by the governing bodies of the cities, and they shall serve until their successors are appointed as provided by this section. If the authority includes more than one city, each governing body shall appoint an equal number of directors unless otherwise agreed by the cities.

(b) The members of the board serve for two-year terms.

(c) No officer or employee of any such city is eligible for appointment as a director. Directors are not entitled to compensation for services but are entitled to reimbursement for expenses incurred in performing such service.

[Acts 1971, 62nd Leg., p. 3106, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 861, ch. 200, § 4, eff. Aug. 29, 1983.]

§ 53.15. Organization of Board; Quorum; Employees; Counsel

(a) The board shall elect from among its members a president and vice president, and shall elect a secretary and a treasurer who may or may not be directors, and may elect other officers as authorized by the authority's bylaws. The offices of secretary and treasurer may be combined.

(b) The president has the same right to vote on all matters as other members of the board.

(c) A majority constitutes a quorum, and when a quorum is present action may be taken by a majority vote of directors present.

(d) The board may employ a manager or executive director of the facilities and other employees, experts, and agents as it sees fit. It may delegate to the manager the power to employ and discharge employees.

(e) The board may employ legal counsel.

[Acts 1971, 62nd Leg., p. 3107, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 53.16 to 53.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 53.31. No Taxing Power

An authority has no power to tax.

[Acts 1971, 62nd Leg., p. 3107, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.32. No Power of Eminent Domain

The authority does not have the power of eminent domain.

[Acts 1971, 62nd Leg., p. 3107, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.33. Facilities: Construction, Acquisition, Etc.

The authority may acquire by purchase, purchase contract, or lease, may construct, or may enlarge, extend, repair, renovate, or otherwise improve educational facilities or housing facilities. It may acquire land for those purposes, furnish and equip the facilities, and provide by contract, lease, or otherwise for the operation and maintenance of the facilities. The facilities need not be located within the city limits of the city or cities.

[Acts 1971, 62nd Leg., p. 3107, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 862, ch. 200, § 5, eff. Aug. 29, 1983.]

§ 53.331. Refinancing Facilities

The authority may refinance any educational or housing facility acquired, constructed, or improved.

[Acts 1983, 68th Leg., p. 863, ch. 200, § 6, eff. Aug. 29, 1983.]

§ 53.34. Revenue Bonds

(a) The authority may issue revenue bonds to provide funds for any of its purposes. In issuing revenue bonds, the authority is considered to be acting on behalf of any city by which it was created.

(b) The bonds shall be payable from and secured by a pledge of the net revenue to be derived from the operation of the facility or facilities and any other revenue resulting from the ownership of the educational facilities properties. The bonds may be additionally secured by a mortgage or deed of trust on real property of the authority or by a chattel mortgage on its personal property, or by both.

[Acts 1971, 62nd Leg., p. 3108, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 863, ch. 200, § 7, eff. Aug. 29, 1983.]

§ 53.35. Issuance of Bonds; Procedures; Etc.

(a) The bonds shall be authorized by resolution adopted by a majority vote of a quorum of the board. Bonds authorized under this section shall be issued in accordance with Chapter 845, Acts of the 67th Legislature, Regular Session, 1981 (Article 717k-6, Vernon's Texas Civil Statutes). The bonds shall mature serially or otherwise in not to exceed

50 years. The rate of interest to be borne by the bonds shall not exceed the maximum rate prescribed by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes).

(b) In addition to or in lieu of establishing an authority under the provisions of this chapter, the governing body of a city or cities may request or order created a nonprofit corporation to act on its behalf and as its duly constituted authority and instrumentality to exercise the powers granted to an authority under the provisions of Section 53.33, Texas Education Code. If a nonprofit corporation is created for such purposes or agrees to such request, the directors thereof shall thereafter be appointed and be subject to removal by the governing body of the city or cities. In addition, to the powers of lease or acquisition of facilities granted under Section 53.33, the corporation shall have all powers granted under the Texas Non-Profit Corporation Act for the purpose of aiding institutions of higher education in providing educational facilities and housing facilities and facilities incidental, subordinate, or related thereto or appropriate in connection therewith. In addition to the provisions of Section 53.33 and the Texas Non-Profit Corporation Act, as amended (Article 1396-1.01, Vernon's Texas Civil Statutes), Sections 53.131, 53.14, 53.15, 53.31, 53.32, 53.331, 53.34, 53.35, 53.38, and 53.41, Texas Education Code, shall apply to and govern such corporation and its procedures and bonds.

[Acts 1971, 62nd Leg., p. 3108, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 863, ch. 200, § 8, eff. Aug. 29, 1983.]

§ 53.36. Bond Resolution; Notice; Election

(a) Before authorizing the issuance of bonds, other than refunding bonds, the board shall cause a notice to be issued stating that it intends to adopt a resolution authorizing the issuance of the bonds, the maximum amount thereof, and the maximum maturity thereof. The notice shall be published once each week for two consecutive weeks in a newspaper or newspapers having general circulation in the authority. The first publication shall be at least 14 days prior to the day set for adopting the bond resolution.

(b) If, prior to the day set for the adoption of the bond resolution, there is presented to the secretary or president of the board a petition signed by not less than 10 percent of the qualified voters residing in the city or cities comprising the authority, who own taxable property in the authority and who have duly rendered it for taxation to the city in which such property is located or situated, requesting an election on the proposition for the issuance of the bonds, the bonds shall not be issued unless an election is held and a majority vote is in favor of the bonds. The election shall be called and held in accordance with the procedure prescribed in Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended,¹ with the board and the president and

secretary performing the functions there assigned to the governing body of the city, the mayor and city secretary, respectively. If no such petition is filed, the bonds may be issued without an election. However, the board may call an election on its own motion without the filing of the petition.

[Acts 1971, 62nd Leg., p. 3708, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Civil Statutes, art. 701 et seq.

§ 53.37. Junior Lien Bonds; Parity Bonds

Bonds constituting a junior lien on the net revenue or properties may be issued unless prohibited by the bond resolution or trust indenture. Parity bonds may be issued under conditions specified in the bond resolution or trust indenture.

[Acts 1971, 62nd Leg., p. 3109, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.38. Reserves for Operating and Other Expenses

Money for the payment of not more than two years' interest on the bonds and an amount estimated by the board to be required for operating expenses during the first year of operation may be set aside for those purposes out of the proceeds from the sale of the bonds.

[Acts 1971, 62nd Leg., p. 3109, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.39. Refunding Bonds

Bonds may be issued for the purpose of refunding outstanding bonds in the manner provided in this chapter for other bonds, and may be exchanged by the comptroller of public accounts or sold and the proceeds applied in accordance with the procedure prescribed by Chapter 503, Acts of the 54th Legislature, 1955 (Article 717k, Vernon's Texas Civil Statutes).

[Acts 1971, 62nd Leg., p. 3109, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.40. Approval of Bonds; Registration; Negotiability

Bonds issued under this chapter and the record relating to their issuance shall be submitted to the attorney general, and if he finds that they have been issued in accordance with this chapter and constitute valid and binding obligations of the authority and are secured as recited therein he shall approve them, and they shall be registered by comptroller of public accounts who shall certify the registration thereon. Thereafter they are incontestable. The bonds shall be negotiable and shall contain the following provision: "The holder hereof shall never have the right to demand payment thereof out of money raised or to be raised by taxation."

[Acts 1971, 62nd Leg., p. 3109, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.41. Authorized Investments

All bonds issued under this chapter are legal and authorized investments for all banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies of all kinds and types, and for the interest and sinking funds and other public funds of any issuer. The bonds are also eligible and lawful security for all deposits of public funds of the State of Texas and of any issuer, to the extent of the value of the bonds, when accompanied by any unmaturing interest coupons appurtenant to them.

[Acts 1971, 62nd Leg., p. 3109, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.42. Investment of Funds; Security

To the extent it is applicable, the law as to the security for and the investment of funds, applicable to cities, controls the investment of funds belonging to authority. The bond resolution or the indenture or both may further restrict the making of investments. The authority may invest the proceeds of its bonds, until the money is needed, in the direct obligations of or obligations unconditionally guaranteed by the United States, to the extent authorized in the bond resolution or indenture or in both.

[Acts 1971, 62nd Leg., p. 3109, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.43. Depositories

The authority may select a depository or depositories according to the procedures provided by law for the selection of city depositories, or it may award its depository contract to the same depository or depositories selected by the city or cities and on the same terms.

[Acts 1971, 62nd Leg., p. 3110, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.44. Operation of Facilities; Rates Charged; Reserve Funds

(a) The facilities may be operated by the authority without the intervention of private profit for the use and benefit of the public, or may be leased to an institution of higher education, or may be operated by the institution under a contract with the authority, the lease or contract to be in effect until any revenue bonds issued in connection with it have been finally retired.

(b) The board shall charge rates for the use of the facilities, or for their lease or operation, that are fully sufficient to pay all expenses in connection with the ownership, operation, and upkeep of the facilities, to pay the interest on the bonds as it becomes due, to create a sinking fund to pay the bonds as they become due, and to create and maintain a bond reserve fund and other funds and reserves that may be provided in the bond resolution or trust indenture. The bond resolution or trust indenture may prescribe systems, methods, rou-

times, and procedures under which the facilities shall be operated.

[Acts 1971, 62nd Leg., p. 3110, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.45. Transactions with Other Agencies and Persons

The authority may borrow money and accept grants from, and enter into contracts, leases, or other transactions with the United States, the State of Texas, any municipal corporation in the state, and any public or private person or corporation resident or authorized to do business in the state.

[Acts 1971, 62nd Leg., p. 3110, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.46. Authority Exempt from Taxation

Because the property owned by authority will be held for educational purposes only and will be devoted exclusively to the use and benefit of the students, faculty, and staff members of an accredited institution of higher education, it is exempt from taxation of every character.

[Acts 1971, 62nd Leg., p. 3110, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 53.47. Bonds for the Purchase of Loan Notes

(a) An authority may, upon approval of the city or cities which created the same, issue revenue bonds or otherwise borrow money to obtain funds to purchase or to make student or parent loan notes which are guaranteed under the provisions of the Higher Education Act of 1965 (Public Law 89-329).¹ Revenue bonds issued for such purpose shall be issued in accordance with and with the effect provided in this chapter, except Section 53.36 shall not apply, as said chapter has been modified by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 1717k-2, Vernon's Texas Civil Statutes), and by Chapter 784, Acts of the 61st Legislature, Regular Session, 1969 (Article 1717k-3, Vernon's Texas Civil Statutes). Such bonds shall be payable from and secured by a pledge of revenues derived from or by reason of the ownership of student or parent loan notes and investment income after deduction of such expenses or operating the loan program as may be specified by the bond resolution or trust indenture.

(b) An authority that is not an eligible lender under the Higher Education Act of 1965, acting through a bank with trust powers, may cause money to be expended to purchase for its account student or parent loan notes executed by or on behalf of students who (1) are residents of this state or (2) who have been admitted to attend an accredited institution within this state. An accredited institution shall mean an institution which has either been recognized by a recognized accrediting agency, as defined by Section 61.003(12) of the Texas Education Code, or accredited by the Association of Independent Colleges and Schools, the National Associa-

tion of Trade and Technical Schools, or the National Accrediting Commission of Cosmetology Arts and Sciences.

(c) The authority shall contract with a nonprofit corporation, organized under the laws of this state, whereby such corporation will provide the reports and other information required for continued participation in the federally guaranteed loan program provided by the Higher Education Act of 1965 (Public Law 89-329). The custody of student or parent loan notes, purchased by the bank on behalf of the authority, shall remain under the control of a bank with trust powers.

(d) The authority, as a municipal corporation of the state, is charged with a portion of the responsibility of the state to provide educational opportunities in keeping with all applicable state and federal laws. Nothing in this section shall be construed as a prohibition against establishing policies to limit the purchase of notes to notes executed by students attending school in a certain geographical area or by students who are residents of the area.

(e) In addition to establishing an authority under the provisions of this chapter, the governing body of a city or cities may request a nonprofit corporation organized to exercise the powers enumerated and provided in this section for and on its behalf. If the corporation agrees to exercise such powers, the directors of such corporation shall thereafter be appointed by and be subject to removal by the governing body of the city or cities, and except as herein provided, Sections 53.14, 53.15, 53.31, 53.32, 53.38, and 53.41 through 53.43 of the Texas Education Code shall apply to and govern such corporation, its procedures, and bonds. Notwithstanding the provisions of Section 53.42, a nonprofit corporation which has been requested to exercise the powers enumerated and requested in this section may invest or cause a trustee or custodian on behalf of such nonprofit corporation, to invest the proceeds of any bonds, notes, or other obligations issued by such nonprofit corporation and any monies which are pledged to the payment thereof in:

- (1) certificates of deposit or other time or demand accounts of banks and savings and loan associations which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, provided the amount of any certificate of deposit in excess of that covered by such insurance must be secured by a first and prior pledge of government obligations having a market value of not less than 100 percent of the excess unless a nationally recognized rating agency has given the senior securities of the bank issuing the certificate of deposit the highest or next to the highest investment rating available;

(2) repurchase agreements;

(3) investment securities, as defined by Chapter 726, Acts of the 67th Legislature, Regular Session, 1981 (Article 2529b-1, Vernon's Texas Civil Statutes); or

(4) a collective investment fund that is created as provided by Regulation 9 of the Office of the Comptroller of the Currency and that is invested in one or more types of investment securities or repurchase agreements.

[Acts 1975, 64th Leg., p. 963, ch. 365, § 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 3067, ch. 807, §§ 2, 3, eff. June 17, 1981; Acts 1983, 68th Leg., p. 864, ch. 200, § 9, eff. Aug. 29, 1983.]

120 U.S.C.A. § 1001 et seq.

CHAPTER 54. TUITION AND FEES

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SUBCHAPTER A. GENERAL PROVISIONS**§ 54.001. Definitions**

In this chapter:

(1) "Institution of higher education" has the same meaning as is assigned to it by Section 61.003 of this code.

(2) "Governing board" has the same meaning as is assigned to it by Section 61.003 of this code.

[Acts 1971, 62nd Leg., p. 3112, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.002. Applicability of Chapter

The provisions of this chapter apply to all institutions of higher education, except that as to junior colleges this chapter applies only to the extent provided by Section 130.003(b) of this code.

[Acts 1971, 62nd Leg., p. 3112, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.003. Tuition and Charges to be Authorized by Law

No institution of higher education may collect from students attending the institution any tuition, fee, or charge of any kind except as permitted by law, and no student may be refused admission to or discharged from any institution for the nonpayment of any tuition, fee, or charge except as permitted by law.

[Acts 1971, 62nd Leg., p. 3112, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.004. Retention and Use of Funds

All tuition, local funds, and fees collected by an institution of higher education shall be retained and expended by the institution and accounted for annually as provided in the general appropriations act.

[Acts 1971, 62nd Leg., p. 3112, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.005. Right to Collect Special Fees

The provisions of this subchapter requiring the governing board of each institution of higher education to collect tuition fees do not deprive the board of the right to collect special fees authorized by law.

[Acts 1971, 62nd Leg., p. 3112, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.006. Refund of Tuition and Fees

(a) A general academic teaching institution or medical and dental unit shall refund applicable tuition and fees collected for courses from which students drop within the first 12 days of a fall or spring semester or within the first four days of a summer term, provided the student remains enrolled at the institution for that semester or term. Refunds for courses dropped by a student who later in the semester or term withdraws from the institution are calculated according to the percentage schedules in Subsections (b) or (c) of this Act.

(b) A general academic teaching institution or medical and dental unit shall refund a percentage of collected tuition and mandatory fees to students withdrawing from the institution during a fall or spring semester or comparable trimester if such are in effect according to the following withdrawal schedule and subject to the provisions of Subsection (d) below:

- | | |
|---------------------------------------|-------------|
| (1) prior to the first class day | 100 percent |
| (2) during the first five class days | 80 percent |
| (3) during the second five class days | 70 percent |
| (4) during the third five class days | 50 percent |
| (5) during the fourth five class days | 25 percent |
| (6) after the fourth five class days | None |

Separate withdrawal refund schedules may be established for optional fees such as intercollegiate athletics, cultural entertainment, parking, and year-books.

(c) A general academic teaching institution or medical and dental unit shall refund a percentage of collected tuition and mandatory fees to students withdrawing from the institution during a summer term according to the following withdrawal schedule and subject to the provisions of Subsection (d) below:

- | | |
|--|-------------|
| (1) prior to the first class day | 100 percent |
| (2) during the first, second, or third class day | 80 percent |
| (3) during the fourth, fifth, or sixth class day | 50 percent |
| (4) seventh day of class and thereafter | None |

Separate withdrawal refund schedules may be established for optional fees such as intercollegiate athletics, cultural entertainment, parking, and year-books.

(d) A general academic teaching institution or medical and dental unit may assess up to \$15 as a matriculation fee if the student withdraws from the institution before the first day of classes.

(e) A general academic teaching institution or medical and dental unit shall refund tuition and fees paid by a sponsor, donor, or scholarship to the source rather than directly to the student who has withdrawn if the funds were made available through the institution.

(f) A general academic teaching institution or medical and dental unit shall terminate student services and privileges, such as health services, library privileges, facilities usage, and athletic and cultural entertainment tickets, when a student withdraws from the institution.

[Acts 1977, 65th Leg., p. 220, ch. 106, § 1, eff. Aug. 29, 1977.]

[Sections 54.007 to 54.050 reserved for expansion]

SUBCHAPTER B. TUITION RATES

§ 54.051. Tuition Rates

(a) The governing board of each institution of higher education shall cause to be collected from students registering at the institution tuition or registration fees at the rates prescribed in this section.

(b) Tuition for resident students, except as otherwise hereinafter provided, is \$4 per semester credit hour, but the total of such charge shall be not less than \$50 per semester or 12-week summer session, and not less than \$25 per 6-week summer term.

Text of subsec. (c) effective until fall semester, 1985

(c) Tuition for nonresident students, except as otherwise hereinafter provided, is \$40 per semester credit hour.

Text of subsec. (c) effective fall semester, 1985

(c) For the academic year beginning Fall, 1985, and for the Summer Session, 1986, tuition for nonresident students, except as otherwise hereinafter provided, is \$46 per semester credit hour. For the academic year beginning Fall, 1986, and for the Summer Session, 1987, tuition for nonresident students, except as otherwise hereinafter provided, is \$53 per semester credit hour.

(d) Resident or nonresident students registered for thesis or dissertation credit only, in those instances where such credit is the final credit hour requirement for the degree in progress, shall pay a sum proportionately less than herein prescribed but not more than \$50.

(e) Tuition for resident students registered in a medical or dental branch, school or college is \$400 per academic year of 12 months.

(f) Tuition for nonresident students registered in a medical or dental branch, school or college is \$1,200 per academic year of 12 months.

(g) Resident or nonresident students registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction, shall pay a fee in addition to the regular tuition, said fee to be designated by the governing board of such institution; but in no event shall such fees be more per course per semester of four and one-half months or per summer session than \$75.

Text of subsecs. (h) and (i) effective until fall semester, 1985

(h) Tuition for students who are citizens of any country other than the United States of America is the same as tuition required of other nonresident students.

(i) Tuition for students who are citizens of any country other than the United States of America registered in a medical or dental branch, school or college is the same as tuition required of other nonresident students.

Text of subsecs. (h) and (i) effective fall semester, 1985

(h) During the academic years and summer sessions, Fall, 1985, through the Summer Session, 1987, tuition for students who are citizens of any country other than the United States of America is 1.5 times the tuition required of other nonresident students.

(i) During the academic years and summer sessions, Fall, 1985, through the Summer Session, 1987, tuition for students who are citizens of any country other than the United States of America registered in a medical or dental branch, school or college is 1.5 times the tuition required of other nonresident students.

(j) Tuition for nonresident students registered in a public junior college is as provided in Subsection (b), Section 130.003 of the Texas Education Code.

(k) Tuition for students registered in a school of nursing as a nursing student is \$50 per semester and per 12-week summer session.

(l) Tuition for students registered in a school of nursing as a nursing student for less than 12 semester credit hours of work or for less than a full semester credit hour or term hour load during a summer session shall pay an amount proportionately less than the amount provided in Subsection (k) of this section, but not less than \$20.

(m) Repealed by Acts 1975, 64th Leg., p. 2326, ch. 720, § 2, eff. Sept. 1, 1975.

(n) Notwithstanding the preceding provisions of this section, any nonresident student who is enrolled for the spring semester of 1971 in an institution covered by this section may continue to enroll at the same institution at the same tuition rate that was effective at the time of his original enrollment until one of the following conditions first occurs:

(1) he receives the degree at the degree level (i. e., the baccalaureate, master's, or doctoral degree) toward which he is working during the spring semester of 1971; or

(2) he voluntarily withdraws from the institution or the institution involuntarily withdraws the student for disciplinary reasons or for failing to meet the academic standards of the institution; or

(3) the termination of the spring semester of 1975.

(o) A teaching assistant, research assistant, or other student employee of any institution covered by this section is entitled to register himself, his spouse, and their children in a state institution of higher education by paying the tuition fees and other fees or charges required for Texas residents, without regard to the length of time he has resided

in Texas; provided that said student employee is employed at least one-half time in a position which relates to his degree program under rules and regulations established by the employer institution. This exemption shall continue for students employed two consecutive semesters through the summer session following such employment if the institution is unable to provide employment and, as determined under standards established by the institution, if the employee has satisfactorily completed his employment.

(p) A student who holds a competitive scholarship of at least \$200 for the academic year or summer for which he is enrolled and who is either a nonresident or a citizen of a country other than the United States of America is entitled to pay the fees and charges required of Texas residents without regard to the length of time he has resided in Texas, provided that he must compete with other students, including Texas residents, for the scholarship and that the scholarship must be awarded by a scholarship committee officially recognized by the administration of the institution of higher education.

[Acts 1971, 62nd Leg., p. 3112, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3352, art. 2, § 29, eff. Sept. 1, 1971; Acts 1973, 63rd Leg., p. 88, ch. 51, § 8, eff. Aug. 27, 1973; Acts 1975, 64th Leg., p. 1358, ch. 515, §§ 1, 2, eff. June 19, 1975; Acts 1975, 64th Leg., p. 2326, ch. 720, § 2, eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1382, ch. 617, § 1, eff. Aug. 27, 1979; Acts 1984, 68th Leg., 2nd C.S., p. 547, ch. 31, art. 10, § 1.]

Section 4 of Acts 1975, 64th Leg., p. 1359, ch. 515, provides: "The provisions of this Act apply only to foreign students who enter state colleges and universities for the first time after the effective date of this Act."

Article 10, §§ 2 and 3, of the 1984 amendatory act provide: "Sec. 2. The Committee on Higher Education of the House of Representatives of the State of Texas shall begin immediately at the close of the 2nd Called Session of the 68th Legislature to develop a plan for a reasonable and equitable increase in tuition at all institutions of higher education in the state. The Committee on Higher Education shall present such a plan to the 69th Texas Legislature along with its recommendations for passage as early as possible.

"Sec. 3. Section 1 of this article takes effect beginning with the fall semester, 1985. Tuition for courses beginning before the fall semester, 1985, is governed by the laws in effect on January 1, 1984, and those laws are continued in effect for that purpose."

§ 54.052. Residents; Nonresidents; General Rules

(a) In this subchapter:

(1) "Residence" means "domicile."

(2) "Resided in" means "domiciled in."

(3) "Dependent" means an individual who is claimed as a dependent for federal income tax purposes by the individual's parent or guardian at the time of registration and for the tax year preceding the year in which the individual registers.

(b) For the purposes of this subchapter, the status of a student as a resident or nonresident student is determined as prescribed by this section, subject to the other applicable provisions of this subchapter.

(c) An individual who is under 18 years of age or is a dependent and who is living away from his family and whose family resides in another state or has not resided in Texas for the 12-month period immediately preceding the date of registration shall be classified as a nonresident student.

(d) An individual who is 18 years of age or under or is a dependent and whose family has not resided in Texas for the 12-month period immediately preceding the date of registration shall be classified as a nonresident student, regardless of whether he has become the legal ward of residents of Texas or has been adopted by residents of Texas while he is attending an educational institution in Texas, or within a 12-month period before his attendance, or under circumstances indicating that the guardianship or adoption was for the purpose of obtaining status as a resident student.

(e) An individual who is 18 years of age or over who has come from outside Texas and who is gainfully employed in Texas for a 12-month period immediately preceding registration in an educational institution shall be classified as a resident student as long as he continues to maintain a legal residence in Texas.

(f) An individual who is 18 years of age or over who resides out of the state or who has come from outside Texas and who registers in an educational institution before having resided in Texas for a 12-month period shall be classified as a nonresident student.

(g) An individual who would have been classified as a resident for the first five of the six years immediately preceding registration but who resided in another state for all or part of the year immediately preceding registration shall be classified as a resident student.

[Acts 1971, 62nd Leg., p. 3113, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 1065, ch. 496, § 1, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 1813, ch. 402, § 1, eff. June 11, 1981.]

Section 3 of the 1979 amendatory act provided:

"Individuals shall be classified for tuition purposes in accordance with this Act beginning with the spring semester of 1980."

Section 2 of the 1981 amendatory act provided:

"If this Act is immediately effective, it applies to registration for the fall semester of 1981. If this Act is not immediately effective, it applies to registration for the spring semester of 1982."

Acts 1981, 67th Leg., p. 1813, ch. 402, was immediately effective.

§ 54.053. Regulations of Coordinating Board

The governing board of each institution required by this chapter to charge a nonresident tuition or registration fee is subject to the rules, regulations, and interpretations issued by the Coordinating Board, Texas College and University System, for the administration of the nonresident tuition provisions of this subchapter. The rules, regulations, and interpretations promulgated by the coordinating board shall be furnished to the presidents or admin-

istrative heads of all Texas public senior and junior colleges and universities.

[Acts 1971, 62nd Leg., p. 3114, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.054. Nonresident Status: Presumption; Re-classification

A nonresident student classification is presumed to be correct as long as the residence of the individual in the state is primarily for the purpose of attending an educational institution. After residing in Texas for at least 12 months, a nonresident student may be reclassified as a resident student as provided in the rules and regulations adopted by the Coordinating Board, Texas College and University System. Any individual reclassified as a resident student is entitled to pay the tuition fee for a resident of Texas at any subsequent registration as long as he continues to maintain his legal residence in Texas. Before February 15, 1972, the Coordinating Board, Texas College and University System, shall promulgate such rules and regulations.

[Acts 1971, 62nd Leg., p. 3114, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3354, ch. 1024, art. 2, § 29, eff. Sept. 1, 1971.]

§ 54.055. Parents, Change of Residence to Another State

An individual who is 18 years of age or under or is a dependent and whose parents were formerly residents of Texas is entitled to pay the resident tuition fee following the parents' change of legal residence to another state, as long as the individual remains continuously enrolled in a regular session in a state-supported institution of higher education.

[Acts 1971, 62nd Leg., p. 3114, ch. 1024, art. 1, § 1, eff. Sept. 1, 1972. Amended by Acts 1971, 62nd Leg., p. 3354, ch. 1024, art. 2, § 29, eff. Sept. 1, 1971; Acts 1979; 66th Leg., p. 1066, ch. 496, § 2, eff. Aug. 27, 1979.]

§ 54.056. Effect of Marriage

A nonresident who marries and remains married to a resident of Texas, classified as such under this chapter at the time of the marriage and at the time the nonresident registers, is entitled to pay the resident tuition fee regardless of the length of time he has lived in Texas; and any student who is a resident of Texas and who marries a nonresident is entitled to pay the resident tuition fee as long as he does not adopt the legal residence of the spouse in another state.

[Acts 1971, 62nd Leg., p. 3114, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.057. Aliens

An alien who is living in this country under a visa permitting permanent residence or who has filed with the proper federal immigration authorities a declaration of intention to become a citizen has the same privilege of qualifying for resident status for fee purposes under this Act as has a citizen of the United States. A resident alien residing in a junior

college district located immediately adjacent to Texas boundary lines shall be charged the resident tuition by that junior college.

[Acts 1971, 62nd Leg., p. 3115, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3354, ch. 1024, art. 2, § 29, eff. Sept. 1, 1971.]

§ 54.058. Military Personnel and Dependents

(a) Military personnel are classified as provided by this section.

(b) An officer, enlisted man or woman, selectee, or draftee of the Army, Army Reserve, Army National Guard, Air National Guard, Texas State Guard, Air Force, Air Force Reserve, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard Reserve of the United States, who is assigned to duty in Texas is entitled to register himself, his spouse, and their children in a state institution of higher education by paying the tuition fee and other fees or charges required of Texas residents, without regard to the length of time he has been assigned to duty or resided in the state. However, out-of-state Army National Guard or Air National Guard members attending training with Texas Army or Air National Guard units under National Guard Bureau regulations may not be exempted from nonresident tuition by virtue of that training status nor may out-of-state Army, Air Force, Navy, Marine Corps, or Coast Guard Reserves training with units in Texas under similar regulations be exempted from nonresident tuition by virtue of that training status. It is the intent of the legislature that only those members of the Army or Air National Guard, Texas State Guard, or other reserve forces mentioned above be exempted from the nonresident tuition fee and other fees and charges only when they become members of Texas units of the military organizations mentioned above.

(c) As long as they reside continuously in Texas, the spouse and children of a member of the Armed Forces of the United States who has been assigned to duty elsewhere immediately following assignment to duty in Texas are entitled to pay the tuition fees and other fees or charges provided for Texas residents.

(d) Repealed by Acts 1973, 63rd Leg., p. 1632, ch. 591, § 1, eff. June 15, 1973.

(e) A Texas institution of higher education may charge to the United States government the nonresident tuition fee for a veteran enrolled under the provisions of a federal law or regulation authorizing educational or training benefits for veterans.

(f) The spouse and children of a member of the Armed Forces of the United States who dies or is killed are entitled to pay the resident tuition fee if the wife and children become residents of Texas within 60 days of the date of death.

(g) If a member of the Armed Forces of the United States is stationed outside Texas and his spouse and children establish residence in Texas by

residing in Texas and by filing with the Texas institution of higher education at which they plan to register a letter of intent to establish residence in Texas, the institution of higher education shall permit the spouse and children to pay the tuition, fees, and other charges provided for Texas residents without regard to length of time that they have resided in the state.

[Acts 1971, 62nd Leg., p. 3115, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1632, ch. 591, § 1, eff. June 15, 1973.]

§ 54.059. Faculty, Staff, Dependents

A teacher, professor, or other employee of an institution of higher education is entitled to register himself, his spouse, and their children in an institution of higher education by paying the tuition fee and other fees or charges required for Texas residents without regard to the length of time he has resided in Texas. A teacher, professor, or other employee of an institution of higher education is any person employed at least one-half time on a regular monthly salary basis by an institution of higher education.

[Acts 1971, 62nd Leg., p. 3116, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.060. Resident of Bordering State: Tuition

The nonresident tuition fee prescribed in this chapter does not apply to a nonresident student who is a resident of a state situated adjacent to Texas and who registers in any Texas public junior college situated in a county immediately adjacent to the state in which the nonresident student resides. The nonresident junior college student described in this section shall pay an amount equivalent to the amount charged a Texas student registered at a similar school in the state in which the nonresident student resides. The nonresident student described in this section shall pay equivalent fees and charges to those charged Texas students registered at a similar institution in the state in which the nonresident student resides, when such student registers at a Texas public senior upper level (those institutions offering only junior, senior, and graduate level programs) institution of higher education located within the Texas public junior college district from which the nonresident student has graduated or completed 45 semester credit hours.

[Acts 1971, 62nd Leg., p. 3116, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 280, ch. 122, § 1, eff. May 5, 1975.]

§ 54.061. Penalty for Noncompliance with Rules

The governing board of an institution of higher education may assess and collect from each nonresident student who fails to comply with the rules and regulations of the board concerning nonresident fees a penalty not to exceed \$10 a semester.

[Acts 1971, 62nd Leg., p. 3116, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.062. Tuition Limit in Cases of Concurrent Enrollment

When a student registers at more than one public institution of higher education at the same time, his tuition charges shall be determined in the following manner:

(1) The student shall pay the full tuition charge to the first institution at which he is registered; and in any event he shall pay an amount at least equal to the minimum tuition specified in this code.

(2) If the minimum tuition specified in this code for the first institution at which the student is registered is equal to or greater than the minimum tuition specified in this code for the second institution at which the student is registered concurrently, the student shall not be required to pay the specified minimum tuition charge to the second institution in addition to the tuition charge paid to the first institution, but shall pay only the hourly rates, as provided in this code, to the second institution.

(3) If the minimum tuition specified in this code for the first institution at which the student is registered is less than the specified minimum tuition charge at the second institution (that is, if the second institution has a higher minimum tuition charge specified in this code), then the student shall first register at the institution having the lower minimum tuition and shall pay to the second institution only the amount equal to the difference between his total tuition charge at the second institution and his total tuition charge at the first institution, but in no case shall the student pay to the second institution less than the hourly rates as provided in this code.

(4) If a student is considered to be a Texas resident and therefore qualified to pay Texas resident tuition rates by one institution at which he is registered, that student shall be considered a Texas resident at each of the institutions at which he is concurrently registered for the purposes of determining the proper tuition charges. Nothing in this subsection shall be so construed as to allow a nonresident to pay resident tuition except at institutions covered by Section 54.060 of this code.

[Acts 1977, 65th Leg., p. 21, ch. 7, § 1, eff. March 3, 1977.]
Section 2 of the 1977 Act provided:

"Should any provision of this Act conflict with, limit, or impair any pledge, covenant, or option made or reserved by any governing board with respect to any bonds outstanding as of the effective date of this Act, this Act is hereby repealed to the extent of the conflict, limitation, or impairment."

[Sections 54.063 to 54.100 reserved for expansion]

SUBCHAPTER C. TEACHER EDUCATION LOAN PROGRAM

§ 54.101. Declaration of Public Purpose

The legislature finds that the education of talented persons to become elementary and secondary

school teachers is important to the welfare of this state and the nation and, consequently, is an important public purpose for the expenditure of public funds.

[Acts 1984, 68th Leg., 2nd C.S., p. 390, ch. 28, art. III, part K, § 3, eff. Sept. 1, 1984.]

A former § 54.101 was repealed by Acts 1975, 64th Leg., p. 2326, ch. 720, § 2, eff. Sept. 1, 1975.

§ 54.102. Definitions

In this subchapter:

(1) "Board" means the Coordinating Board, Texas College and University System.

(2) "Fees" includes any fee other than a fee for food, clothing, or lodging or a deposit securing the return or proper care of property.

[Acts 1984, 68th Leg., 2nd C.S., p. 390, ch. 28, art. III, part K, § 3, eff. Sept. 1, 1984.]

A former § 54.102 was repealed by Acts 1975, 64th Leg., p. 2326, ch. 720, § 2, eff. Sept. 1, 1975.

§ 54.103. Administration

(a) In accordance with this subchapter, the board shall provide teacher education loans to eligible students enrolled in a teacher education program approved by the State Board of Education.

(b) The board may adopt rules for the administration of this program consistent with the purposes and policies of this subchapter.

[Acts 1984, 68th Leg., 2nd C.S., p. 390, ch. 28, art. III, part K, § 3, eff. Sept. 1, 1984.]

§ 54.104. Eligibility Requirements

(a) To be eligible for a teacher education loan, a person must be a teacher who is eligible under Subsection (b) of this section or must:

(1) be a Texas resident as determined under Subchapter B of this chapter;

(2) have graduated in the top 15 percent of his high school graduating class;

(3) be enrolled for at least one-half of a full course load as a junior, senior, or graduate student in a program leading to certification as a classroom teacher or to a master's degree in a field for which the person is seeking certification or already holds certification;

(4) have a grade point average equal to at least a 3.0 on a 4.0 scale in courses other than education courses taken at an institution of higher education and completed not later than the semester before the semester in which the loan is awarded;

(5) enter into an agreement with the board to maintain a grade point average of at least a 3.0 on a 4.0 scale in courses taken after receiving a teacher education loan, to become certified as a classroom teacher, and to teach in an elementary or secondary school in Texas or to repay the teacher education loan on terms adopted by the board; and

(6) meet other academic requirements set by the board, which may include a requirement of acceptable performance on standardized examinations.

(b) To be eligible for a teacher education loan, a person who is regularly employed as a teacher by a public school in this state must be enrolled in a course required by rule of the State Board of Education as a qualification for a certificate or an endorsement to teach a primary or secondary grade subject for which the State Board of Education has officially recognized there to be a teacher shortage. Such persons qualify for a teacher education loan on a pro rata basis depending on the number of courses for which the person is enrolled.

(c) A person may not receive a teacher education loan for more than four regular or summer semesters.

[Acts 1984, 68th Leg., 2nd C.S., p. 390, ch. 28, art. III, part K, § 3, eff. Sept. 1, 1984.]

§ 54.105. Payment of Loan; Amount

(a) On determination that a student is to receive a teacher education loan, the board shall award to the recipient \$1,000 for each of four semesters, not to exceed a total of \$4,000.

(b) The amount of the teacher education loan shall be paid to the student in a manner determined by the board.

(c) A teacher education loan does not affect a student's eligibility for other state or federal student financial aid unless that result is required under the terms of the other aid.

(d) Teacher education loans are paid from funds appropriated for that purpose. The legislature may not appropriate more than \$5 million per year for the loans.

[Acts 1984, 68th Leg., 2nd C.S., p. 390, ch. 28, art. III, part K, § 3, eff. Sept. 1, 1984.]

§ 54.106. Repayment of Loan

(a) A recipient may be required to repay the amounts received under a loan as provided by this section.

(b) A recipient must repay the total amount awarded if the recipient does not begin teaching in an accredited public elementary or secondary school in Texas within 18 months after certification.

(c) A recipient who does begin teaching in an accredited public elementary or secondary school in Texas within 18 months after certification must repay any amounts not canceled under this section. A recipient is entitled to cancel by semester the amounts awarded under the loans, in descending order beginning with the greatest amount awarded, with one semester's loan amount canceled for each semester of employment as a teacher in an accredited public elementary or secondary school in Texas. Repayment of the amount not canceled must begin

if the recipient ceases to teach for more than two consecutive semesters.

(d) Repayment of loans shall be in accordance with a schedule adopted by the board and shall bear interest at a rate set by the board.

(e) The board may waive or delay the repayment requirement for good cause shown by the recipient. [Acts 1984, 68th Leg., 2nd C.S., p. 390, ch. 28, art. III, part K, § 3, eff. Sept. 1, 1984.]

§ 54.107. Appropriation Limit

The legislature may appropriate not more than \$5 million a year for purposes of loans under this subchapter.

[Acts 1984, 68th Leg., 2nd C.S., p. 455, ch. 28, art. VI, part I, § 4, eff. Sept. 1, 1984.]

SUBCHAPTER D. EXEMPTIONS FROM TUITION

§ 54.201. Highest Ranking High School Graduates

The governing board of each institution of higher education may issue scholarships each year to the highest ranking graduate of each accredited high school of this state, exempting the graduates from the payment of tuition during both semesters of the first regular session immediately following their graduation. This exemption may be granted for any one of the first four regular sessions following the individual's graduation from high school when in the opinion of the institution's president the circumstances of an individual case, including military service, merit the action.

[Acts 1971, 62nd Leg., p. 3117, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.202. Repealed by Acts 1975, 64th Leg., p. 2326, ch. 720, § 2, eff. Sept. 1, 1975

§ 54.203. Veterans, Dependents, Etc.

(a) The governing board of each institution of higher education shall exempt the following persons from the payment of all dues, fees, and charges, including fees for correspondence courses but excluding property deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the persons seeking the exemptions were citizens of Texas at the time they entered the services indicated and have resided in Texas for at least the period of 12 months before the date of registration:

(1) all nurses and honorably discharged members of the armed forces of the United States who served during the Spanish-American War or during World War I;

(2) all nurses, members of the Women's Army Auxiliary Corps, members of the Women's Auxiliary Volunteer Emergency Service, and all honorably discharged members of the armed forces of the United States who served during World War

II except those who were discharged from service because they were over the age of 38 or because of a personal request on the part of the person that he be discharged from service;

(3) all honorably discharged men and women of the armed forces of the United States who served during the national emergency which began on June 27, 1950, and which is referred to as the Korean War; and

(4) all persons who were honorably discharged from the armed forces of the United States after serving on active military duty, excluding training, for more than 180 days during the Cold War which began on the date of the termination of the national emergency cited in Subdivision (3) of this subsection.

(b) The exemptions provided for in Subsection (a) of this section also apply and inure to the benefit of the children of members of the armed forces of the United States who were killed in action or died while in service during World War II, the national emergency which began on June 27, 1950, or the Cold War, and to the benefit of orphans of members of the Texas National Guard and the Texas Air National Guard killed since January 1, 1946, while on active duty either in the service of their state or the United States. However, to qualify for this exemption a person must be a citizen of Texas and must have resided in the state for at least 12 months immediately preceding the date of his registration.

(c) The governing board of each institution of higher education granting exemptions shall require every applicant claiming the benefit of an exemption to submit satisfactory evidence that he fulfills the necessary citizenship and residency requirements.

(d) The exemption from fees provided for in Subsection (a) of this section does not apply to a person if at the time of his registration he is eligible for educational benefits under federal legislation in effect at the time of his registration. A person is covered by the exemptions if his right to benefits under federal legislation is extinguished at the time of his registration.

(e) The governing board of each institution of higher education may enter into contracts with the United States government, or any of its agencies, to furnish instruction to ex-servicemen and ex-service women at a tuition rate which covers the estimated cost of the instruction or, in the alternative, at a tuition rate of \$100 a semester, as may be determined by the governing board. If the rates specified are prohibited by federal law for any particular class of ex-servicemen or ex-service women, the tuition rate shall be set by the governing board, but shall not be less than the established rate for civilian students. If federal law provides as to any class of veterans that the tuition payments are to be deducted from subsequent benefits to which the veteran may be entitled, the institution shall refund

to any veteran who is a resident of Texas within the meaning of this section the amount by which any adjusted compensation payment is actually reduced because of tuition payments made to the institution by the federal government for the veteran.

[Acts 1971, 62nd Leg., p. 3117, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.204. Children of Disabled Firemen and Peace Officers

(a) In this section:

(1) "Eligible employee" means a full-paid or volunteer fireman, or a full-paid municipal, county, or state peace officer, or a custodial employee of the Texas Department of Corrections, or a game warden, who has a child under 21 years of age.

(2) "Disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be under a disability unless he furnishes such proof of its existence as may be required.

(b) The governing board of each institution of higher education shall exempt from the payment of all dues, fees, and charges any person whose parent is an eligible employee who has suffered an injury, resulting in death or disability, sustained in the line of duty according to the regulations and criteria then in effect governing the department or agency in which he was employed. The exemption does not apply to general property deposits or to fees or charges for lodging, board, or clothing.

(c) A person is not entitled to the exemption if he:

(1) does not apply initially for the exemption before he becomes 21 years of age;

(2) does not meet all entrance requirements of the institution; or

(3) does not maintain a scholastic average sufficient to remain in good standing.

(d) A person loses his right to an exemption after eight consecutive semesters, not including summer semesters, beginning with the first semester for which he registers.

(e) A person entitled to an exemption under the provisions of this section may use the exemption:

(1) only at the public senior college or university which he first attends under the provisions of this section; or

(2) only at the public junior college which he first attends, and upon successful completion of four consecutive semesters at the public junior college he may continue to use the exemption for four consecutive semesters only at the public senior college or university which he subsequently first attends.

(f) A person entitled to an exemption under the provisions of this section shall, when transferring from a public junior college to a public senior col-

lege or university, meet the standard entrance requirements required by the senior college or university of an applicant for admission not covered by the provisions of this section.

(g) An eligible employee whose injury results in a disability shall submit to a physical examination by a physician designated by the United States Social Security Administration to conduct physical examinations and to make disability reports to the Social Security Administration. If the physician decides the injury received has resulted in a disability, he shall certify this fact to the head of the department which employs the employee.

(h) The head of the department which employed the eligible employee at the time he sustained the injury shall file a certificate with the Coordinating Board, Texas College and University System, on a form prepared by the board for the purpose. The head of the department shall attach the certificate of the examining physician if an examination is required by Subsection (g) of this section. A copy of the certificate on file with the coordinating board is sufficient evidence for the institution to grant the exemption.

[Acts 1971, 62nd Leg., p. 3119, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1386, ch. 534, § 1, eff. Sept. 1, 1975.]

§ 54.205. Blind, Deaf Students

(a) In this section:

(1) "Resident" has the same meaning as is assigned it in Subchapter B of this chapter.¹

(2) "Blind person" means a person who is a "blind disabled individual" as defined in Section 5, Chapter 291, Acts of the 59th Texas Legislature, Regular Session, 1965 (Article 3207c, Vernon's Texas Civil Statutes), and who is eligible for the rehabilitation services of the State Commission for the Blind.

(3) "Deaf person" means a person whose sense of hearing is nonfunctional, after all necessary medical treatment, surgery, and use of hearing aids, for understanding normal conversation and who is eligible for the services of the Division of Vocational Rehabilitation of the Texas Education Agency.

(4) "Tuition fees" includes all dues, fees, and enrollment charges whatsoever for which exemptions may be lawfully made, including fees for correspondence courses, general property deposit fees, and student services fees, but does not include fees or charges for lodging, board, or clothing.

(b) A deaf or blind person who is a resident is entitled to exemption from the payment of tuition fees at any institution of higher education utilizing public funds if he presents:

(1) certification by the appropriate state vocational rehabilitation agency that he is a "blind person" or a "deaf person" as defined in Subsection (a) of this section and is a client of the

agency, which certification shall be deemed conclusive;

- (2) a high school diploma or its equivalent;
- (3) proof of good moral character, which may be evidenced by a letter of recommendation from the principal of the high school attended by the deaf or blind individual or, if the high school no longer exists or if the principal cannot be located, a letter of recommendation from the individual's clergyman, a public official, or some other responsible person who knows the deaf or blind individual and is willing to attest to his good moral character; and
- (4) proof that he meets all other entrance requirements of the institution.

(c) The governing board of an institution may establish special entrance requirements to fit the circumstances of deaf and blind persons. In order to obtain the maximum vocational benefits of their college training, all deaf students applying for a tuition exemption under this legislation shall cooperate with the Commission for Rehabilitation, and all blind students applying for a tuition exemption under this section shall cooperate with the State Commission for the Blind. The Commission for Rehabilitation and the State Commission for the Blind shall utilize all available and appropriate resources at the institutions of higher education to insure that deaf or blind students receive the maximum benefits from college training for which tuition fee exemptions are claimed under this Act. The Commission for Rehabilitation, the State Commission for the Blind, and the Coordinating Board, Texas College and University System, may develop any rules and procedures that these agencies determine necessary for the efficient implementation of this section.

[Acts 1971, 62nd Leg., p. 3120, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 425, ch. 192, §§ 1, 2, eff. May 25, 1973.]

¹ Section 54.051 et seq.

§ 54.206. **Repealed by Acts 1975, 64th Leg., p. 2326, ch. 720, § 2, eff. Sept. 1, 1975**

§ 54.207. **Students from Other Nations of the American Hemisphere**

(a) The governing boards of the institutions of higher education may annually exempt from the payment of tuition fees the following students:

- (1) 200 native-born students from the other nations of the American hemisphere; and
- (2) 35 native-born students from a Latin American country designated by the United States Department of State.

(b) Ten students from each nation, as authorized in Subsection (a)(1) of this section, shall be exempt as provided in this subsection. In the event any nation fails to have 10 students available and qualified for exemption, additional students from the other nations may be exempted, subject to the approval of the State Board of Education and allocation by it. However, not more than 235 students

from all the nations shall be exempt each year. In the event the nation designated in Subsection (a)(2) of this section fails to have 35 students available and qualified for exemption within a reasonable time, additional students from other nations may be exempt, subject to the approval of the State Board of Education.

(c) Every applicant desiring the exemption shall furnish satisfactory evidence, certified by the proper authority of his native country, that he is a bona fide native-born citizen and resident of the country which certifies his application and that he is scholastically qualified for admission.

(d) The State Board of Education, after consultation with representatives of the governing boards of the institutions of higher education, shall formulate and prescribe a plan governing the admission and distribution of all applicants desiring to qualify under the provisions of this section.

(e) No student shall be exempted under this section who is not a native-born citizen of the country certifying his qualifications and who has not lived in one of the nations of this hemisphere for a period of at least five years. No member of the Communist Party and no student from Cuba shall be eligible for benefits under this section.

[Acts 1971, 62nd Leg., p. 3121, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.208. **Firemen Enrolled in Fire Science Courses**

The governing boards of the state institutions of collegiate rank supported in whole or in part by public funds shall exempt from the payment of tuition and laboratory fees any person who is employed as a fireman by any political subdivision of the state and who enrolls in a course or courses offered as part of a fire science curriculum. The exemption provided does not apply to deposits which may be required in the nature of security for the return or proper care of property loaned for the use of students.

[Acts 1971, 62nd Leg., p. 3345, ch. 1024, art. 2, § 16, eff. Sept. 1, 1971.]

§ 54.209. **Children of Prisoners of War or Persons Missing in Action**

(a) In this section:

(1) "Dependent child" means a person under 21 years of age, or a person under 25 years of age who receives the majority of his support from his parent or parents.

(2) "Tuition and fees" includes tuition, service fees, lab fees, building use fees, and all other fees except room, board, or clothing fees, or deposits in the nature of security for the return or proper care of property.

(b) The governing body of each institution of higher education, on presentation of satisfactory evidence, shall exempt from the payment of tuition and fees the dependent child of any person who is a

domiciliary of Texas on active duty as a member of the armed forces of the United States, and who at the time of the registration is classified by the Department of Defense as a prisoner of war or as missing in action.

[Acts 1971, 62nd Leg., p. 3356, ch. 1024, art. 2, § 33, eff. Sept. 1, 1971.]

§ 54.210. Senior Citizens

(a) In this section, "senior citizen" means a person 65 years of age or older.

(b) The governing board of a state-supported institution of higher education may allow a senior citizen to audit any course offered by the institution without the payment of a fee if space is available.

[Acts 1975, 64th Leg., p. 265, ch. 111, § 1, eff. Sept. 1, 1975.]

[Sections 54.211 to 54.500 reserved for expansion]

SUBCHAPTER E. OTHER FEES AND DEPOSITS

§ 54.501. Laboratory Fees

An institution of higher education may make and collect a laboratory charge in an amount sufficient to cover in general the cost of laboratory materials and supplies used by a student. The laboratory charge shall be not less than \$2 nor more than \$8 for any one semester or summer term for any student in any one laboratory course, but shall not exceed the cost of actual materials and supplies used by the student.

[Acts 1971, 62nd Leg., p. 3122, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.502. General Property Deposits

An institution of higher education may collect a reasonable deposit not to exceed \$10 from each student to insure the institution against losses, damages, and breakage in libraries and laboratories. The deposit shall be returned on the withdrawal or graduation of a student, less any loss, damage, or breakage caused by the student. The medical and dental units of The University of Texas System shall collect a breakage or loss deposit no greater than \$30.

[Acts 1971, 62nd Leg., p. 3122, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 54.503. Student Services Fees

(a) For the purposes of this section, "student services" means activities which are separate and apart from the regularly scheduled academic functions of the institution and directly involve or benefit students, including textbook rentals, recreational activities, health and hospital services, medical services, automobile parking privileges, intramural and intercollegiate athletics, artists and lecture series, cultural entertainment series, debating and oratorical activities, student publications, student government, and any other student activities and services specifically authorized and approved by the governing board of the institution of higher education.

The term does not include services for which a fee is charged under another section of this code.

(b) The governing board of an institution of higher education may charge and collect from students registered at the institution fees to cover the cost of student services. The fee or fees may be either voluntary or compulsory as determined by the governing board. The total of all compulsory student services fees collected from a student at an institution of higher education other than the University of Texas at Austin for any one semester or summer session shall not exceed \$90. All compulsory student services fees charged and collected under this section by the governing board of an institution of higher education, other than a public junior college, shall be assessed in proportion to the number of semester credit hours for which a student registers. No fee for parking services or facilities may be levied on a student unless the student desires to use the parking facilities provided.

(c) The governing board may fix and collect a reasonable fee or fees for the enforcement and administration of parking or traffic regulations approved by the board for the institution.

(d) The provisions of this section do not affect the building use fees or other special fees authorized by the legislature for any institution for the purpose of financing revenue bond issues.

(e) All money collected as student services fees shall be reserved and accounted for in an account or accounts kept separate and apart from educational and general funds of the institution and shall be used only for the support of student services. All the money shall be placed in a depository bank or banks designated by the governing board and shall be secured as required by law. Each year the governing board shall approve for the institution a separate budget for student activities and services financed by fees authorized in this section. The budget shall show the fees to be assessed, the purpose or functions to be financed, the estimated income to be derived, and the proposed expenditures to be made. Copies of the budgets shall be filed annually with the coordinating board, the governor, the legislative budget board, the state auditor, and the state library.

(f) The governing board may waive all or part of any compulsory fee or fees authorized by this section in the case of any student for whom the payment of the fee would cause an undue financial hardship, provided the number of the students does not exceed 10 percent of the total enrollment. The board may limit accordingly the participation of a student in the activities financed by the fee so waived.

(g) Prior to recommending the student fee budget to the governing board, the president of each institution shall duly consider the recommendations of a student fee advisory committee. A majority of the committee's members shall be students enrolled in the institution and appointed by the student govern-

ing body of the institution or elected by a majority of students enrolled in the institution voting in an election held for that purpose. Other committee members from the staff and faculty may be included and selected as the president sees fit. The regents may duly consider the matter of raising student fees in open meeting. Along with his own recommendations, the president may make known to the Board of Regents the student fee committee's recommendations. If the decision of the board differs from that of the student fee committee, the president may deliver to the student fee committee a written explanation of the board's decision within 30 days of that decision.

(h) This section does not apply to The University of Texas at Austin.

[Acts 1971, 62nd Leg., p. 3123, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1759, ch. 641, § 2, eff. Aug. 27, 1973; Acts 1979, 66th Leg., p. 1872, ch. 756, §§ 1, 2, eff. Sept. 1, 1979; Acts 1983, 68th Leg., p. 2060, ch. 378, § 2; Acts 1983, 68th Leg., p. 2062, ch. 379, § 1, eff. Aug. 29, 1983.]

Acts 1983, 68th Leg., p. 2061, ch. 378, § 6(b), provides:

"(b) All fees, other than the compulsory student services fee previously established at The University of Texas at Austin under Section 54.503, Texas Education Code, remain in effect at current levels until established under the terms of this Act."

Acts 1983, 68th Leg., p. 2061, ch. 378, § 7, provided that the Act took effect with the fall semester, 1983.

Acts 1983, 68th Leg., p. 2065, ch. 379, § 2, provides:

"This Act applies to student services fees collected for the fall semester, 1983, and thereafter. Student services fees collected for any semester or session before the fall semester, 1983, are governed by Section 54.503, Texas Education Code, as that law existed on January 1, 1983, and that law is continued in effect for that purpose."

§ 54.504. Repealed by Acts 1979, 66th Leg., p. 1873, ch. 756, § 3, eff. Sept. 1, 1979

§ 54.505. **Mandatory Student Services Fees in Cases of Concurrent Enrollment in More Than One Institution Within Public Systems of Higher Education**

(a) For the purposes of this section "mandatory student services fees" means health and hospital services, intramural and intercollegiate athletics, student union, shuttle bus service, and any other student activities and services specifically authorized, approved, and mandated by the appropriate governing body, and "concurrent enrollment" means enrollment in joint or cooperative programs involving two or more institutions within a college or university system.

(b) When a student registers at more than one public institution of higher education within a college or university system under concurrent enrollment provisions of joint or cooperative programs between said institutions, the student shall pay all mandatory student services fees to the institution designated as the "home institution" under the joint or cooperative program and the governing board

may waive the payment of all mandatory student services fees at the other institution(s).

[Acts 1979, 66th Leg., p. 146, ch. 78, § 1, eff. April 26, 1979.]

Section 2 of the 1979 Act provided:

"Should any provision of this Act conflict with, limit, or impair any pledge, covenant, or option made or reserved by any governing board with respect to any bonds outstanding as of the effective date of this Act, this Act is hereby repealed to the extent of the conflict, limitation, or impairment."

CHAPTER 55. FINANCING PERMANENT IMPROVEMENTS

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55.24. Pledges under Previous Laws to Remain in Effect.

SUBCHAPTER C. REFUNDING CONSTITUTIONAL BONDS AND NOTES

55.41. Refunding Bonds.

SUBCHAPTER A. GENERAL PROVISIONS

§ 55.01. Definitions

In this chapter:

(1) "Institution of higher education" or "institution" has the meaning assigned to it by Section 61.003(7) of this code, except that "public junior college" is excluded.

(2) "Governing board" or "board" means the board having management and control of an institution of higher education.

[Acts 1971, 62nd Leg., p. 3124, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 55.02 to 55.10 reserved for expansion]

SUBCHAPTER B. REVENUE BONDS AND FACILITIES

§ 55.11. **General Authority**

Each board is authorized to acquire, purchase, construct, improve, enlarge, equip, operate, and/or

maintain any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof.

[Acts 1971, 62nd Leg., p. 3125, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.12. Contracts for Joint Construction

Each board may enter into contracts with municipalities or school districts for the joint construction of museums, libraries, or other buildings.

[Acts 1971, 62nd Leg., p. 3125, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.13. Authority to Issue Revenue Bonds

For the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof, each board may issue its revenue bonds from time to time and in one or more issue or series, to be payable from and secured by liens on and pledges of all or any part of any of the revenues, income, or receipts of the board and its institution or institutions, or any branch or branches thereof, including, without limitation, any rentals, rates, charges, fees, or other resources, in the manner provided by this subchapter.

[Acts 1971, 62nd Leg., p. 3125, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.14. Terms and Conditions

(a) The bonds may be issued to mature serially or otherwise within not to exceed 50 years from their date, and each board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, under any terms or conditions that may be set forth in the resolution authorizing the issuance of the bonds.

(b) The bonds, and any interest coupons appertaining thereto, are and shall constitute negotiable instruments within the meaning and for all purposes of the Texas Uniform Commercial Code (provided that the bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rates, all as shall be determined and provided by the board in the resolution authorizing the issuance of the bonds.

[Acts 1971, 62nd Leg., p. 3125, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.15. Disposition of Bond Proceeds

Proceeds from the sale of the bonds may be used for paying interest on the bonds during the period

of the acquisition or construction of any facilities to be provided through the issuance of the bonds, and for providing a reserve for the payment of the principal of and interest on the bonds, and such proceeds may be placed on time deposit or invested, until needed, to the extent, and in the manner provided, in the bond resolution.

[Acts 1971, 62nd Leg., p. 3125, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.16. Rentals, Rates, Charges, and Fees

Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, services, use, and/or availability of all or any of its property, buildings, structures, activities, operations, or other facilities, in such amounts and in such manner as may be determined by the board; provided, however, that all student use fees shall be fixed and collected in proportion to the number of semester credit hours for which a student registers, and shall not exceed \$6 per semester hour, except that those schools charging more than \$6 per semester hour as of May 1, 1975, shall not exceed the amount being charged as of that date, and except that the legislature may specifically authorize individual boards to levy fees in excess of the \$6 limit set herein. The board may waive all or any part of any such student use fees in the case of any student for whom the payment of such student use fee would cause an undue economic hardship, except that the number of such students for whom such waivers are granted shall not exceed 5% of the total enrollment; and further provided that nothing in this section shall affect, limit, or impair any pledge, covenant, or option made or reserved by the board with respect to any revenue bonds outstanding as of the 1975 amendment to this section, issued by the board pursuant to this chapter; and provided that hereafter if bonds are issued pursuant to Section 55.17 of this code, to be secured by a pledge of a limited or unlimited use fee, and if, at the time of authorizing the issuance of the bonds, (1) the estimated maximum amount per semester hour of such pledged use fee (based on then current enrollment and conditions) during any future semester necessary to provide for the payment of the principal of and interest on the bonds when due, together with (2) the aggregate amount of all use fees which were levied on a semester hour basis for the then current semester to pay the principal of and interest on all previously issued bonds, do not exceed \$6 per semester hour, then such limited or unlimited use fee shall be levied and collected when and to the extent required by the resolution authorizing the issuance of the bonds in any amount required to provide for the payment of the principal of and interest on the bonds, regardless of any other provision of this section or the limitations contained herein.

[Acts 1971, 62nd Leg., p. 3126, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1759, ch. 641, § 1, eff. Aug. 27, 1973; Acts 1975, 64th Leg., p. 1245, ch. 469, § 1, eff. June 19, 1975.]

§ 55.17. Pledges; Parietal Rules; Types of Fees; Additional Pledge of Resources; Acquisition, etc. of Property; Revenue Bonds

(a) Each board may pledge all or any part of its revenues, income, or receipts from such rentals, rates, charges, and/or fees, or other resources to the payment of the bonds, including the payment of principal, interest, and any other amounts required or permitted in connection with the bonds. The pledged rentals, rates, charges, and/or fees shall be fixed and collected in amounts that will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with the bonds and, to the extent required by the resolution authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the bonds and for the payment of operation, maintenance, and other expenses in connection with the aforesaid property, buildings, structures, activities, services, operations, or other facilities.

(b) Each board may establish and enforce parietal rules for students and others, and enter into agreements regarding occupancy, use, and availability of facilities, and the amounts and collection of pledged revenues, income, receipts, rentals, rates, charges, fees, or other resources, that will assure making all the required payments and deposits.

(c) Fees for the use by or availability to the students of all or any property, buildings, structures, activities, services, operations, or other facilities, may be pledged to the payment of the bonds, and shall be fixed and collected from all or any designated part of the students enrolled in the institution or institutions, or any branch or branches thereof, in the amounts and in the manner as determined and provided by the board in the resolution authorizing the issuance of the bonds; and said fees may be collected in the full amounts required or permitted herein, without regard to actual use, availability, or existence of any facility, commencing at any time designated by the board. Said fees may be fixed and collected for the use or availability of any specifically described property, buildings, structures, activities, services, operations, or other facilities; or said fees may be fixed and collected as general fees for the general use or availability of the institution or institutions, or any branch or branches thereof. Such specific and/or general fees may be fixed and collected, and pledged to the payment of any issue or series of bonds issued by the board, in the full amounts required or permitted herein, in addition to, and regardless of the existence of, any other specific or general fees at the institution or institutions, or any branch or branches thereof; provided that each board may restrict its power to pledge such additional specific or general fees in any manner that may be provided in any resolution authorizing the issuance of bonds, and provided that no such additional specific fees shall be pledged if prohibited by any resolution which

authorized the issuance of any then outstanding bonds.

(d) Additionally, each board may pledge irrevocably to the payment of the bonds, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, or any branch or branches thereof, an amount not exceeding \$5 from each enrolled student for each regular semester and \$2.50 from each enrolled student for each summer term. Each board also may pledge to the payment of the bonds all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise. A board also may pledge to the payment of the bonds all or any part of any revenues, income, receipts, or other resources of said board, including, without limitation, student charges, to the extent that such revenues, income, receipts, or other resources are permitted to be pledged to the payment of revenue bonds authorized to be issued by the board by any other law. Further, in issuing bonds pursuant to this subchapter, each board additionally may pledge to the payment of outstanding bonds, issued pursuant to any other law, all or any part of the revenues, income, receipts, or resources of the board authorized to be pledged to the payment of bonds issued pursuant to this subchapter.

(e) (1) The board of regents of Texas Tech University, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, is hereby granted full and final authority and responsibility to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for the Texas Tech University School of Medicine at Lubbock.

(2) The board of regents of Texas Tech University, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, may pledge irrevocably to the payment of its revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at Texas Tech University and/or at the Texas Tech University School of Medicine at Lubbock; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that such tuition charges shall not be pledged pursuant to the authority granted by this Subsection (e)(2) except to the payment of bonds issued in an aggregate principal amount of not to exceed \$35 million for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for the Texas Tech University School of Medicine at Lubbock.

(f) (1) The board of regents of The University of Texas System is hereby granted full and final authority and responsibility to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for The University of Texas at Dallas, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, and The University of Texas (Clinical) Nursing School at San Antonio.

(2) The board of regents of The University of Texas System may pledge irrevocably to the payment of its revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at each and every institution, branch, and school operated by or under the jurisdiction of said board of regents of The University of Texas System; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that such tuition charges shall not be pledged pursuant to the authority granted by this Subsection (f)(2) except to the payment of bonds issued in an aggregate principal amount of not to exceed \$150 million for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for The University of Texas at Dallas, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, and The University of Texas (Clinical) Nursing School at San Antonio.

(g) Subsections (a) through (f) of this section are cumulative of all other laws on the subject, but they shall be wholly sufficient authority for the issuance of the bonds and the performance of the acts and procedures, and the exercise of the powers granted and authorized thereby, regardless of any restrictions or limitations contained in any other laws; and when any bonds are being issued or any acts or procedures are being undertaken, or any powers being exercised pursuant to those subsections, then to the extent of any conflict or inconsistency between any provisions of those subsections, and any provision of any other law, the provisions of those subsections shall prevail and control.

[Acts 1971, 62nd Leg., p. 3127, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3335, ch. 1024, art. 2, § 1, eff. Sept. 1, 1971.]

§ 55.171. Specific Institutions

(a) The board of regents of the University of Houston may acquire, purchase, construct, improve, enlarge, and equip property, buildings, structures,

and facilities for the University of Houston at Clear Lake City, and for these purposes may issue revenue bonds pursuant to this subchapter. The board may pledge irrevocably to the payment of these revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at the University of Houston or the University of Houston at Clear Lake City, or both; and the amount of any pledge so made shall never be reduced or abrogated while the bonds are outstanding. However, the tuition charges shall not be pledged pursuant to the authority granted by this subsection except to the payment of bonds issued in an aggregate principal amount not to exceed \$40 million for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and equip property, buildings, structures, and facilities for the University of Houston at Clear Lake City.

(b) The board of directors of the Texas A & M University System may acquire, purchase, construct, improve, enlarge, and equip property, buildings, structures, and facilities for Texas A & M University at Galveston, and for these purposes may issue revenue bonds pursuant to this subchapter. The board may pledge irrevocably to the payment of these revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at Texas A & M University and Texas A & M University at Galveston; and the amount of any pledge so made shall never be reduced or abrogated while the bonds are outstanding. However, the tuition charges shall not be pledged pursuant to the authority granted by this subsection except to the payment of bonds issued in an aggregate principal amount not to exceed \$7.5 million for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and equip property, buildings, structures, and facilities for Texas A & M University at Galveston.

(c) Tuition revenue of Prairie View A & M College and Tarleton State College is specifically exempted from being pledged under the provisions of this bill.

(d) It is provided, however, that no bonds shall be issued hereunder and no tuition shall be pledged thereto unless and until the specific terms and provisions of said bonds and pledge have been first approved by the Coordinating Board, Texas College and University System, in accordance with rules and regulations regarding that subject adopted, published and heard in accordance with Section 61.027 of this code.

[Acts 1973, 63rd Leg., p. 345, ch. 145, § 1, eff. Aug. 27, 1973. Amended by Acts 1981, 67th Leg., p. 3052, ch. 799, § 3, eff. June 17, 1981.]

§ 55.172. Pan American University

The board of regents of Pan American University may construct and equip academic buildings, structures and facilities for Pan American University,

following approval for such construction by the Coordinating Board, Texas College and University System, and for these purposes may issue revenue bonds pursuant to this subchapter. The board may pledge irrevocably to the payment of these revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at Pan American University; and the amount of any pledge so made shall never be reduced or abrogated while the bonds are outstanding. However, the tuition charges shall not be pledged pursuant to the authority granted by this subsection except to the payment of bonds issued in an aggregate principal amount not to exceed \$10 million for the purpose of providing funds to construct and equip academic buildings, structures, and facilities for Pan American University.

It is provided, however, that no bonds shall be issued hereunder and no tuition shall be pledged thereto unless and until the specific terms and provisions of said bonds and pledge have been first approved by the Coordinating Board, Texas College and University System, in accordance with rules and regulations regarding that subject adopted, published and heard in accordance with Section 61.027 of this code.

[Acts 1973, 63rd Leg., p. 488, ch. 212, § 1, eff. Aug. 27, 1973.]

§ 55.18. Bonds not Obligations of the State

Bonds issued by a board are payable solely from the revenues, income, receipts, or other resources of the board, as provided in this subchapter, and such bonds shall never be an obligation of the State of Texas.

[Acts 1971, 62nd Leg., p. 3127, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.19. Refunding Bonds

Any bonds or notes at any time issued by a board may be refunded or otherwise refinanced by the issuance by the board of refunding bonds for such purpose, under such terms, conditions, and details as may be determined by resolution of the board. All pertinent and appropriate provisions of this subchapter shall be applicable to such refunding bonds, and they shall be issued in the manner provided herein for other bonds authorized under this subchapter; provided that such refunding bonds may be sold and delivered in amounts necessary to pay the principal, interest, and redemption premium, if any, of bonds or notes to be funded or refunded, at maturity or on any redemption date. Also, such refunding bonds may be issued to be exchanged for the bonds or notes being refunded thereby. In the latter case, the Comptroller of Public Accounts of the State of Texas shall register the refunding bonds and deliver the same to the holder or holders of the bonds or notes being refunded thereby, in accordance with the provisions of the resolution authorizing the refunding bonds; and any such ex-

change may be made in one delivery, or in several installment deliveries. Bonds issued at any time by a board also may be refunded in the manner provided by any other applicable law.

[Acts 1971, 62nd Leg., p. 3127, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.20. Approval and Registration of Bonds

All bonds issued by any board, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

[Acts 1971, 62nd Leg., p. 3127, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.21. Bonds are Authorized Investments and Security for Deposits

All bonds issued by any board are legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas, and for all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and for all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

[Acts 1971, 62nd Leg., p. 3128, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.22. Validation of Bonds and Proceedings

All revenue bonds heretofore approved by the attorney general and registered by the comptroller, which were issued, sold, and delivered by any board, and which are payable from or secured by a pledge of any revenues, income, receipts, or other resources of such board, are hereby validated in all respects, together with all proceedings authorizing the issuance thereof, and said bonds and proceedings are and shall be valid and binding obligations in accordance with their terms and conditions for all purposes, as though they had been duly and legally issued and authorized originally.

[Acts 1971, 62nd Leg., p. 3128, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.23. Cumulative Effect of Subchapter

This subchapter shall be cumulative of all other law on the subject, but this subchapter shall be wholly sufficient authority within itself for the issuance of the bonds and the performance of the other acts and procedures authorized hereby, without reference to any other law or any restrictions or limitations contained therein, except as herein specifically provided; and when any bonds are being issued under this subchapter, then to the extent of any conflict or inconsistency between any provisions of this subchapter and any provision of any other law, the provisions of this subchapter shall prevail and control; provided, however, that any board shall have the right to use the provisions of any other laws, not in conflict with the provisions hereof, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this subchapter.

[Acts 1971, 62nd Leg., p. 3128, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 55.24. Pledges Under Previous Laws to Remain in Effect

Where any revenues, income, receipts, or other resources of any board have been pledged to the payment of principal of and interest on any bonds or notes issued and delivered pursuant to any other law, the repeal of such law by virtue of the enactment of Title 3 of this code shall not affect any such pledge or any covenants with respect to such bonds or notes, or any bonds issued to refund same, and all such pledges and covenants shall remain in full force and effect in accordance with the terms and provisions thereof.

[Acts 1971, 62nd Leg., p. 3128, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 55.25 to 55.40 reserved for expansion]

SUBCHAPTER C. REFUNDING CONSTITUTIONAL BONDS AND NOTES

§ 55.41. Refunding Bonds

The governing board of any institution which has heretofore issued or which hereafter issues bonds or notes pursuant to the authority of Article VII, Section 17, of the Texas Constitution, as amended, may issue refunding bonds to refinance or refund any or all of the bonds or notes by the issuance of its refunding bonds; and the governing board may pledge all or any part of the funds allotted pursuant to that section of the constitution to any institution governed by the board to secure the refunding bonds issued pursuant to this section. The refunding bonds shall be issued in the amounts, and bear interest at the rates, determined by the governing board, provided that such interest rates shall not exceed any constitutional limit; and shall mature serially or otherwise in not more than 10 years. The refunding bonds shall be examined and approved by the attorney general, and when so ap-

proved shall be incontestable, and all bonds shall be registered by the comptroller of public accounts. The refunding bonds may be exchanged for bonds or notes issued pursuant to the section of the constitution or may be sold and the proceeds used to call and redeem the outstanding bonds and notes.

[Acts 1971, 62nd Leg., p. 3129, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

CHAPTER 56. STUDENT FINANCIAL ASSISTANCE GRANTS

SUBCHAPTER A. GENERAL PROVISIONS

- Sec.
- 56.001. Short Title.
- 56.002. Declaration of Policy.
- 56.003. Definitions.

SUBCHAPTER B. TEXAS ASSISTANCE GRANTS

- 56.010. Short Title.
- 56.011. Purpose.
- 56.012. Administrative Authority for the Program.
- 56.013. Rules Governing Eligibility of Postsecondary Institutions.
- 56.014. Rules Governing Eligibility of Students.
- 56.015. Awarding of Grants and Their Limitations.
- 56.016. Adoption of Regulations Governing the Program.

SUBCHAPTER C. TEXAS PUBLIC EDUCATIONAL GRANTS

- 56.031. Short Title.
- 56.032. Purpose.
- 56.033. Source of Program Funding.
- 56.034. Guidelines for Determining Eligibility and Awarding Grants.
- 56.035. Type of Grants to be Awarded and Restrictions.
- 56.036. Transfer of Grant Funds for Use as Matching Funds.
- 56.037. Priorities in Awarding Matching Funds.
- 56.038. Restrictions and Return of Transferred Funds.

SUBCHAPTER A. GENERAL PROVISIONS

§ 56.001. Short Title

This Chapter may be cited as the Student Financial Assistance Act of 1975.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.002. Declaration of Policy

The legislature, giving due consideration to the historical and continuing interest of the people of the State of Texas in encouraging deserving and qualified persons to realize their aspirations for education beyond high school finds and declares that postsecondary education for those who desire such an education and are properly qualified therefor is important to the welfare and security of this state and the nation and, consequently, is an important public purpose. The legislature finds and declares that the state can achieve its full economic and social potential only if every individual has the opportunity to contribute to the full extent of his capabilities and only when financial barriers to his

economic, social, and educational goals are removed. It is, therefore, the policy of the legislature and the purpose of this Chapter to establish financial assistance programs to enable qualified students to receive a postsecondary education.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.003. Definitions

In this Chapter:

(1) "Institution of higher education" has the same meaning as is assigned to it by Section 61.003 of this code.

(2) "Governing board" has the same meaning as is assigned to it by section 61.003 of this code.

(3) "Postsecondary educational institution" means any institution, public or private, which provides courses of instruction beyond that offered in secondary schools.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

[Sections 56.004 to 56.009 reserved for expansion]

SUBCHAPTER B. TEXAS ASSISTANCE GRANTS

§ 56.010. Short Title

The grant program authorized by this subchapter shall be cited as the Texas Assistance Grants Program, and individual grants awarded pursuant to this program shall be cited as Texas Assistance Grants.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.011. Purpose

The purpose of this subchapter is to provide a program to supply grants of money enabling students to attend postsecondary educational institutions, public or private, of their choice in Texas.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.012. Administrative Authority for the Program

The Coordinating Board, Texas College and University System, is authorized to provide Texas Assistance Grants to students enrolled in any approved postsecondary educational institution, based on student financial need but not to exceed a grant amount of more than that specified in the appropriation by the legislature.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.013. Rules Governing Eligibility of Postsecondary Institutions

(a) The coordinating board shall approve for participation in the Texas Assistance Grants Program only such colleges, universities, associations, agen-

cies, institutions, and facilities as are located within the state, which meet program standards and accreditation as determined by the board.

(b) The coordinating board shall make such regulations as may be necessary to insure compliance with the Civil Rights Act of 1964, Title VI (Public Law 88-352), as amended,¹ and in regard to nondiscrimination in admissions or employment.

(c) Any public postsecondary educational institution receiving any benefit under the provisions of this subchapter, either directly or indirectly, shall be subject to all present or future laws enacted by the legislature.

(d)(1) Postsecondary institutions which request approval for eligibility under this section and are denied such approval shall be provided written reasons for such denial by the coordinating board.

(2) The coordinating board shall adopt reasonable regulations allowing an institution to appeal denial of eligibility.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

¹ 42 U.S.C.A. § 2000d et seq.

§ 56.014. Rules Governing Eligibility of Students

To be eligible for a grant under this subchapter, a person must

(a) be a resident of Texas as defined by the coordinating board, provided, however, the person must meet, at a minimum, the resident requirements as defined by law for Texas resident tuition in fully state-supported institutions of higher education; or be a permanent resident of the United States who is otherwise qualified for an educational grant under this subchapter; no more than 10 percent of the funds awarded to eligible students enrolled at any approved institutions may be allocated to out-of-state students;

(b) be enrolled in an approved postsecondary educational institution in other than a theology or religious degree program;

(c) not be the recipient of an athletic scholarship during the period for which the grant is to be awarded;

(d) establish financial need in accordance with procedures and regulations of the coordinating board; and

(e) have complied with other requirements adopted by the coordinating board under this subchapter.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.015. Awarding of Grants and Their Limitations

(a) On receipt of a student application, enrollment report, and certification of the amount of financial need from an approved institution, the coordinating board shall certify the amount of the Texas Assistance Grant based on financial need but not to ex-

ceed a grant amount of more than that specified in the appropriation by the legislature nor

(1) the student's demonstrated financial need as determined by the coordinating board; or

(2) \$1,000 during any one fiscal year.

(b) The proper amount of the Texas Assistance Grant shall be paid to the student through the postsecondary educational institution in which the student is enrolled.

(c)(1) If a student's grant application is denied, the coordinating board shall provide the student with written notification of the reasons for such denial.

(2) The coordinating board shall adopt reasonable regulations allowing a student to appeal denial of the grant.

(d) Financial need shall be the only consideration in establishing guidelines to determine a student's eligibility for a grant except that returning students who are on scholastic probation or all students on disciplinary probation who have been placed on such probation by their respective institutions may be deemed ineligible by the coordinating board.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.016. Adoption of Regulations Governing the Program

(a) The coordinating board may make reasonable regulations consistent with the purposes and policies of this subchapter to enforce the requirements, conditions, and limitations expressed in this Act.

(b) The coordinating board shall make such regulations as may be necessary to comply with the provisions of Article I, Section 7; Article III, Section 51, and other parts of the Texas Constitution.

(c) The coordinating board shall provide copies of regulations proposed for its adoption to all eligible institutions one month prior to the meeting at which the proposals shall be acted upon.

(d) The coordinating board shall distribute copies of all regulations adopted pursuant to this Act to each eligible institution.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

[Sections 56.017 to 56.030 reserved for expansion]

SUBCHAPTER C. TEXAS PUBLIC EDUCATIONAL GRANTS

§ 56.031. Short Title

The grant program authorized by this subsection¹ shall be cited as the Texas Public Educational Grants Program and individual grants awarded pur-

suant to this program shall be cited as Texas Public Educational Grants.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

¹ So in enrolled bill; probably should read "subchapter".

§ 56.032. Purpose

The purpose of this subchapter is to provide a program to supply grants of money to students attending institutions of higher education in Texas whose educational costs are not met in whole or in part from other sources and to provide institutions of higher education with funds to supplement and add flexibility to existing financial aid programs.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.033. Source of Program Funding

The governing boards of institutions of higher education shall cause to be set aside for use as Texas Public Educational Grants twenty-five cents out of each hourly charge in Subsection (b), \$1.50 out of each hourly charge in Subsection (c) of Section 54.051 of this code, as amended, and six percent of hourly tuition charges for vocational-technical courses at public community and junior colleges.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.034. Guidelines for Determining Eligibility and Awarding Grants

(a) The governing boards of institutions of higher education shall establish guidelines to determine eligibility for awarding Texas Public Educational Grants subject to the limitations of this section.

(b) Financial need shall be the only consideration in establishing guidelines to determine a student's eligibility for a grant except that returning students who are on scholastic probation or all students on disciplinary probation may be deemed ineligible at the governing board's discretion.

(c) Guidelines adopted shall be submitted to the coordinating board, which is authorized to review and reject guidelines it determines to be contrary to the purposes of this section.

(1) In reviewing guidelines, the coordinating board shall give consideration to differing needs of each institution and desirability of this program being used to aid students who may have demonstrable financial need but be ineligible for other aid programs.

(2) If the coordinating board rejects guidelines adopted by a governing board, it shall provide a written explanation of such rejection and promulgate regulations allowing governing boards to appeal such rejection.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.035. Type of Grants to be Awarded and Restrictions

(a) Texas Public Educational Grants shall not be awarded for any specific purpose other than meeting all or part of a student's demonstrated financial need.

(b) No more than 10 percent of total grant funds awarded by institutions of higher education in a fiscal year under this subchapter may be allocated to out-of-state students.

(c) No funds may be awarded to alien students nor any money set aside from tuition revenues of alien students for use in this program.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.036. Transfer of Grant Funds for Use as Matching Funds

Each institution of higher education is authorized to transfer any or all of the funds set aside for the Texas Public Educational Grant Program to the coordinating board to be used for matching federal or other grant funds for awarding to students attending that institution. Said scholarship fund transferred to the coordinating board and all matching funds may be expended by the coordinating board for awarding scholarships as provided herein and in the general appropriation acts of the legislature.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.037. Priorities in Awarding Matching Funds

In awarding matching funds to be used in conjunction with Texas Public Educational Grants, the coordinating board shall give first priority to those institutions and students showing the highest amount of financial need.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

§ 56.038. Restrictions and Return of Transferred Funds

The coordinating board may not use funds transferred to it pursuant to this subchapter from one institution to award grants to students of a different institution. Should matching funds be unavailable for an institution, all funds transferred from that institution to the coordinating board shall be returned to that institution.

[Acts 1975, 64th Leg., p. 2323, ch. 720, § 1, eff. Sept. 1, 1975.]

CHAPTER 57. GUARANTEED STUDENT LOANS

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SUBCHAPTER A. GENERAL PROVISIONS

§ 57.01. Declaration of Policy

The legislature, giving due consideration to the historical and continuing interest of the people of the State of Texas in encouraging deserving and qualified persons to realize their aspirations for education beyond high school, finds and declares that postsecondary education for those who desire such an education and are properly qualified therefor is important to the welfare and security of this state and the nation and, consequently, is an important public purpose. The legislature finds and declares that the state can achieve its full economic and social potential only if every individual has the opportunity to contribute to the full extent of his or her capabilities and only when financial barriers to his or her economic, social, and educational goals are removed. It is, therefore, the purpose of this chapter to establish a guaranteed student loan program to enable qualified students to receive a postsecondary education.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.02. Definitions

In this chapter:

- (1) "Board" means the board of directors of the corporation.
- (2) "Corporation" means the Texas Guaranteed Student Loan Corporation.
- (3) "Postsecondary educational institution" means any institution, public or private, that provides courses of instruction beyond that offered in secondary schools.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

[Sections 57.03 to 57.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATION

§ 57.11. Texas Guaranteed Student Loan Corporation

(a) The Texas Guaranteed Student Loan Corporation is created to administer the program authorized by this chapter. The corporation is a public nonprofit corporation and, except as otherwise provided in this chapter, has all the powers and duties incident to a nonprofit corporation under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes).

(b) Except as otherwise provided by law, all expenses of the corporation shall be paid from income of the corporation.

(c) Corporate headquarters shall be in Austin.
[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

Section 2 of the 1979 Act provided:

"The sum of \$1.5 million is transferred from the federal lender's allowance funds of the Coordinating Board, Texas College and University System, to the corporation. The corporation shall use the funds to meet initial operating expenses, to establish the initial reserve necessary for loan guarantees, and to match federal funds available under the Higher Education Act of 1965, as amended."

§ 57.12. Application of Sunset Act

(a) The Texas Guaranteed Student Loan Corporation is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes) and unless continued in existence as provided by that Act the corporation is abolished, and this chapter expires effective September 1, 1991.

(b) If the corporation is abolished, the comptroller of public accounts shall serve as trustee to administer the assets of the corporation and satisfy all outstanding obligations.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.13. Composition of Board of Directors

(a) The corporation is governed by a board of 11 directors appointed in accordance with this section.

(b) The governor, with the advice and consent of the senate, shall appoint eight members to the board. Three members must be persons working in

commercial finance, three must be members of the faculty or administration of an eligible postsecondary educational institution, as defined by Section 57.46 of this code, and two must be members of the general public who do not derive a majority of their income from higher education or commercial finance.

(c) The chairman of the Coordinating Board, Texas College and University System, shall appoint a member of the coordinating board to the corporation board of directors.

(d) The commissioner of higher education shall appoint a student enrolled in a public or private postsecondary educational institution to the board. Before making the appointment, the commissioner of higher education shall consult with higher education student organizations from all regions of the state.

(e) The comptroller of public accounts shall serve as a member of the board.

(f) Each member of the board must be a Texas resident.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

Section 3 of the 1979 Act provided:

"In making the initial appointments to the board of directors of the Texas Guaranteed Student Loan Corporation, the governor shall designate two members to serve for terms expiring in 1981, three members to serve for terms expiring in 1983, and three members to serve for terms expiring in 1985. The initial student member shall serve for a term expiring in 1981."

§ 57.14. Directors' Terms of Office

Members of the board appointed by the governor or the commissioner of higher education serve for terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.15. Vacancies

(a) A member of the board vacates the office if the member ceases to be a member of the field from which he or she was appointed.

(b) A vacancy on the board shall be filled by the original appointing authority for the remainder of the unexpired term.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.16. Expenses

Members of the board serve without compensation but are entitled to reimbursement for actual and necessary expenses in attending meetings of the board or performing other official duties authorized by the chairman.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.17. Officers

The board shall elect from among its members a chairman, vice-chairman, and other officers that the board considers necessary. The chairman and vice-chairman serve for a term of one year and may be reelected.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.18. Meetings

The board may meet as often as necessary, but shall meet at least twice a year.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.19. Executive Director

The board shall appoint an executive director to serve as chief executive officer in administering the program and carrying out the policies of the board. The executive director serves at the will of the board.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.20. Employees

The board may appoint employees and may fix their compensation and prescribe their duties.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.21. Delegation of Power

The board may delegate any of its powers to the executive director and corporation employees.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.22. Application of the Texas Non-Profit Corporation Act

The corporation is subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), except that:

- (1) the corporation may not make donations for the public welfare or for charitable, scientific, or educational purposes or in aid of war activities;
- (2) the corporation is not required to file articles of incorporation;
- (3) the corporation may not merge or consolidate with another corporation;
- (4) the corporation is not subject to voluntary or involuntary dissolution;
- (5) the corporation may not be placed in receivership; and
- (6) the corporation is not required to make reports to the secretary of state under Article 9.01 of that Act.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.23. Liabilities of the Corporation

Liabilities created by the corporation are not debts of the state and the corporation may not secure any liability with funds or assets of the state except as otherwise provided by law.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

[Sections 57.24 to 57.40 reserved for expansion]

SUBCHAPTER C. STUDENT LOANS**§ 57.41. Guaranteed Student Loans**

(a) The corporation shall guarantee loans made to eligible students by eligible lenders as provided by the federal guaranteed student loan program under the Higher Education Act of 1965, 20 U.S.C. Sec. 1001 et seq., as amended.

(b) The corporation may prescribe the terms and conditions on which the loans are to be guaranteed. In prescribing those terms and conditions, the board shall take into consideration the need to encourage lenders to make loans while at the same time maintaining the fiscal integrity of the program.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.42. Reinsurance

The corporation may enter into an agreement with the United States Office of Education for reinsurance against loss under the loan program due to death, disability, or default of the borrower.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.43. Premiums

The corporation may impose and collect insurance premiums from student borrowers in an amount not to exceed the maximum allowable under the Higher Education Act of 1965, as amended.¹

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

¹ 20 U.S.C.A. § 1001 et seq.

§ 57.44. Eligible Students

In order to be eligible for a loan to be guaranteed under this chapter, a person must:

- (1) be accepted for enrollment or be in good standing, as determined by the institution, at an eligible postsecondary educational institution;
- (2) be registered for or enrolled in at least one-half the normal full-time course load, as determined by the institution; and
- (3) have executed a promissory note for a loan that is eligible for reinsurance by the United States Office of Education.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.45. Eligible Lenders

(a) In order to qualify as an eligible lender under this subchapter, the lender must:

- (1) be an eligible lender for purposes of the Higher Education Act of 1965, as amended;¹
- (2) have its principal place of business in Texas; and
- (3) enter into an agreement with the corporation for participation in the program.

(b) In contracting with the corporation, the eligible lender shall agree to adhere to the lending requirements of the corporation and to periodic review of guaranteed student loan accounts as considered necessary by the corporation.

(c) Each eligible lender shall submit to the corporation at the end of each fiscal year a report on the student loan accounts of that lender.

(d) In accordance with federal and state law, the corporation may provide, and charge a fee for, services to eligible lenders necessary to encourage lender participation in the loan program. Services for which the corporation charges a fee shall be provided at the option of the lender.

(e) In order to be guaranteed by the corporation, a loan made by an eligible lender must comply with all provisions of the Higher Education Act of 1965, as amended, including provisions relating to:

- (1) limits on annual loan amounts;
- (2) cumulative loan amount limits;
- (3) maximum interest rates;
- (4) grace periods;
- (5) repayment terms; and
- (6) deferment conditions.

(f) The corporation may suspend or revoke the eligibility of a lender that the corporation determines is not in compliance with this chapter.

(g) Loans guaranteed by the corporation may be assigned or transferred by the holders thereof to any eligible lender as provided by the Higher Education Act of 1965, as amended, notwithstanding the state in which the principal place of business of any such eligible lender is located. Any loan so assigned or transferred shall continue to be guaranteed by the corporation, and, in the event of default, the corporation shall meet the claim out of the guarantee account established under Section 57.72 of this code; provided, however, any such subsequent holder shall be required to comply with other provisions of this chapter.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979. Amended by Acts 1981, 67th Leg., p. 18, ch. 13, § 2, eff. March 20, 1981.]

¹ 20 U.S.C.A. § 1001 et seq.

§ 57.46. Eligible Institutions

(a) In order to qualify as an eligible institution under this subchapter, a postsecondary educational institution must:

(1) be an eligible institution for purposes of the Higher Education Act of 1965, as amended;¹ and

(2) be eligible for reinsurance of guaranteed loans by the United States Office of Education.

(b) An otherwise eligible postsecondary educational institution may be located anywhere.

(c) The corporation may suspend or revoke the eligibility of an institution that the corporation determines is not in compliance with this chapter.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

¹ 20 U.S.C.A. § 1001 et seq.

§ 57.47. Suits on Default

(a) If a student borrower defaults on a loan and the corporation is required to honor the guarantee, the corporation shall bring suit against the defaulting party as soon as practicable.

(b) A suit against a defaulting party under this section may be brought in the county in which the defaulting person resides, in which the lender is located, or in Travis County.

(c) It is not a defense to a suit under this section that the defaulting party was a minor at the time the promissory note was executed or that the statute of limitations has expired.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.48. Warrants Not to be Issued to Defaulting Parties

(a) The corporation shall report to the comptroller of public accounts the name of any person who is in default on a loan guaranteed under this chapter.

(b) The comptroller of public accounts may not issue a warrant to any person who has been reported by the corporation to be in default on a loan guaranteed under this chapter.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.49. Cooperation of State Agencies and Subdivisions

To the extent allowed by law, each agency and political subdivision of the state shall cooperate with the corporation in attempts to collect on defaulted loans.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.50. Nondiscrimination

Neither the corporation nor an eligible lender may discriminate against an eligible student in making a loan or loan guarantee on the basis of race, age, religion, income, or sex.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.51. Transition Provision

(a) For the purpose of this section, "authorities" means educational authorities or corporations created or established pursuant to Section 53.47 of the Texas Education Code which participate in the student loan program under the Higher Education Act of 1965, as amended.¹

(b) It is recognized that there are authorities which may have issued bonds prior to May 15, 1979, for the purpose of acquiring federally insured student loans and which authorities may have unexpended bond proceeds, from issues sold prior to May 15, 1979, at the time the corporation begins guaranteeing student loans. To maximize the availability of funds for student loans and to protect the fiscal integrity of the authorities, the authorities shall be allowed to continue to acquire federally insured loans to the extent of the unexpended bond proceeds of the authorities from issues sold prior to May 15, 1979, until the date that the corporation begins guaranteeing loans. However, the authorities shall not issue bonds for the sole purpose of purchasing federally insured loans after May 15, 1979.

(c) This section expires on the day that the corporation becomes liable for the guarantee of a loan under this chapter.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

¹ 20 U.S.C.A. § 1001 et seq.

[Sections 57.52 to 57.70 reserved for expansion]

SUBCHAPTER D. FISCAL PROVISIONS

§ 57.71. Reserve Fund

The corporation shall establish a reserve fund into which all money received by the corporation shall be deposited. The corporation shall establish accounts in that fund in accordance with this section.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.72. Guarantee Account

(a) The corporation shall establish a guarantee account in the reserve fund to be used only for meeting the claims of eligible lenders on defaulted loans.

(b) Federal money advanced to the corporation for the purpose of helping to establish or strengthen the reserve fund shall be deposited in the guarantee account. The guarantee account must identify federal funds as a separate item.

(c) Excess corporate earnings, contributions, gifts, grants, federal reinsurance receipts, and investment earnings of the guarantee account earned after September 1, 1983, shall be deposited in the guarantee account.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.73. Operating Account

(a) The corporation shall establish an operating account in the reserve fund to meet administrative and operating expenses.

(b) Insurance premium receipts, administrative cost allowance receipts, collections on defaulted loans held by the corporation, and earnings from the reserve fund (except investment earnings of the guarantee account earned after September 1, 1983) shall be deposited in the operating account, as permissible by law.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.74. Other Corporate Accounts

The corporation may establish other accounts in the reserve fund as required or permitted by law.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.75. Tax Exemption

All income, property, and other assets of the corporation are exempt from taxation by the state and political subdivisions of the state.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.76. Annual Audit

At least once each year the corporation shall have a fiscal and compliance audit performed by a certified public accountant.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.77. Annual Report

(a) The corporation annually shall prepare a written report on the financial and program operations of the corporation. The report shall include the audited financial statement for the year, the number and dollar value of loans guaranteed during the year, and the total dollar value of outstanding guaranteed loans.

(b) The corporation shall submit the annual report to the governor, lieutenant governor, speaker of the house of representatives, comptroller of public accounts, state treasurer, and commissioner of higher education.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

§ 57.78. Investments, Depositories

All money of the corporation may be invested in direct obligations of the United States of America; obligations which in the opinion of the Attorney General of the United States are general obligations of the United States and backed by its full faith and credit; obligations guaranteed by the United States of America; evidences of indebtedness of the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks,

Federal National Mortgage Association, Federal Financing Bank Participation Certificates in the Federal Assets Financing Trust, New Housing Authority Bonds and Project Notes fully secured by contracts with the United States or any other agency or instrumentality of the United States of America; and deposits or certificates of deposits of any bank or trust company which are fully secured (to the extent not insured by a corporation instrumentality or agency of the United States of America) by obligations in which the corporation may invest under the provisions hereof.

[Acts 1979, 66th Leg., p. 1711, ch. 706, § 1, eff. Aug. 27, 1979.]

CHAPTER 58. COMPENSATION OF RESIDENT PHYSICIANS

- Sec.
- 58.001. Legislative Finding and Intent.
- 58.002. Definitions.
- 58.003. Authorization for Legislative Appropriations of Funds; Conditions Regarding Those Funds.
- 58.004. Contingent Arrangement in the Event of Insufficient Funds.
- 58.005. Appointment of Resident Physicians Under Certain Conditions.

§ 58.001. Legislative Finding and Intent

(a) The legislature finds that it will improve the quality of the delivery of medical care to the citizens of this state and, therefore, that it will be in the public interest of this state for the resident physicians being educated, trained, developed, and prepared for a career in medicine by the schools of medicine in The University of Texas System, the Texas Tech University Health Sciences Center, the Texas A & M University Medical Program, and the Texas College of Osteopathic Medicine to be compensated by those schools while the resident physicians are undergoing education, training, development, and preparation. The legislature further finds that the delivery of quality medical care to the citizens of this state has been and will continue to be enhanced by the expansion of family practice residency programs as provided by Sections 61.501 through 61.505 of this code and intends that nothing in this chapter be interpreted or implemented in a manner that will deter the development or expansion of family practice residency programs or will deter the legislative goal of having at least 25 percent of the first-year residency positions devoted to family medicine.

(b) Beginning September 1, 1981, and subject to the provisions of Section 58.003 of this code, each resident physician being educated, trained, developed, and prepared for a career in medicine by an accredited school of medicine in the schools listed in Subsection (a) of this section shall be compensated by that school while the person is undergoing educa-

tion, training, development, and preparation at or under the direction and supervision of the school. [Acts 1981, 67th Leg., p. 3245, ch. 855, § 1, eff. Aug. 31, 1981.]

§ 58.002. Definitions

(a) In this chapter:

(1) "Resident physician" means a person who is appointed a resident physician by one of the schools of medicine listed in Section 58.001 of this code and who:

(A) has received a Doctor of Medicine or a Doctor of Osteopathic Medicine degree from the Baylor College of Medicine or from one of the schools listed in Section 58.001 of this code; or

(B) is a citizen of Texas and has received a Doctor of Medicine or a Doctor of Osteopathic Medicine degree from some other school of medicine that is accredited by the Liaison Committee on Medical Education or by the Bureau of Professional Education of the American Osteopathic Association.

(2) "Primary teaching hospital" means a hospital at which one of the schools listed in Section 58.001 of this code educates and trains both resident physicians and undergraduate medical students.

(3) "Compensation" includes stipends; payments, if any, for services rendered; and fringe benefits when applied to payments to or for the benefit of resident physicians.

(b) A person may not be considered a resident physician for a period of time longer than is ordinarily and customarily required for a resident physician to complete a graduate medical specialty program approved by the Accrediting Council on Graduate Medical Education or the American Osteopathic Association for the specialty in which the resident physician seeks certification as a diplomate and to obtain the certification from the appropriate board or agency approved by the American Board of Medical Specialties or the American Osteopathic Association.

(c) Notwithstanding the provisions of Subsection (b) of this section, a person may not be considered a resident physician under this Act for a period of time longer than four years.

(d) The total number of the first-year resident physicians compensated under this chapter and Sections 61.097 through 61.099 of this code may not exceed the combined total number of persons in the previous year's graduating classes of the schools listed in Section 58.001 of this code and the Baylor College of Medicine. Each school shall give priority consideration to applicants who demonstrate a willingness to practice in medically underserved areas of Texas.

(e) It is the intent of this chapter that eventually at least 50 percent of the first-year resident physicians appointed by medical schools shall be in the

primary care areas of family medicine, internal medicine, pediatrics, geriatrics, and obstetrics/gynecology, with 25 percent of those residents in family practice.

[Acts 1981, 67th Leg., p. 3245, ch. 855, § 1, eff. Aug. 31, 1981.]

§ 58.003. Authorization for Legislative Appropriations of Funds; Conditions Regarding Those Funds

(a) Beginning September 1, 1981, each accredited school listed in Section 58.001 of this code is entitled to receive funds appropriated by the legislature in an amount not to exceed \$15,000 in any fiscal year for each resident physician appointed by the school as a resident physician for that year. Money appropriated under this chapter may not be transferred from the resident physicians program.

(b) If a resident physician under this chapter does not perform in that appointed capacity during an entire fiscal year, the compensation paid to the person by the school shall be reduced proportionately to cover only the part of the fiscal year during which the performance is actually rendered.

(c) If any resident physician under this chapter is compensated by an agency or institution of the federal government or by any other agency or institution other than a primary teaching hospital for the person's performance as a resident physician, the compensation that would otherwise be paid to the person by the school shall be reduced by the amount of the compensation actually received by the person from the agency or institution. If a school under this chapter receives from an agency or institution of the federal government or from any other agency or institution other than a primary teaching hospital compensation for the performance of resident physicians' duties by any of the school's resident physicians to or for the benefit of the agency or institution, to the extent of the compensation actually received by the school, the school is prohibited from spending funds appropriated under this chapter that would otherwise be available to pay the same resident physicians for the performance of the same resident physician duties.

(d) If a school covered by this chapter receives from the Coordinating Board, Texas College and University System, a sum granted for the education, training, development, and preparation of the school's family practice resident physicians, to the extent of the sum actually received by the school, the school is prohibited from spending funds appropriated under this chapter that would otherwise be available to pay the same family practice resident physicians for the same education, training, development, and preparation.

(e) To the extent that The University of Texas Medical Branch at Galveston receives legislative appropriations under this chapter for the education and training of resident physicians, that school may not receive legislative appropriations in any other

state appropriation act for the education and training of the same resident physicians in the same fiscal year.

[Acts 1981, 67th Leg., p. 3245, ch. 855, § 1, eff. Aug. 31, 1981.]

Section 3 of the 1981 Act provided:

"The 67th Session of the Texas Legislature [1981] shall appropriate no funds for this legislation but may authorize the use of federal block grant funds if such funds become available."

§ 58.004. Contingent Arrangement in the Event of Insufficient Funds

Notwithstanding any other provisions of this chapter, if at any time a school under this chapter determines that it does not have sufficient available funds from legislative appropriations and other sources to support adequately the full number of resident physicians that the school deems to be required in order to provide the delivery of the best possible medical care to the citizens of this state, the school may assign and place for education and training in any hospital or hospitals with which the school has a resident physician affiliation agreement any of its resident physicians that cannot be supported adequately from the funds available for that purpose. During the period for which a resident physician is assigned and placed in a hospital or hospitals under the terms of this section, the resident physician shall directly or indirectly receive all or the primary portion of his or her compensation from the hospital or hospitals just as has been ordinarily and customarily done before the adoption of this chapter. The exact method and manner of compensating the resident physician shall be set forth in the resident physician affiliation agreement entered into between the school and the hospital or hospitals.

[Acts 1981, 67th Leg., p. 3245, ch. 855, § 1, eff. Aug. 31, 1981.]

§ 58.005. Appointment of Resident Physicians Under Certain Conditions

Notwithstanding any other provisions of this chapter, if at any time a school under this chapter determines that it cannot provide one of its primary teaching hospitals with resident physicians who qualify under Subdivision (1) of Subsection (a) of Section 58.002 of this code in sufficient quantity or kind to meet the standard that the school deems necessary in order to provide the delivery of the best possible medical care to the citizens of this state, until the school is able to provide the hospital with a sufficient quantity and kind of resident physicians who do qualify, the school may appoint, to be educated and trained in the hospital, resident physicians who are not citizens of Texas but otherwise qualify under Subdivision (1) of Subsection (a) of Section 58.002 and may compensate those resident physicians as if they did qualify under the provisions of that section.

[Acts 1981, 67th Leg., p. 3245, ch. 855, § 1, eff. Aug. 31, 1981.]

**CHAPTER 59. MEDICAL MALPRACTICE
COVERAGE FOR CERTAIN
INSTITUTIONS**

Sec.

- 59.01. Definitions.
- 59.02. Medical Professional Liability Fund.
- 59.03. Rules.
- 59.04. Purchase of Insurance.
- 59.05. Legal Counsel.
- 59.06. Limitation on Appropriated Funds.
- 59.07. Exemption From Insurance Code; Report.

Acts 1977, 65th Leg., p. 23, ch. 9, as amended, classified as Civil Statutes, art. 6252-26a, was repealed by § 1(b) of Acts 1983, 68th Leg., p. 998, ch. 235, art. 2, which by § 1(a) thereof incorporated the provisions of the 1977 Act into the Education Code by adding this Chapter 59, consisting of §§ 59.01 to 59.07.

§ 59.01. Definitions

In this chapter:

(1) "Medical staff or students" means medical doctors, doctors of osteopathy, dentists, and podiatrists appointed to the faculty by The University of Texas System, The Texas A & M University System, the Texas Tech University School of Medicine, or the Texas College of Osteopathic Medicine, either full time or who, although appointed less than full time (including volunteers), either devote their total professional service to such appointment or provide services to patients by assignment from the department chairman; and interns, residents, fellows, and medical or dental students, and students of osteopathy participating in a patient-care program in The University of Texas System, The Texas A & M University System, the Texas Tech University School of Medicine, or the Texas College of Osteopathic Medicine.

(2) "Medical malpractice claim" means a cause of action for treatment, lack of treatment, or other claimed departure from accepted standards of care which proximately results in injury to or death of the patient, whether the patient's claim or cause of action or the executor's claim or cause of action under Article 5525, Revised Statutes, sounds in tort or contract.

(3) "Board" means the board of regents of The University of Texas System, the board of regents of The Texas A & M University System, the board of regents of Texas Tech University, or the board of regents of North Texas State University.

(4) "Fund" means the medical professional liability fund.

[Acts 1983, 68th Leg., p. 996, ch. 235, art. 2, § 1(a), eff. Sept. 1, 1983.]

§ 59.02. Medical Professional Liability Fund

(a) Each board may establish a separate self-insurance fund to pay any damages adjudged in a court of competent jurisdiction or a settlement of

any medical malpractice claim against a member of the medical staff or students arising from the exercise of his appointment, duties, or training with The University of Texas System, The Texas A & M University System, the Texas Tech University School of Medicine, or the Texas College of Osteopathic Medicine.

(b) The boards may pay from the funds all expenses incurred in the investigation, settlement, defense, or payment of claims described above on behalf of the medical staff or students.

(c) On the establishment of each fund, transfers to the fund shall be made in an amount and at such intervals as determined by the board. Each board may receive and accept any gifts or donations specified for the purposes of this chapter and deposit those gifts or donations into the fund. Each board may invest money deposited in the fund, and any income received shall be retained in the fund. The money shall be deposited in any of the approved depository banks of The University of Texas System, The Texas A & M University System, the Texas Tech University School of Medicine, or the Texas College of Osteopathic Medicine. All expenditures from the funds shall be paid pursuant to approval by the boards.

[Acts 1983, 68th Leg., p. 996, ch. 235, art. 2, § 1(a), eff. Sept. 1, 1983.]

§ 59.03. Rules

Each board may adopt rules for the establishment and administration of the fund and the negotiation, settlement, and payment of claims as necessary to carry out the purpose of this chapter. Each board may establish by rule reasonable limits on the amount of claims to be paid from the fund or to be provided in purchased insurance.

[Acts 1983, 68th Leg., p. 996, ch. 235, art. 2, § 1(a), eff. Sept. 1, 1983.]

§ 59.04. Purchase of Insurance

Each board may purchase medical malpractice insurance from an insurance company authorized to do business in this state as it considers necessary to carry out the purpose of this chapter.

[Acts 1983, 68th Leg., p. 996, ch. 235, art. 2, § 1(a), eff. Sept. 1, 1983.]

§ 59.05. Legal Counsel

Each board may employ private legal counsel to represent the medical staff and students covered by this chapter under the rules of the board.

[Acts 1983, 68th Leg., p. 996, ch. 235, art. 2, § 1(a), eff. Sept. 1, 1983.]

§ 59.06. Limitation on Appropriated Funds

Funds appropriated by the legislature to either system, to the Texas Tech University School of Medicine, or to the Texas College of Osteopathic Medicine from the General Revenue Fund may not

be used to establish or maintain the fund, to purchase insurance, or to employ private legal counsel.

[Acts 1983, 68th Leg., p. 996, ch. 235, art. 2, § 1(a), eff. Sept. 1, 1983.]

§ 59.07. Exemption From Insurance Code; Report

The establishment and administration of each fund under this chapter and the rules of the boards do not constitute the business of insurance as defined and regulated in the Insurance Code. However, the boards of regents shall annually report to the State Board of Insurance information appropriate for carrying out the functions of the State Board of Insurance.

[Acts 1983, 68th Leg., p. 996, ch. 235, art. 2, § 1(a), eff. Sept. 1, 1983.]

CHAPTER 60. LOAN PROGRAM FOR STUDENTS PREPARING TO TEACH SUBJECTS FOR WHICH TEACHERS ARE CRITICALLY NEEDED

SUBCHAPTER A. ADMINISTRATIVE AND FUNDING PROVISIONS

Sec.

- 60.01. Administration.
- 60.02. Delegation of Powers and Duties.
- 60.03. Future Teacher Loan Fund.

SUBCHAPTER B. STUDENT LOANS

- 60.11. Eligibility.
- 60.12. Amount of Loan.
- 60.13. Term of Loan.
- 60.14. Loan Interest.
- 60.15. Insurance.
- 60.16. Payments to Student.
- 60.17. Repayment of Loans.
- 60.18. Default; Suit.
- 60.19. Cancellation of Certain Loan Repayments.

SUBCHAPTER C. MISCELLANEOUS PROVISIONS

- 60.31. Rules.
- 60.32. Annual Report.
- 60.33. Expenses.
- 60.34. Audit.

SUBCHAPTER A. ADMINISTRATIVE AND FUNDING PROVISIONS

§ 60.01. Administration

The Coordinating Board, Texas College and University System, shall administer the student loan program authorized by this chapter.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.02. Delegation of Powers and Duties

With the exception of powers and duties relating to the letting of contracts for insurance, the coordinating board may delegate its powers and duties

under this chapter to the commissioner of higher education.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.03. Future Teacher Loan Fund

(a) A revolving fund is established in the state treasury to be known as the future teacher loan fund. Money from the fund may be used only for making loans to eligible students as authorized by this chapter. The fund consists of money appropriated by the legislature for deposit in the fund and payments of principal of and interest on loans made from the fund.

(b) The principal of loans repaid under this chapter and the interest accruing on those loans shall be deposited to the credit of the future teacher loan fund.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

[Sections 60.04 to 60.10 reserved for expansion]

SUBCHAPTER B. STUDENT LOANS

§ 60.11. Eligibility

The coordinating board may authorize a loan from the future teacher loan fund established under Section 60.03 of this chapter to a student who:

(1) is a resident of this state, as determined under Subchapter B, Chapter 54, of this code;¹

(2) has been accepted for admittance into a teacher education program approved by the State Board of Education;

(3) has established under criteria adopted by the State Board of Education that he is preparing to teach a primary or secondary grade subject considered to be in critical need of teachers under rules adopted by the State Board of Education;

(4) has a grade point average equivalent to at least a 3.0 on a 4.0 scale on the basis of grades in courses taken at an institution of higher education and completed not later than the semester before the semester in which the loan determination is made;

(5) has established that he is unable to fully finance his studies in the approved teacher education program to which he has been accepted for admittance; and

(6) has complied with any other requirements established by rules adopted by the board under this chapter.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

¹ Section 54.051 et seq.

§ 60.12. Amount of Loan

The amount of a loan made to a student under this chapter may not exceed:

- (1) the difference between:

(A) the amount of the financial resources available to the student, including, but not limited to, the income he can reasonably be expected to earn, any income from parents or other individuals, and any scholarships, gifts, grants, or other financial aid he receives; and

(B) the amount necessary to pay his reasonable expenses as a student in the teacher education program to which he has been accepted for admittance; or

(2) an amount the student can reasonably be expected to repay in a period of five years after the date on which he is last enrolled in an approved teacher education program.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.13. Term of Loan

The term of a loan authorized under this chapter may not exceed a period of 10 years after the date a student is last enrolled in an approved teacher education program, unless the term is extended under Section 60.17 of this chapter, and must be for the period that the coordinating board determines to be the shortest period possible.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.14. Loan Interest

(a) The coordinating board shall fix the interest to be charged for a student loan.

(b) The coordinating board shall postpone interest as long as a student is enrolled in an approved teacher education program and may postpone interest as long as a student is enrolled at any institution of higher education.

(c) Despite a postponement granted under Subsection (b) of this section, the total interest due on a loan remains at the amount fixed at the time the note evidencing the loan was executed.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.15. Insurance

(a) The coordinating board may contract with any insurance company licensed to do business in this state for insurance on the life of a student borrower in an amount sufficient to retire the principal and interest owed under a loan made under this chapter.

(b) The student borrower shall pay the cost of the insurance.

(c) A contract for insurance under this section may be approved by the coordinating board only during a regular meeting attended by a quorum of the total board membership.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.16. Payments to Student

(a) A payment may not be made to a student unless the student has executed a note payable to the future teacher loan fund for the full amount of the authorized loan plus interest.

(b) For the purposes of this chapter, a student has the capacity to contract and is bound by any contract executed by him. The defense that he was a minor at the time he executed the note is not available in any action arising on the note.

(c) Payments to a student executing a note may be made annually, semiannually, quarterly, monthly, or for each semester, depending on the demonstrated capacity of the student to manage his financial affairs. Disbursements may be made by the coordinating board or by an institution of higher education in which the student is enrolled and that is under contract with the board to make the disbursements.

(d) Funds may not be distributed to an institution of higher education except to make payments to a student under a loan authorized by this chapter.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.17. Repayment of Loans

(a) Unless the coordinating board authorizes a longer period, repayment of a loan and interest shall begin not later than a period of nine months after the date the student borrower is last enrolled in an institution of higher education or a period of five years after the date of execution of the first note evidencing the loan, whichever period is shorter. The board may authorize a longer period before repayment must begin to students seeking professional or graduate degrees. With the approval of the attorney general, the board may also authorize a longer period before repayment must begin to those with unusual financial hardships.

(b) Repayment of the loan and interest on the loan shall be made in monthly installments.

(c) Repayment shall be made directly to the coordinating board.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.18. Default; Suit

(a) If a person who has received a loan authorized by this chapter has failed to make as many as six monthly payments due in accordance with an executed note, the full amount of the remaining principal and interest becomes due and payable immediately, and the coordinating board shall report to the attorney general the amount due, the person's name, his last known address, and other necessary information.

(b) Unless the attorney general finds reasonable justification for delaying suit and so advises the coordinating board in writing, the attorney general

or any county or district attorney acting for the attorney general shall institute suit for the amount of principal and interest outstanding in the county of the person's residence, the county in which is located the institution at which the person was last enrolled, or in Travis County. The attorney general, as a prevailing party, is entitled to recover and collect reasonable attorney's fees and court costs on behalf of the state, and when collected, one-half of the fees are to be used to establish a fund in the attorney general's office for the collection of revenues owed to the state and one-half is to be deposited into the general revenue account of the state treasury.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.19. Cancellation of Certain Loan Repayments

(a) Before repayment is to begin, the coordinating board may cancel the repayment of a loan received by a student who is employed by a school district in this state and is teaching a subject considered to be in critical need of teachers under rules adopted by the State Board of Education.

(b) A person who wishes to apply for a loan cancellation must enter into a contract with the coordinating board that provides the following:

(1) a payment is not due from the person as long as he is employed by a school district in this state and is teaching a subject considered to be in critical need of teachers under rules adopted by the State Board of Education;

(2) half of the total amount of the loan plus interest due is to be canceled after the person has taught a subject considered to be in critical need of teachers for two school years, and the remainder is to be canceled after the person has taught a subject considered to be in critical need of teachers for two additional school years;

(3) repayment of the loan and interest is to begin immediately if the person leaves employment with a school district in this state or discontinues teaching a subject considered to be in critical need of teachers before the end of two school years after the date the person began teaching;

(4) repayment of one-half of the loan and interest is to begin immediately if the person leaves employment with a school district in this state or discontinues teaching a subject considered to be in critical need of teachers before the end of four school years after the date the person began teaching;

(5) on completion of the required four years of teaching, the loan, principal and interest, shall be fully canceled; and

(6) interest continues to accrue until the loan is canceled or repaid.

(c) The coordinating board shall publicize the availability of the loan cancellation procedures provided by this section at institutions of higher educa-

tion that offer approved teacher education programs.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

[Sections 60.20 to 60.30 reserved for expansion]

SUBCHAPTER C. MISCELLANEOUS PROVISIONS

§ 60.31. Rules

(a) The coordinating board shall adopt rules to achieve the purposes of this chapter.

(b) The coordinating board may adopt rules necessary for participation in the federal guaranteed loan program provided by the Higher Education Act of 1965.¹

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

¹ 20 U.S.C.A. § 1001 et seq.

§ 60.32. Annual Report

(a) The coordinating board shall make a report of the operations of the future teacher loan program to the governor annually and to the legislature not later than December 1 of each year that immediately precedes a regular session of the legislature.

(b) The report must include the following information as it applies to loans made under this chapter to students at each institution of higher education offering an approved teacher education program:

(1) the number of loans made;

(2) the maximum loan made;

(3) the minimum loan made;

(4) the total amount of loans made;

(5) a list of persons who have failed or refused to make as many as six monthly payments on any note, a statement of the amount each person owes, and the last known address of each person; and

(6) any other information that will describe the effectiveness of the loan program.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.33. Expenses

Funds to pay the cost of personnel and other expenses required to administer this chapter shall be provided by appropriation.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

§ 60.34. Audit

Any transaction under this chapter is subject to audit by the state auditor.

[Acts 1984, 68th Leg., 2nd C.S., p. 383, ch. 28, art. III, part K, § 2, eff. Sept. 1, 1984.]

SUBTITLE B. STATE COORDINATION
OF HIGHER EDUCATION

CHAPTER 61. COORDINATING BOARD, TEXAS
COLLEGE AND UNIVERSITY SYSTEM

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SUBCHAPTER I. CONTRACTS FOR MEDICAL
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SUBCHAPTER A. GENERAL PROVISIONS

§ 61.001. Short Title

This chapter may be cited as the Higher Education Coordinating Act of 1965.

[Acts 1971, 62nd Leg., p. 3131, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.002. Purpose

The purpose of this chapter is to establish in the field of public higher education in the State of Texas an agency to provide leadership and coordination for the Texas higher education system, institutions, and governing boards, to the end that the State of Texas may achieve excellence for college education of its youth through the efficient and effective utilization and concentration of all available resources and the elimination of costly duplication in program offerings, faculties, and physical plants.

[Acts 1971, 62nd Leg., p. 3131, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 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 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;¹ 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 (System-wide); 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) "Institution of higher education" means any public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in this section.

(8) "Governing board" means the body charged with policy direction of any 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.

(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.

(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.

(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 junior college, or documentary evidence, other than a degree, of completion of a course of study 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.

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

(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.

[Acts 1971, 62nd Leg., p. 3131, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1657, ch. 601, § 3, eff. June 15, 1973; Acts 1983, 68th Leg., p. 3054, ch. 524, § 4, eff. Sept. 1, 1983.]

¹ Name changed to Texas Eastern University; see Section 113-01.

[Sections 61.004 to 61.020 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 61.021. Establishment of Coordinating Board: Functions

The Coordinating Board, Texas College and University System, is an agency of the state. It shall have its office in Austin. It shall perform only the functions which are enumerated in this chapter and

which the legislature may assign to it. Functions vested in the governing boards of the respective institutions of higher education not specifically delegated to the coordinating board shall be performed by the governing boards. The coordinating functions and other duties delegated to the board in this chapter shall apply to all public institutions of higher education.

[Acts 1971, 62nd Leg., p. 3133, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.0211. Application of Sunset Act

The Coordinating Board, Texas College and University System, is subject to the Texas Sunset Act;¹ and unless continued in existence as provided by that Act the board is abolished, and this chapter expires effective September 1, 1989.

[Acts 1977, 65th Leg., p. 1853, ch. 735, § 2.151, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 61.022. Members of Board; Appointment; Terms of Office

The board shall consist of 18 members appointed by the governor so as to provide representation from all areas of the state with the advice and consent of the senate, and as the constitution provides. Of the initial appointments to the board six shall be for terms which shall expire August 31, 1967, six for terms which shall expire August 31, 1969, and six for terms which shall expire August 31, 1971, or at such time as their successors are appointed and have qualified. Thereafter, the governor shall appoint members for terms of six years. Members of the Texas Commission on Higher Education are eligible for appointment to the board. No member may be employed professionally for remuneration in the field of education during his term of office.

[Acts 1971, 62nd Leg., p. 3133, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.023. Board Officers

The governor shall designate a chairman and vice chairman of the board. The board shall appoint a secretary of the board whose duties may be prescribed by law and by the board.

[Acts 1971, 62nd Leg., p. 3133, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.024. Compensation and Expenses of Members

Members of the board shall serve without pay but shall be reimbursed for their actual expenses incurred in attending meetings of the board or in attending to other work of the board when that other work is approved by the chairman of the board.

[Acts 1971, 62nd Leg., p. 3134, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.025. Quorum; Meetings; Agenda

A majority of the membership of the board constitutes a quorum. The board shall hold regular quarterly meetings in the city of Austin, and other meetings at places and times scheduled by it in formal sessions and called by the chairman. An agenda for the meetings in sufficient detail to indicate the items on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each state institution of higher education at least 30 days prior to the meeting.

[Acts 1971, 62nd Leg., p. 3134, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.026. Committees and Advisory Committees

The chairman may appoint committees from the board's membership as he or the board may find necessary from time to time. The board may appoint advisory committees from outside its membership as it may deem necessary.

[Acts 1971, 62nd Leg., p. 3134, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.027. Rules of Procedures; Hearings; Notice; Minutes

The board shall adopt and publish rules and regulations in accordance with and under the conditions applied to other agencies by Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes), to effectuate the provisions of this chapter. The board shall grant any institution of higher education a hearing upon request and after reasonable notice. Minutes of all meetings shall be available in the board's office for public inspection.

[Acts 1971, 62nd Leg., p. 3134, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.028. Commissioner of Higher Education; Personnel; Consultants

The board shall appoint a commissioner of higher education, who shall select and supervise the board's staff and perform other duties delegated to him by the board. The commissioner shall serve at the pleasure of the board. The commissioner shall be a person of high professional qualifications having a thorough background by training and experience in the fields of higher education and administration and shall possess such other qualifications as the board may prescribe. The commissioner shall employ professional and clerical personnel and consultants as necessary to assist the board and the commissioner in performing the duties assigned by this chapter. The number of employees, their compensation and the other expenditures of the board shall be within the limits and in compliance with the appropriation made for those purposes by the legis-

lature and within budgets that shall be approved from time to time by the board.

[Acts 1971, 62nd Leg., p. 3134, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 61.029 to 61.050 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

§ 61.051. Coordination of Institutions of Public Higher Education

(a) The board shall represent the highest authority in the state in matters of public higher education.

(b) The board shall define 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 university system or to alter any 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 junior colleges, public senior colleges, universities, or university systems.

(d) The board shall classify and prescribe the role and scope for each public institution of higher education in Texas, shall make such changes in classification or role and scope of each institution as it deems necessary, and shall hear applications from the institutions for changes in classification or role and scope. The board shall make recommendation to the legislature with respect to maximum enrollment limits for each public institution of higher education in the State of Texas and may recommend to the legislature maximum enrollment limits for any department, school, degree program, or certificate program at any such institution.

(e) The board shall review periodically all degree and certificate programs offered by the institutions of higher education to assure that they meet the present and future needs of the state. The board shall also order the initiation, consolidation, or elimination of degree or certificate programs where that action is in the best interest of the institutions themselves or the general requirements of the State of Texas, or when that action offers hope of achieving excellence by a concentration of available resources. No new department, school, degree program, or certificate program may be added at any institution of higher education except with specific prior approval of the board. Once approved, no department, school, degree program, or certificate program at any institution of higher education may be expanded to include subject matter courses that are outside of approved degree and certificate programs except with specific prior approval of the board.

(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 institutions of higher education as the needs of technology and industry may demand and shall recommend the elimination of 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 may assume the leadership role and administrative responsibilities of the State Board for Vocational Education for state level administration of technical-vocational education programs in Texas public community colleges, public technical institutes, and other eligible public post-secondary institutions.

(g) The board shall develop and promulgate a basic core of general academic courses which, when offered at a junior college during the first two years of collegiate study, shall be freely transferable among all public institutions of higher education in Texas which are members of recognized accrediting agencies on the same basis as if the work had been taken at the receiving institution.

(h) The board shall make continuing studies of the needs of the state for research and for extension and public services and designate the institutions of higher education to perform research, public service, and extension programs, including limitation of extension programs for credit to specific geographic areas. The board shall also maintain an inventory of all institutional and programmatic research, extension, and public service activities being conducted by the various institutions, whether state-financed or not. Once a year, on dates prescribed by the board, each institution of higher education shall report to the board all research conducted at that institution during the last preceding year. All reports required by this subsection shall be made subject to the limitations imposed by security regulations governing defense contracts for research.

(i) The board shall develop and promote one or more degree or certificate programs to the highest attainable quality at each institution of higher education for which the particular institution is uniquely suited and for which there is marked promise of excellence.

(j) No off-campus courses for credit may be offered by any 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 colleges and universities.

[Acts 1971, 62nd Leg., p. 3135, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 2055, ch. 676, §§ 1, 2, eff. June 20, 1975.]

Section 5 of the 1975 Act provided:

"The coordinating board shall have all the previously listed powers in this Act in connection with The University of Texas System and The Texas A & M University System."

§ 61.052. List of Courses: Annual Submission to Board

Each governing board shall submit to the board once each year on dates designated by the board a comprehensive list by department, division, and school of all courses, together with a description of content, scope, and prerequisites of all these courses, that will be offered by each institution under the supervision of that governing board during the following academic year. The board may order the deletion or consolidation of any courses so submitted after giving due notice with reasons for that action and after providing a hearing if one is requested by the governing board involved.

[Acts 1971, 62nd Leg., p. 3136, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.053. Board Orders; Notice

(a) Any order of the board affecting the classification, role and scope, and program of any institution of higher education may be entered only after:

(1) a written factual report and recommendations from the commissioner of higher education covering the matter to be acted on have been received by the board and distributed to the governing board and the administrative head of the affected institution;

(2) the question has been placed upon the agenda for a regularly-scheduled quarterly meeting; and

(3) the governing board of the affected institution has had an opportunity to be heard.

(b) Notice of the board's action shall be given in writing to the governing board concerned not later than four months preceding the fall term in which the change is to take effect.

[Acts 1971, 62nd Leg., p. 3136, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.054. Expenditures for Programs Disapproved by Board

No funds appropriated to any institution of higher education may be expended for any program which has been disapproved by the board, unless the program is subsequently specifically approved by the legislature.

[Acts 1971, 62nd Leg., p. 3136, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.055. Initiation of New Departments, Schools, and Programs

No new department, school, or degree or certificate program approved by the board or its predecessor, the Texas Commission on Higher Education, may be initiated by any institution of higher education until the board has made a written finding that the department, school, or degree or certificate program is adequately financed by legislative appropriation.

ation, by funds allocated by the board, or by funds from other sources.

[Acts 1971, 62nd Leg., p. 3136, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.056. Review of Legislation Establishing Additional Institutions

Any proposed statute which would establish an additional institution of higher education, except a public junior college, shall be submitted, either prior to introduction or by the standing committee considering the proposed statute, to the board for its opinion as to the state's need for the institution. The board shall report its findings to the governor and the legislature. A recommendation that an additional institution is needed shall require the favorable vote of at least two-thirds of the members of the board. A recommendation of the board shall not be considered a condition precedent to the introduction or passage of any proposed statute.

[Acts 1971, 62nd Leg., p. 3136, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.057. Promotion of Teaching Excellence

To achieve excellence in the teaching of students at institutions and agencies of higher education, the board shall:

(1) develop and recommend:

(A) minimum faculty compensation plans, basic increment programs, and incentive salary increases;

(B) minimum standards for faculty appointment, advancement, promotion, and retirement;

(C) general policies for faculty teaching loads, and division of faculty time between teaching, research, administrative duties, and special assignments;

(D) faculty improvement programs, including a plan for sabbatical leaves, appropriate for the junior and senior colleges and universities, respectively; and

(E) minimum standards for academic freedom, academic responsibility, and tenure;

(2) pursue vigorously and continuously a goal of having all college and university academic classes taught by persons holding the minimum of an earned master's degree or its equivalent in academic training, creative work, or professional accomplishment;

(3) explore, promote, and coordinate the use of educational television among institutions of higher education and encourage participation by public and private schools and private institutions of higher education in educational television;

(4) conduct, and encourage the institutions of higher education to conduct, research into new methods, materials, and techniques for improving the quality of instruction and for the maximum utilization of all available teaching techniques, devices, and resources, including but not limited to large classes, team teaching, programmed in-

struction, interlibrary exchanges, joint libraries, specially-designed facilities, visual aids, and other innovations that offer promise for superior teaching or for meeting the need for new faculty members to teach anticipated larger numbers of students; and

(5) assume initiative and leadership in providing through the institutions of higher education in the state those programs and offerings which will achieve the objectives set forth in Section 61.002 of this code.

[Acts 1971, 62nd Leg., p. 3137, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 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 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.

[Acts 1971, 62nd Leg., p. 3137, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 2056, ch. 676, § 3, eff. June 20, 1975; Acts 1977, 65th Leg., p. 1133, ch. 425, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 585, ch. 121, § 1, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 1694, ch. 319, § 1, eff. June 16, 1983.]

§ 61.059. Appropriations Recommendations

(a) To finance a system of higher education and to secure an equitable distribution of state funds deemed to be available for higher education, the board shall perform the functions described in this section.

(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. 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.

(c) The board shall recommend to the governor and the Legislative Budget Board supplemental contingent appropriations to provide for increases in enrollment at the institutions of higher education. Contingent appropriations may be made directly to the institutions or to the board, as the legislature may direct in each biennial appropriations act. In the event the contingent appropriation is made to the board, the funds shall be allocated and distributed by the board to the institutions as it may determine, subject only to such limitations or conditions as the legislature may prescribe.

(d) The board shall recommend to the governor and the Legislative Budget Board tuition policies for 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.

(e) The board shall distribute funds appropriated to the board for allocation for specified purposes under limitations prescribed by law and the rules and regulations of the board in conformity therewith, provided that no distribution or allocation may be made to any institution of higher education which has failed or refused to comply with any order of the board as long as that failure or refusal continues.

(f) The board shall make continuing studies on its own initiative or upon the request of the governor or the Legislative Budget Board of the financial needs of public higher education and all services and activities of the institutions of higher education and issue reports to the governor and the Legislative Budget Board that result from its studies.

[Acts 1971, 62nd Leg., p. 3138, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.060. Control of Public Junior Colleges

The board shall exercise, under the acts of the legislature, general control of the public junior colleges of this state, on and after September 1, 1965. All authority not vested by this chapter or other laws of the state in the board is reserved and retained locally in each respective public junior college district or the governing board of each public junior college as provided in the applicable laws.

[Acts 1971, 62nd Leg., p. 3139, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.061. Policies, Rules, and Regulations Respecting Junior Colleges

The board has the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges placed upon it by

the legislature. The commissioner of higher education is responsible for carrying out these policies and enforcing these rules and regulations.

[Acts 1971, 62nd Leg., p. 3139, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.062. Powers Respecting Junior Colleges

(a) The board may authorize the creation of public junior college districts as provided in the applicable laws. In the exercise of this authority the board shall give particular attention to the need for a public junior college in the proposed district, and the ability of the district to provide adequate local financial support.

(b) The board may dissolve any public junior college district which has failed to establish and maintain a junior college in the district within three years from the date of its authorization.

(c) The board may adopt standards for the operation of public junior colleges and prescribe rules and regulations for them.

(d) The board may require of each public junior college whatever reports it deems necessary in accordance with its rules and regulations.

(e) The board may establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the board with respect to public junior colleges.

[Acts 1971, 62nd Leg., p. 3140, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.063. Listing and Certification of Junior Colleges

The commissioner of higher education shall file with the state auditor and the state comptroller on or before October 1 of each year a list of the public junior colleges in this state. The commissioner shall certify the names of those colleges that have complied with the standards, rules, and regulations prescribed by the board. Only those colleges which are so certified shall be eligible for and may receive any appropriation made by the legislature to public junior colleges.

[Acts 1971, 62nd Leg., p. 3140, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.0631. Teacher Training Programs for Teachers of Disadvantaged Students

(a) The board shall plan, initiate, and finance programs of teacher training for the teaching of educationally, economically, socially, and culturally disadvantaged students in the public junior colleges, to be provided at selected institutions in the state which prepare people to teach in the public junior colleges.

(b) The board shall sponsor and finance:

(1) summer institutes for junior college teachers on how to teach the disadvantaged student; and

(2) regional in-service training workshops in different parts of the state for those teachers currently teaching remedial-compensatory courses and programs for disadvantaged students.

(c) The board shall serve as a central clearing-house of information on remedial-compensatory education courses and programs for all public junior colleges in order to provide a statewide coordinated effort in the development of these courses and programs.

(d) The legislature shall appropriate funds to implement the provisions of this section.

[Acts 1973, 63rd Leg., p. 1738, ch. 630, § 1, eff. June 16, 1973.]

§ 61.064. Cooperative Undertakings with Private Colleges and Universities

The board shall:

(1) enlist the cooperation of private colleges and universities in developing a statewide plan for the orderly growth of the Texas system of higher education;

(2) encourage cooperation between public and private institutions of higher education wherever possible and may enter into cooperative undertakings with those institutions on a shared-cost basis as permitted by law;

(3) consider the availability of degree and certificate programs in private institutions of higher education in determining programs for public institutions of higher education; and

(4) cooperate with these private institutions, within statutory and constitutional limitations, to achieve the purposes of this chapter.

[Acts 1971, 62nd Leg., p. 3140, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.065. Reporting; Accounting

After consultation with the governor, the state auditor, and the Legislative Budget Board, the board shall prescribe a uniform system of reporting for institutions of higher education, including definitions of the elements of cost on the basis of which appropriations shall be made and financial records shall be maintained. Financial reports of the institutions of higher education shall classify accounts in accordance with the recommendation of the National Committee on the Preparation of a Manual on College and University Business Administration as set forth in Volume I of *College and University Business Administration* published by the American Council on Education with a copyright date of 1952, and subsequent published revisions, with such modifications as may be developed as provided by this chapter or as may be required to conform with specific provisions of the biennial appropriations acts of the legislature. The accounts of the institu-

tions shall be maintained and audited in accordance with the approved reporting system.

[Acts 1971, 62nd Leg., p. 3140, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.066. Studies and Recommendations; Reports

(a) The board shall make studies and recommendations directed toward the achievement of excellence or toward improved effectiveness and efficiency in any phase of higher education in Texas and shall report on their studies and recommendations to the governor and the legislature. The officials of the institutions of higher education shall comply with requests for reports or information made by the board or the commissioner. To assure that the institutions of higher education timely file various reports with the appropriate agencies, the board shall receive and distribute the reports required by statute to be filed with the governor, the Legislative Budget Board, the state auditor, the state library, and any other state agency.

(b) The board shall prepare biennial reports with reference to new programs in higher education as well as restructuring existing programs to meet the changing needs of the populace of the state. This will include but will not be limited to projected student enrollments at the various institutions, the areas of study which they will enter, and the projected demand for the various professional activities. In addition, the board shall make specific recommendations regarding the physical needs at each campus with the physical, mental, and educational needs of the student population in mind. In order to insure adequate time available for study of the reports, they shall be distributed to the appropriate offices as required by statute no later than the end of the fiscal year prior to the convening of the legislature.

[Acts 1971, 62nd Leg., p. 3141, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 252, ch. 101, § 1, eff. Sept. 1, 1975.]

§ 61.067. Contracts

In achieving the goals outlined in this chapter and in performing the functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations and individuals. The board shall propose, foster, and encourage the use of interagency contracts among the institutions of higher education to reduce duplication and achieve better use of personnel and facilities.

[Acts 1971, 62nd Leg., p. 3141, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.068. Gifts, Grants, Donations

The board may accept gifts, grants, or donations of personal property from any individual, group, association, or corporation, or the United States, subject to such limitations or conditions as may be

provided by law. Gifts, grants, or donations of money shall be deposited in the state treasury and expended in accordance with the specific purpose for which given, under such conditions as may be imposed by the donor and as provided by law.

[Acts 1971, 62nd Leg., p. 3141, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.069. Board Report

The board shall make a report of its activities to the governor annually and to the legislature not later than December 1 prior to the regular session of the legislature.

[Acts 1971, 62nd Leg., p. 3141, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.070. Duties of Central Education Agency not Affected

None of the duties or functions assigned by statute to the central education agency, except those relating to public junior colleges, are affected by this chapter.

[Acts 1971, 62nd Leg., p. 3141, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.071. Contract with United States for New Medical School

The board may negotiate and contract with the appropriate agency or agencies of the United States for the establishment, operation, and maintenance of a medical school to be located at or in connection with any Veterans Administration facility that may be made available for the purpose. In any such contract, the board shall designate one of the two university systems or another appropriate state-supported institution of higher education under whose governing board the medical school shall be operated.

[Acts 1971, 62nd Leg., p. 3362, ch. 1024, art. 2, § 43, eff. Sept. 1, 1971.]

§ 61.072. Regulation of Foreign Student Tuition

The board shall adopt rules and policies to be followed by the governing boards of institutions of higher education in fixing foreign student tuition fees pursuant to Subsections (h) and (i), Section 54.051, of this code.

[Acts 1975, 64th Leg., p. 1359, ch. 515, § 3, eff. June 19, 1975.]

§ 61.073. Allocation of Funds for Tuition and Fee Exemptions

(a) Funds shall be appropriated to the Coordinating Board, Texas College and University System, for allocation to each junior and community college in an amount equal to the total of all tuition and laboratory fees foregone each semester as a result of the tuition and laboratory fee exemptions required by law in Sections 54.201 through 54.209, Texas Education Code.

(b) The governing board of each junior or community college shall report to the coordinating board the number of students enrolled on the 12th class day of each semester who were exempt from the payment of tuition and laboratory fees which would have been collected from the students if they had not been exempt from the payment thereof. The coordinating board shall remit to each junior and community college an amount equal to the tuition and laboratory fees foregone from the funds appropriated for that purpose.

[Acts 1977, 65th Leg., p. 83, ch. 40, § 1, eff. Aug. 29, 1977.]

§ 61.074. Official Grade Point Average

The board shall by rule establish a mandatory uniform method of calculating the official grade point average of a student enrolled in, or seeking admission to a graduate or professional school of, an institution of higher education.

[Acts 1977, 65th Leg., p. 1610, ch. 628, § 1, eff. Aug. 29, 1977.]

[Sections 61.075 to 61.090 reserved for expansion]

SUBCHAPTER D. CONTRACTS WITH BAYLOR COLLEGE OF MEDICINE AND BAYLOR UNIVERSITY COLLEGE OF DENTISTRY

§ 61.091. Definitions

In this subchapter:

(1) "Bona fide Texas resident" means a person defined as a "resident student" in Subchapter B, Chapter 54 of this code,¹ and rules, regulations, and interpretations promulgated under that subchapter by the board or the Commission on Higher Education.

(2) "Established public medical schools" means The University of Texas Medical Branch and Southwestern Medical School.

(3) "Undergraduate medical student" means a person enrolled for a regular schedule of courses in pursuit of a Doctor of Medicine degree.

(4) "Scholastic year of disbursement" means the period of time commencing on September 1 of each calendar year and terminating on August 31 of the next succeeding calendar year. The first scholastic year of disbursement commences on September 1, 1970, and terminates on August 31, 1971.

(5) "Average annual state tax support per undergraduate medical student enrolled at the established public medical schools" means an amount calculated by dividing the net general revenue appropriations to the established public medical schools for the fiscal year next preceding the scholastic year of disbursement by the total number of undergraduate medical students en-

rolled in those schools on October 15 of the fiscal year.

[Acts 1971, 62nd Leg., p. 3142, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Section 54.051 et seq.

§ 61.092. Contracts with Baylor College of Medicine

The board may contract with Baylor College of Medicine for the administration, direction, and performance of all services and the provision, maintenance, operation, and repair of all buildings, facilities, structures, equipment, and materials necessary or proper to the education, training, preparation, or instruction of bona fide Texas resident undergraduate medical students. However, nothing in this subchapter may be construed to empower the board to limit, alter, modify, or in any other manner change or approve, or negotiate for changes in or approval of, the administration, direction, and performance of these services or the provision, maintenance, operation, and repair of buildings, facilities, structures, equipment, or materials.

[Acts 1971, 62nd Leg., p. 3142, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.093. Disbursements

(a) In the exercise of the authority described in Section 61.092 of this code, the board may disburse to Baylor College of Medicine, during each scholastic year of disbursement, an amount equal to the average annual state tax support per undergraduate medical student at the established public medical schools, multiplied by the number of bona fide Texas resident undergraduate medical students enrolled at Baylor College of Medicine. However, the board may never disburse an amount exceeding the amount appropriated by the legislature for this purpose.

(b) Subject to the limitations described in Subsection (a) of this section, the board may establish, by contract with Baylor College of Medicine, the method by which the disbursement shall be accomplished, and may prescribe reasonable rules and regulations necessary to ascertain the average annual state tax support per undergraduate medical student at the established public medical schools.

(c) Money appropriated for payment of contracts under the authority of Sections 61.092 and 61.094 of this code shall be paid to the Baylor College of Medicine and the Baylor College of Dentistry as follows:

(1) 24 percent of the yearly entitlement of each college shall be paid in two equal installments to be made on or before the 25th day of September and October; and

(2) 76 percent of the yearly entitlement of each college shall be paid in eight equal installments to be made on or before the 25th day of November, December, March, April, May, June, July, and August.

(d) The amount of any installment required by this section may be modified to provide the Baylor College of Medicine and the Baylor College of Dentistry with the proper amount to which each college may be entitled by law and to correct errors in the allocation or distribution of funds. If an installment under this section is required to be equal to other installments, the amount of other installments may be adjusted to provide for that equality. A payment under this section is not invalid because it is not equal to other installments.

[Acts 1971, 62nd Leg., p. 3142, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1984, 68th Leg., 2nd C.S., p. 154, ch. 10, art. I, § 5, eff. Sept. 1, 1984.]

§ 61.094. Contracts with Baylor University College of Dentistry

The board may contract with the Baylor University College of Dentistry, to the extent it is owned by a nonprofit corporation distinct from the Baptist Church, for the education, training, preparation, or instruction of bona fide Texas resident undergraduate dental students enrolled for a regular schedule of courses in pursuit of a Doctor of Dentistry degree, in the same manner as provided in this subchapter for medical students, including all powers with respect to medical students, and all powers with respect to the Board and the Baylor University College of Medicine granted in this subchapter. For the purposes of this section, The University of Texas Dental Branch at Houston shall be used to calculate the average annual state tax support per undergraduate dental student.

[Acts 1971, 62nd Leg., p. 3143, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.095. Restrictions

The rights, powers, and authority granted in this subchapter shall not be subject to restriction, limitation, obligation, or requirement provided in Section 61.058 of this code or Articles 665 through 678m, inclusive, of Vernon's Texas Civil Statutes, notwithstanding any other provision in this subchapter.

[Acts 1971, 62nd Leg., p. 3143, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 61.096. Restrictions: Medical School Admission Policies

As a restriction of the authority granted to the Coordinating Board by Sections 61.092 and 61.093 of this Code, no contract shall be entered into with the Baylor College of Medicine until the Baylor College of Medicine promulgates appropriate rules and regulations pertaining to the admission of students to medical schools under its jurisdiction which will provide for admission of those students to its entering class each year who are equally or as well qualified as all other students, and who have entered a contract with or received a commitment for a stipend, grant, loan or scholarship from the State Rural Medical Education Board. The State Rural Medical Education Board may contract with medical

students providing for such students to engage in a general or family practice of medicine for not less than four years after licensing and a period of medical residency, as determined by the rules and regulations established by the State Rural Medical Education Board, in cities of Texas which have a population of less than 5,000 or in rural areas, as that term may be defined by the State Rural Medical Education Board, and said Board is hereby given the authority to define and from time to time redefine the term rural area, at the time the medical practice is commenced. This contract shall provide for a monthly stipend of at least \$100 to be granted by the State Rural Medical Education Board to each person under contract with the State while enrolled as a medical school student.

[Acts 1975, 64th Leg., p. 2407, ch. 740, § 1, eff. Sept. 1, 1975.]

Section 5 of the 1975 Act provided:

"If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the applications thereof to any person or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision. All of the terms and provisions of this Act are to be liberally construed to effectuate the purposes, powers, rights, functions, and authorities herein set forth."

§ 61.097. Contracts with Respect to Resident Physicians

(a) The board shall contract with the Baylor College of Medicine for the administration, direction, and performance of services necessary or proper to the education, training, development, and preparation of resident physicians for a career in medicine. Included in those services shall be the payment and furnishing by the medical school to the resident physicians of all compensation that has previously been paid or furnished by the hospital or hospitals in which the resident physicians have been educated and trained.

(b) In Sections 61.097 and 61.098 of this code:

(1) "Resident physician" means a person who is appointed a resident physician by the Baylor College of Medicine and who:

(A) has received a Doctor of Medicine or a Doctor of Osteopathic Medicine degree from the Baylor College of Medicine or from one of the schools of medicine listed in Section 58.001 of this code; or

(B) is a citizen of Texas and has received a Doctor of Medicine or a Doctor of Osteopathic Medicine degree from some other school of medicine that is accredited by the Liaison Committee on Medical Education or by the Bureau of Professional Education of the American Osteopathic Association.

(2) "Primary teaching hospital" is a hospital at which the Baylor College of Medicine educates and trains both resident physicians and undergraduate medical students.

(3) "Compensation" includes stipends; payments, if any, for services rendered; and fringe benefits when applied to payments to or for the benefit of resident physicians.

(c) A person may not be considered a resident physician for a period of time longer than is ordinarily and customarily required for a resident physician to complete a medical specialty program approved by the Accrediting Council on Graduate Medical Education for the specialty in which the resident physician seeks certification as a diplomate and to obtain the certification from the appropriate board or agency approved by the American Board of Medical Specialties.

(d) Notwithstanding the provisions of Subsection (c) of this section, a person may not be considered a resident physician under this section for a period of time longer than four years.

(e) The total number of the first-year resident physicians compensated under this section and Chapter 58 of this code may not exceed the combined total number of persons in the previous year's graduating classes of the schools listed in Section 58.001 of this code and the Baylor College of Medicine. The Baylor College of Medicine shall give priority consideration to applicants who demonstrate a willingness to practice in medically underserved areas of Texas.

(f) It is the intent of this section that eventually at least 50 percent of the first-year resident physicians appointed by medical schools shall be in the primary care areas of family medicine, internal medicine, pediatrics, geriatrics, and obstetrics/gynecology, with 25 percent of those residents in family practice.

(g) In the exercise of the authority under Subsection (a) of this section, the board shall disburse to the Baylor College of Medicine, out of funds appropriated by the legislature to the board for that purpose, an amount not to exceed \$15,000 per fiscal year of disbursement for each resident physician appointed by the school for that year. The board shall establish, by contract with the Baylor College of Medicine, the method by which the disbursement shall be accomplished. The funds authorized by this section are separate from and in addition to the funds authorized in Sections 61.092 and 61.093 of this code.

[Acts 1981, 67th Leg., p. 3248, ch. 855, § 2, eff. Aug. 31, 1981.]

Section 3 of the 1981 Act provided:

"The 67th Session of the Texas Legislature [1981] shall appropriate no funds for this legislation but may authorize the use of federal block grant funds if such funds become available."

§ 61.098. Contract Provisions

(a) Notwithstanding the provisions of Section 61.092 of this code, the board shall include in the contract that it makes with the medical school under Section 61.097 of this code provisions that will effec-

tuate the terms and conditions provided in this section.

(b) The money appropriated to the board and disbursed to the Baylor College of Medicine under Section 61.097 of this code shall be spent by the school exclusively for the education, training, development, and preparation of resident physicians for a career in medicine.

(c) If a resident physician does not perform in that capacity during an entire fiscal year of disbursement, the compensation paid to the person by the medical school shall be reduced proportionately to cover only the part of the fiscal year during which such performance is actually rendered.

(d) If a resident physician is compensated by an agency or institution of the federal government or by any other agency or institution other than a primary teaching hospital on account of the person's performance as a resident physician, the compensation that would otherwise be paid to the person by the medical school shall be reduced by the amount of the compensation actually received by the person from such agency or institution. If the medical school receives from an agency or institution of the federal government or from any other agency or institution other than a primary teaching hospital compensation for the performance of resident physicians' duties by any of the school's resident physicians to or for the benefit of such agency or institution to the extent of the compensation actually received by the medical school, the school is prohibited from spending funds that are appropriated and disbursed under Section 61.097 of this code and that would otherwise be available to pay the same resident physicians for the performance of the same resident physician duties.

(e) If the medical school receives from the Coordinating Board, Texas College and University System, a sum granted for the education, training, development, and preparation of the school's family practice resident physicians, to the extent of the sum actually received by the medical school, the school is prohibited from spending funds that are appropriated and disbursed under Section 61.097 of this code and that would otherwise be available to pay the same family practice resident physicians for the same education, training, development, and preparation.

(f) If at any time the medical school determines that it does not have sufficient available funds from legislative appropriations and other sources to support adequately the full number of resident physicians that the school deems to be required in order to provide the delivery of the best possible medical care to the citizens of this state, the school may assign and place for education and training in any hospital or hospitals with which the school has a resident physician affiliation agreement any of its resident physicians that cannot be supported adequately from the funds available for that purpose. During the period for which a resident physician is

assigned and placed in a hospital or hospitals under this subsection, the resident physician shall directly or indirectly receive all or a primary portion of his or her compensation from the hospital or hospitals just as has been ordinarily and customarily done before the adoption of this section. The exact method and manner of compensating the resident physician shall be set forth in the resident physician affiliation agreement entered into between the school and the hospital or hospitals.

[Acts 1981, 67th Leg., p. 3248, ch. 855, § 2, eff. Aug. 31, 1981.]

§ 61.099. Appointment of Resident Physicians Under Certain Conditions

Notwithstanding any other provisions of Sections 61.097 and 61.098 of this code, if at any time the medical school determines that it cannot provide one of its primary teaching hospitals with resident physicians who qualify under Subdivision (1) of Subsection (b) of Section 61.097 of this code in sufficient quantity or kind to meet the standard that the medical school deems necessary in order to provide the delivery of the best possible medical care to the citizens of this state, until the medical school is able to provide the hospital with a sufficient quantity and kind of resident physicians who do qualify, the medical school may appoint, to be educated and trained in the hospital, resident physicians who are not citizens of Texas but otherwise qualify under Subdivision (1) of Subsection (b) of Section 61.097 of this code and may compensate the resident physicians as if they did qualify under the provisions of that section.

[Acts 1981, 67th Leg., p. 3248, ch. 855, § 2, eff. Aug. 31, 1981.]

[Sections 61.100 to 61.200 reserved for expansion]

SUBCHAPTER E. CONTRACTS WITH THE TEXAS COLLEGE OF OSTEOPATHIC MEDICINE

§ 61.201. Definitions

In this subchapter, unless context otherwise requires:

(1) "Bona fide Texas resident" means a person defined as a "resident student" in Subchapter B, Chapter 54, of this code,¹ and rules, regulations, and interpretations promulgated thereunder by the coordinating board or the Commission on Higher Education.

(2) "Established public medical schools" means The University of Texas Medical Branch and Southwestern Medical School.

(3) "Undergraduate medical student" means a person enrolled for a regular schedule of courses in pursuit of a Doctor of Medicine degree or Doctor of Osteopathy degree.

(4) "Scholastic year of disbursement" means a period of time commencing on September 1 of each calendar year and terminating on August 31

of the next succeeding calendar year. The first scholastic year of disbursement shall commence on September 1, 1971, and shall terminate on August 31, 1972.

(5) "Average annual state support per undergraduate medical student enrolled at the established public medical schools" means an amount calculated by dividing the state appropriations for undergraduate medical education to the established public medical schools for the fiscal year next preceding the scholastic year of disbursement by the total number of undergraduate medical students enrolled in those schools on October 15 of said fiscal year.

[Acts 1971, 62nd Leg., p. 3338, ch. 1024, art. 2, § 6, eff. Sept. 1, 1971.]

¹ Section 54.051 et seq.

§ 61.202. Contracts with Texas College of Osteopathic Medicine

So long as there is no public school of osteopathic medicine in this state, the coordinating board is hereby vested with the right, power, and authority to contract with Texas College of Osteopathic Medicine for the preparation or instruction of bona fide Texas resident undergraduate medical students as Doctors of Osteopathic Medicine.

[Acts 1971, 62nd Leg., p. 3339, ch. 1024, art. 2, § 6, eff. Sept. 1, 1971.]

§ 61.203. Disbursements

(a) In the exercise of the rights, powers, and authority described in Section 61.202 of this code, the Coordinating Board may disburse to Texas College of Osteopathic Medicine, during each scholastic year of disbursement, an amount equal to the average annual state support per undergraduate medical student at the established public medical schools, as certified pursuant to Section 61.201(5) of this code, multiplied by the number of bona fide Texas resident undergraduate medical students enrolled at Texas College of Osteopathic Medicine; provided, however, that the coordinating board shall never disburse an amount exceeding the amount appropriated by the legislature for this purpose. Expenditures by the Texas College of Osteopathic Medicine of any state funds received by it shall be limited to the payment of instructional costs, general administration and student services, faculty salaries, departmental operating expense, and library. Any payment paid in whole or in part from funds appropriated for this purpose shall conform to the practices and limitations common to established public medical schools in Texas and shall be set forth in writing annually by the board of regents of The University of Texas System in substantially the same form as applicable to such public medical schools by such board of regents, and made a part of each disbursement contract.

(b) Subject to the limitations described in this section, the coordinating board is hereby granted

the right, power, and authority to establish, by contract, with Texas College of Osteopathic Medicine the method by which the above-described disbursement shall be accomplished, and may prescribe such reasonable rules and regulations as are necessary to carry out the provisions of this section including, but not limited to, a prior consultation on the annual budget and a post audit of expenditures in a manner acceptable to the state auditor.

[Acts 1971, 62nd Leg., p. 3339, ch. 1024, art. 2, § 6, eff. Sept. 1, 1971.]

§ 61.204. Restrictions

The rights, powers, and authority granted herein shall not be subject to restriction, limitation, obligation, or requirement provided in Section 61.058 of this code or Chapter 4, Title 20, Revised Civil Statutes of Texas, 1925, as amended,¹ notwithstanding any other provision hereof.

[Acts 1971, 62nd Leg., p. 3339, ch. 1024, art. 2, § 6, eff. Sept. 1, 1971.]

¹ Civil Statutes, art. 665 et seq.

SUBCHAPTER F. TUITION EQUALIZATION GRANTS

Acts 1971, 62nd Leg., p. 2529, ch. 828, effective August 30, 1971, classified as Civil Statutes, art. 2654h, was repealed by Acts 1973, 63rd Leg., p. 90, ch. 51, § 19, which by § 1 thereof incorporated the provisions of the 1971 Act into the Education Code by adding this Subchapter F, consisting of Sections 61.221 to 61.229.

§ 61.221. Tuition Equalization Grants Authorized

In order to provide the maximum possible utilization of existing educational resources and facilities within this state, both public and private, the Coordinating Board, Texas College and University System, is authorized to provide tuition equalization grants to Texas residents enrolled in any approved private Texas college or university, based on student financial need, but not to exceed a grant amount of more than that specified in the appropriation by the legislature.

[Acts 1973, 63rd Leg., p. 78, ch. 51, § 1, eff. Aug. 27, 1973.]

§ 61.222. Approved Institutions

The coordinating board shall approve only those private or independent colleges, universities, associations, agencies, institutions, and facilities as are located within this state, which meet program standards and accreditation comparable to public institutions as determined by the board.

[Acts 1973, 63rd Leg., p. 78, ch. 51, § 1, eff. Aug. 27, 1973.]

§ 61.223. Nondiscrimination Regulations

The coordinating board shall make such regulations as may be necessary to insure compliance with

the Civil Rights Act of 1964, Title VI (Public Law 88-352),¹ in regard to nondiscrimination in admissions or employment.

[Acts 1973, 63rd Leg., p. 78, ch. 51, § 1, eff. Aug. 27, 1973.]

¹ 42 U.S.C.A. § 2000d et seq.

§ 61.224. Application of General Appropriations Act Riders

Those riders in the General Appropriations Act that apply to expenditure of state funds at state-supported colleges and universities shall also apply to expenditure of state funds at any college or university which any student receiving aid under this subchapter may attend.

[Acts 1973, 63rd Leg., p. 78, ch. 51, § 1, eff. Aug. 27, 1973.]

§ 61.225. Qualifications For Grant

To be eligible for a tuition equalization grant, a person must:

(1) be a Texas resident as defined by the coordinating board and meet, at a minimum, the resident requirements defined by law for Texas resident tuition in fully state-supported institutions of higher education;

(2) be enrolled for at least one-half of a full course load conforming to an individual degree plan in an approved college or university;

(3) be required to pay more tuition than is required at a public college or university and be charged no less than the regular tuition required of all students enrolled at the institution;

(4) establish financial need in accordance with procedures and regulations of the coordinating board;

(5) not be a recipient of any form of athletic scholarship; and

(6) have complied with other requirements adopted by the coordinating board under this subchapter.

[Acts 1973, 63rd Leg., p. 78, ch. 51, § 1, eff. Aug. 27, 1973. Amended by Acts 1979, 66th Leg., p. 93, ch. 56, § 1, eff. Aug. 27, 1979.]

§ 61.226. Application of Laws to Receiving Institutions

Any college or university receiving any benefit under the provisions of this subchapter, either directly or indirectly, shall be subject to all present or future laws enacted by the legislature.

[Acts 1973, 63rd Leg., p. 78, ch. 51, § 1, eff. Aug. 27, 1973.]

§ 61.227. Payment of Grant; Amount

(a) On receipt of a student application, enrollment report, and certification of the amount of financial need from an approved institution, the coordinating board shall certify the amount of the tuition equalization grant based on financial need but not to exceed a grant amount of more than that specified in the appropriation by the legislature, or more than the difference between the tuition at the private

institution attended and the tuition at public colleges and universities.

(b) The proper amount of the tuition grant shall be paid to the student through the college or university in which he is enrolled.

(c) In no event shall a tuition equalization grant paid pursuant to this subchapter in behalf of any student during any one fiscal year exceed an amount equal to 50 percent of the average state appropriation in the biennium preceding the biennium in which the grant is made for a full-time student or the equivalent at public senior colleges and universities, as determined by the board. A grant to a part-time student shall be made on a pro-rata basis of a full-time equivalent.

[Acts 1973, 63rd Leg., p. 78, ch. 51, § 1, eff. Aug. 27, 1973. Amended by Acts 1979, 66th Leg., p. 93, ch. 56, § 2, eff. Aug. 27, 1979.]

§ 61.228. Implementation of Grant Program

This subchapter applies to freshmen (first year) students beginning in the fall semester of 1971; to freshmen and sophomores in 1972; to freshmen, sophomores, and juniors in 1973; and to all students attending approved private institutions in 1974 and thereafter.

[Acts 1973, 63rd Leg., p. 78, ch. 51, § 1, eff. Aug. 27, 1973.]

§ 61.229. Promulgation and Distribution of Regulations

(a) The coordinating board may make reasonable regulations, consistent with the purposes and policies of this subchapter, to enforce the requirements, conditions, and limitations expressed in this subchapter.

(b) The coordinating board shall make such regulations as may be necessary to comply with the provisions of Article I, Section 7, Article III, Section 51, and other parts of the Texas Constitution.

(c) The coordinating board shall distribute copies of all regulations adopted pursuant to this subchapter to each eligible institution.

[Acts 1973, 63rd Leg., p. 78, ch. 51, § 1, eff. Aug. 27, 1973.]

SUBCHAPTER G. REGULATION OF PRIVATE DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION

§ 61.301. Purpose

It is the policy and purpose of the State of Texas to prevent deception of the public resulting from the conferring and use of fraudulent or substandard college and university degrees; it is also the purpose of this subchapter to regulate the use of academic terminology in naming or otherwise designating educational institutions, the advertising, solicitation or representation by educational institutions or their agents, and the maintenance and preservation of essential academic records. Because degrees and equivalent indicators of educa-

tional attainment are used by employers in judging the training of prospective employees, by public and private professional groups in determining qualifications for admission to and continuance of practice, and by the general public in assessing the competence of persons engaged in a wide range of activities necessary to the general welfare, regulation by law of the evidences of college and university educational attainment is in the public interest. To the same end the protection of legitimate institutions and of those holding degrees from them is also in the public interest.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.302. Definitions

In this subchapter:

(1) "Degree" means any title or designation, mark, abbreviation, appellation, or series of letters or words, including associate, bachelor's, master's, doctor's, and their equivalents, which signifies, purports to, or is generally taken to signify satisfactory completion of the requirements of all or part of a program of study leading to an associate, bachelor's, master's, or doctor's degree or its equivalent.

(2) "Private institution of higher education" or "institution" means an educational institution which:

(A) is not an institution of higher education as defined by Section 61.003(7) of this code;

(B) is incorporated under the laws of this state, or maintains a place of business in this state, or solicits business in this state; and

(C) furnishes or offers to furnish courses of instruction in person or by correspondence leading to a degree or providing credits alleged to be applicable to a degree.

(3) "Agent" means a person employed by or representing a private institution of higher education who solicits students for enrollment in the institution.

(4) "Commissioner" means the Commissioner of Higher Education.

(5) "Board" means the Coordinating Board, Texas College and University System.

(6) "Person" means any individual, firm, partnership, association, corporation, or other private entity or combination thereof.

(7) "Program of study" means any course or grouping of courses which are alleged to entitle a student to a degree or to credits alleged to be applicable to a degree.

(8) "Recognized accrediting agency" means an association or organization so designated by rule of the board for the purposes of this subchapter.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2729, ch. 745, § 1, eff. June 16, 1981.]

§ 61.303. Exemptions

(a) The provisions of this subchapter do not in any way apply to:

(1) an institution which:

(A) is fully accredited by a recognized accrediting agency, or

(B) is a candidate for accreditation by a recognized accrediting agency on the effective date of this Act, so long as the institution maintains candidacy status or subsequently is fully accredited.

(2) an institution whose graduates are subject to licensure by an agency of the State of Texas prior to their engaging in professions directly related to their course of study.

(b) The exemptions provided by Subsection (a)(1) apply only to the extent that an institution is accredited, and if an institution offers to award a degree for which it is not accredited, the exemption does not apply.

(c) An exempt institution or person may be issued a certificate of authorization to grant degrees.

(d) An exempt institution or person would continue in that status only so long as it maintained accreditation standards acceptable to the board.

(e) The board shall provide for due process and procedures for revoking the exemption status of an institution or person.

(f) A private institution of higher education may not establish or operate a branch campus, extension center, or other off-campus unit in Texas except as provided by Subsection (g) of this section or as provided under the rules of the board.

(g) Subsection (f) of this section does not affect the exemption under Subsection (a)(1) of this section of an accredited institution or a separately accredited branch, extension center, or off-campus unit of the institution if:

(1) the institution, branch, center, or unit was accredited prior to January 1, 1981;

(2) the institution files with the board the name and location of its home campus and each branch, center, or unit that was accredited prior to that date; and

(3) the institution and each separately accredited branch, center, or unit maintains accreditation by the accrediting agency recognized by the board as of that date.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2729, ch. 745, § 2, eff. June 16, 1981.]

§ 61.304. Requisite Authority to Grant Degrees and Offer Courses

After the effective date of this subchapter, no person may grant or award a degree on behalf of a private institution of higher education or enroll students for courses unless the institution has been issued a certificate of authority to grant the degree

by the board in accordance with the provisions of this subchapter. No person may represent that credits earned or granted by that person or institution are applicable for credit toward a degree to be granted by some other person or institution except under conditions and in a manner specified and approved by the board. The board is empowered to specify and regulate the manner, condition, and language used by an institution or person or agents thereof in making known that the person or institution holds a certificate of authority and the interpretation of the significance of such certificate.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.305. Application for Certificate of Authority

(a) A private institution of higher education may apply to the board for a certificate of authority to grant a degree in a specified program of study on application forms provided by the board.

(b) The application form shall contain the name and address of the institution; purpose of the institution; names of the sponsors or owners of the institution; regulations, rules, constitutions, bylaws, or other regulations established for the government and operation of the institution; the names and addresses of the chief administrative officer, the principal administrators, and each member of the board of trustees or other governing board; the names of members of the faculty who will, in fact, teach in the program of study, with the highest degree held by each; a full description of the degree or degrees to be awarded and the course or courses of study prerequisite thereto; a description of the facilities and equipment utilized by the institution; and any additional information which the board may request.

(c) The application must be accompanied by an initial fee set by the board in an amount not to exceed the average cost of reviewing the application, including the cost of necessary consultants.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2729, ch. 745, § 3, eff. June 16, 1981.]

§ 61.306. Issuance of Certificate

(a) The board may issue a certificate of authority to grant a degree or degrees and to enroll students for courses which may be applicable toward a degree if it finds that the applicant meets the standards established by the board for certification.

(b) A certificate of authority to grant a degree or degrees is valid for a period of two years from the date of issuance.

(c) An institution in operation on the effective date of this subchapter which has submitted a complete application for a certificate which has not been evaluated or acted on by the board shall be issued a provisional certificate which shall be valid for purposes of compliance with this subchapter until the

board has completed its evaluation and has issued or denied a regular certificate.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.307. Amendments to Applications

(a) The chief administrative officers of each institution which has been issued a certificate of authority shall immediately notify the board of any change in administrative personnel, faculty, or facilities at the institution or any other changes of a nature specified by the board.

(b) An institution which wishes to amend an existing program of study to award a new or different degree during the period of time covered by current certificate may file an application for amendment of the certificate with the board. The application shall be accompanied by a fee of \$75 to cover the cost of program evaluation. If the board finds that the new program of study meets the required standards, the board may amend the institution's certificate accordingly.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.308. Renewal of Certificate

(a) A private institution of higher education which desires to renew its certificate of authority shall apply to the board at least 60 days prior to the expiration of the current certificate.

(b) The application for renewal shall be made on forms provided by the board and shall be accompanied by a renewal fee set by the board in an amount not to exceed the average cost of reviewing the application, including the cost of necessary consultants.

(c) The board shall renew the certificate if it finds that the institution has maintained all requisite standards and has complied with all rules and regulations promulgated by the board.

(d) A private institution of higher education may be granted successive certificates of authority for a period not to exceed the number of years provided by rule of the board. The board rules must recognize that certification by the state is intended to safeguard the public interest until an institution has developed the strength to satisfy appropriate accreditation standards and it is intended that an institution advance from certification status to fully accredited status in due course.

(e) If, after a good-faith effort, an institution cannot achieve accreditation within the period of time prescribed by the board, the institution may appeal for extension of eligibility for certification because of having been denied accreditation due to policies of the institution based on religious beliefs or other good and sufficient cause as defined by rule of the board. The board shall consider the application of any accreditation standard that prohibited accreditation of the institution on the basis

of religious policies practiced by the institution as a prima facie justification for extending the eligibility for certification if all other standards of the board are satisfied.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2729, ch. 745, § 4, eff. June 13, 1981.]

§ 61.309. Revocation of Certificate of Authority

The board may revoke a certificate of authority to grant degrees at any time if it finds that:

- (1) any statement contained in an application for a certificate is untrue;
- (2) the institution has failed to maintain the faculty, facilities, equipment, and programs of study on the basis of which the certificate was issued;
- (3) advertising utilized on behalf of the institution is deceptive or misleading; or
- (4) the institution has violated any rule or regulation promulgated by the board under the authority of this subchapter.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.310. Appeal

(a) An institution whose application for an original, amended, or renewal certificate of authority to grant degrees is denied by the board is entitled to written notice of the reasons for the denial and may request a hearing before the board. The hearing shall be held within 120 days after written request is received by the board.

(b) The board shall conduct hearings, and a decision of the board may be appealed, in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975. Amended by Acts 1981, 67th Leg., p. 2730, ch. 745 § 5, eff. June 13, 1981.]

§ 61.311. Rules and Regulations

(a) The board shall promulgate standards, rules, and regulations governing the issuance of certificates of authority.

(b) The board may delegate to the commissioner such authority and responsibility conferred on the board by this subchapter as the board deems appropriate for the effective administration of this subchapter.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.312. Honorary Degrees

No person may award an honorary degree on behalf of a private institution of higher education subject to the provisions of this subchapter unless the institution has been issued a certificate of authority to award such a degree. The honorary

degree shall plainly state on its face that it is honorary.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.313. Use of the Term "College" or "University"

No person may use the term "college" or "university" in the official name or title of a private institution of higher education established after the effective date of this subchapter and subject to its provisions unless the institution has been issued a certificate of authority to grant a degree or degrees.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.314. Advisory Council on Private Degree-Granting Institutions of Higher Education

(a) The board shall appoint an advisory council on private degree-granting institutions of higher education consisting of six members with experience in the field of higher education and representative of private institutions of higher education in the State of Texas which are exempt from the provisions of this subchapter. Council members serve for terms of two years from the date of their appointment and are entitled to reimbursement for actual expenses incurred in carrying out the work of the council.

(b) The council shall advise the board on standards and procedures to be used in carrying out the provisions of this subchapter.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.315. Agents and Records

The authorized or certified institutions may be required to furnish a list of their agents to the board, and to maintain records of students enrolled, credits awarded, and degrees awarded in a manner specified by the board.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.316. Duty of Prosecuting Attorney

The board shall report any information concerning possible violation of this subchapter to the appropriate prosecuting attorney of the county in which the activity is occurring or has occurred, and he shall make necessary investigations. The appropriate prosecuting attorney shall immediately prosecute or bring suit to enjoin any violation of this subchapter which he discovers.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

§ 61.317. Penalties

(a) Any person who confers or offers to confer a degree on behalf of a private institution of higher education subject to the provisions of this subchapter which has not been issued a certificate of au-

thority to grant degrees is guilty of a misdemeanor and upon conviction is subject to a fine of not less than \$1,000 nor more than \$5,000. Each degree conferred without authority constitutes a separate offense.

(b) Any person who establishes a private institution of higher education after the effective date of this subchapter and uses the term "college" or "university" in the official name of the institution without first having been issued a certificate of authority to grant degrees for the institution is guilty of a misdemeanor and upon conviction is subject to a fine of not less than \$1,000 nor more than \$3,000.

(c) Any agent who solicits students for enrollment in a private institution of higher education subject to the provisions of this subchapter without a certificate of registration is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$500 nor more than \$1,000.

(d) Any operations which are found after due process to be in fraudulent violation of this Act shall be terminated.

[Acts 1975, 64th Leg., p. 1867, ch. 587, § 1, eff. June 19, 1975.]

SUBCHAPTER H. REGULATION OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION ESTABLISHED OUTSIDE THE BOUNDARIES OF THE STATE OF TEXAS

§ 61.401. Definitions

In this subchapter:

(1) "Public institution of higher education" includes any senior college, university, community college, technical institute, or junior college or the equivalent which is controlled by a public body organized outside the boundaries of the State of Texas.

(2) "Coordinating Board" means the Coordinating Board, Texas College and University System.

[Acts 1975, 64th Leg., p. 1843, ch. 573, § 1, eff. June 19, 1975.]

§ 61.402. Requisite Approval

Public institutions of higher education established outside the boundaries of the State of Texas must have the approval of the coordinating board before offering a course or a grouping of courses within the State of Texas.

[Acts 1975, 64th Leg., p. 1843, ch. 573, § 1, eff. June 19, 1975.]

§ 61.403. Rules and Regulations

The coordinating board shall prepare rules and regulations which, when properly followed, may qualify a public institution of higher education established outside the boundaries of the State of

Texas to offer a course or a grouping of courses within the State of Texas.

[Acts 1975, 64th Leg., p. 1843, ch. 573, § 1, eff. June 19, 1975.]

§ 61.404. Procedures in Case of Violation

If the coordinating board obtains evidence that a public institution of higher education established outside the boundaries of the State of Texas is in apparent violation of this subchapter or of rules and regulations adopted pursuant to this subchapter, the coordinating board shall take appropriate action to terminate its operation within the boundaries of the State of Texas.

[Acts 1975, 64th Leg., p. 1843, ch. 573, § 1, eff. June 19, 1975.]

§ 61.405. Advisory Committees

The coordinating board may appoint such advisory committees as deemed useful for the effective administration of this subchapter.

[Acts 1975, 64th Leg., p. 1843, ch. 573, § 1, eff. June 19, 1975.]

SUBCHAPTER I. CONTRACTS FOR MEDICAL RESIDENCY PROGRAMS

§ 61.501. Definitions

As used in this subchapter:

(1) "Medical school" means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Health Science Center at Dallas, the medical school at The University of Texas Health Science Center at San Antonio, The University of Texas Medical Branch at Galveston, the Texas Tech University School of Medicine, the Baylor College of Medicine, the Texas College of Osteopathic Medicine, or the Texas A&M University Medical Program.

(2) "Approved family practice residency training program" means a graduate medical education program operated by a medical school, licensed hospitals, or nonprofit corporations which has been approved for training physicians in family practice and for the receipt of state funds for that purpose by the board after receiving the recommendation of the Family Practice Residency Advisory Committee.

[Acts 1977, 65th Leg., p. 109, ch. 53, § 2, eff. Aug. 29, 1977.]

Purpose. Section 1 of the 1977 Act enacting this Subchapter provided:

"It is the intent of the legislature that family practice residency training programs created, maintained, or funded according to the provisions of this Act shall further the purpose of distributing family physicians and improving medical care in underserved urban and rural areas of the state and, insofar as possible and prudent, encourage the permanent location in underserved areas of family physicians trained in these programs in order to better serve the medical needs of the citizens of Texas."

§ 61.502. Contracts

The board may contract with a medical school, licensed hospitals, or nonprofit corporations for the purpose of establishing and operating an approved Family Practice Residency Training Program and may compensate the medical school, licensed hospitals, or nonprofit corporations on a formula approved by the board based upon the number of resident physicians in the training program.

[Acts 1977, 65th Leg., p. 109, ch. 53, § 2, eff. Aug. 29, 1977.]

§ 61.503. Rules and Regulations

The board shall adopt rules and regulations to implement this subchapter, including rules providing for:

(1) prior consultation on the annual budget with the board;

(2) a postaudit in a manner acceptable to the state auditor of expenditures related to the residency training program of a medical school, licensed hospitals, or nonprofit corporations with which the board has contracted; and

(3) distribution of family physicians and improvement of medical care in underserved urban and rural areas of the state and, insofar as possible and prudent, encouraging the permanent location in underserved areas of family physicians trained in these programs.

[Acts 1977, 65th Leg., p. 109, ch. 53, § 2, eff. Aug. 29, 1977.]

§ 61.504. Disbursements

(a) Pursuant to a contract, the board may disburse through the designated project director to a medical school, licensed hospitals, or nonprofit corporations funds for the purpose of the graduate training of physicians in an approved family practice residency training program. The project director shall be the chairman of the Department of Family Practice in a medical school or the program director of an approved family practice residency training program operated by licensed hospitals or nonprofit corporations. The project director shall, in accordance with such rules as the board may adopt, make timely reports directly to the board concerning the development and progress of the family practice training program.

(b) The board may establish by contract the method or manner of the disbursement to the project director.

[Acts 1977, 65th Leg., p. 109, ch. 53, § 2, eff. Aug. 29, 1977.]

§ 61.505. Advisory Committee

(a) The Family Practice Residency Advisory Committee is created and shall consist of 12 members. One member shall be a licensed physician appointed by the Texas Osteopathic Medical Association; two members shall be licensed physicians appointed by the Association of Directors of Family Practice

Training Programs; two members shall be administrators of hospitals in which an approved family practice residency training program operates and shall be appointed by the Texas Hospital Association; one member shall be a licensed physician appointed by the Texas Medical Association; two members shall be licensed physicians appointed by the Texas Academy of Family Physicians; three members of the public shall be appointed to the committee by the governor; and by virtue of his office, the president of the Texas Academy of Family Physicians shall be a member of the committee.

(b) The terms of office of each member, excluding the term of office of the president of the Texas Academy of Family Physicians, shall be for three years, except for the initial term, which shall be designated in a manner approved by the board in such a way, insofar as is possible, that one-third of the members shall serve for one year, one-third for two years, and one-third for three years, and thereafter each member shall serve for a term of three years. Each member shall serve until his replacement has been appointed to the committee.

(c) The members of the committee shall not be compensated for their service, but shall be reimbursed by the board for actual expenses incurred in the performance of duties as members of the committee.

(d) The committee shall meet at least annually and so often as requested by the board or called into meeting by the chairman.

(e) The chairman shall be elected by the members of the committee for one year.

(f) The committee shall review for the board applications for approval and funding of family practice residency training programs and related support programs, make recommendations to the board relating to the standards and criteria for approval of residency training and related support programs, and perform such other duties as may be directed by the board.

[Acts 1977, 65th Leg., p. 109, ch. 53, § 2, eff. Aug. 29, 1977. Amended by Acts 1983, 68th Leg., p. 882, ch. 203, § 1, eff. May 24, 1983.]

[Chapters 62 to 64 reserved for expansion]

SUBTITLE C. THE UNIVERSITY OF TEXAS SYSTEM

CHAPTER 65. ADMINISTRATION OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 65.01. Definitions.
65.02. Organization.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 65.11. Board of Regents.
65.12. Qualifications; Terms.
65.13. Board Officers.

Sec.

- 65.14. Expenses.
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SUBCHAPTER C. POWERS AND DUTIES OF BOARD

- 65.31. General Powers and Duties.
65.32. Removal of Officers, Etc.
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65.36. Donations for Professorships and Scholarships.
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65.40. Environmental Science Park.
65.41. Medical School Admission Policies.
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65.43. Sale of Obsolete Medical Equipment.
65.44. Incidental Fees.

SUBCHAPTER A. GENERAL PROVISIONS

§ 65.01. Definitions

In this chapter:

- (1) "System" or "university system" means The University of Texas System.
(2) "Board" means the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3144, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 65.02. Organization

(a) The University of Texas System is composed of the following institutions and entities:

- (1) The University of Texas at Arlington, including The University of Texas Institute of Urban Studies at Arlington;
(2) The University of Texas at Austin, including
(A) The University of Texas Marine Science Institute; and
(B) The University of Texas McDonald Observatory at Mount Locke;
(3) The University of Texas at Dallas;
(4) The University of Texas at El Paso;
(5) The University of Texas of the Permian Basin;
(6) The University of Texas at San Antonio, including The University of Texas Institute of Texan Cultures at San Antonio;
(7) The University of Texas Health Science Center at Dallas, including
(A) The University of Texas Southwestern Medical School at Dallas;
(B) The University of Texas Graduate School of Biomedical Sciences at Dallas; and
(C) The University of Texas School of Allied Health Sciences at Dallas;
(8) The University of Texas Medical Branch at Galveston, including
(A) The University of Texas Medical School at Galveston;

- (B) The University of Texas Graduate School of Biomedical Sciences at Galveston;
- (C) The University of Texas School of Allied Health Sciences at Galveston;
- (D) The University of Texas Marine Biomedical Institute at Galveston; and
- (E) The University of Texas Hospitals at Galveston;
- (9) The University of Texas Health Science Center at Houston, including
 - (A) The University of Texas Medical School at Houston;
 - (B) The University of Texas Dental Branch at Houston;
 - (C) The University of Texas Graduate School of Biomedical Sciences at Houston;
 - (D) The University of Texas School of Allied Health Sciences at Houston;
 - (E) The University of Texas School of Public Health at Houston; and
 - (F) The University of Texas Speech and Hearing Institute at Houston;
- (10) The University of Texas Health Science Center at San Antonio, including
 - (A) The University of Texas Medical School at San Antonio;
 - (B) The University of Texas Dental School at San Antonio;
 - (C) The University of Texas Graduate School of Biomedical Sciences at San Antonio; and
 - (D) The University of Texas School of Allied Health Sciences at San Antonio;
- (11) The University of Texas System Cancer Center, including
 - (A) The University of Texas M.D. Anderson Hospital and Tumor Institute at Houston; and
 - (B) The University of Texas Environmental Science Park at Smithville;
- (12) The University of Texas System School of Nursing, including
 - (A) The University of Texas School of Nursing at Austin;
 - (B) The University of Texas School of Nursing at El Paso;
 - (C) The University of Texas School of Nursing at Fort Worth;
 - (D) The University of Texas School of Nursing at Galveston;
 - (E) The University of Texas School of Nursing at Houston; and
 - (F) The University of Texas School of Nursing at San Antonio.
- (b) The University of Texas System shall also be composed of such other institutions and entities as from time to time may be assigned by specific legislative act to the governance, control, jurisdic-

tion, or management of The University of Texas System.

[Acts 1973, 63rd Leg., p. 1186, ch. 435, § 1, eff. Aug. 27, 1973.]

[Sections 65.03 to 65.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 65.11. Board of Regents

The government of the university system is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. The board may arrange the administration, organization, and names of the institutions and entities in The University of Texas System in such a way as will achieve the maximum operating efficiency of such institutions and entities, provided, however, that no institution or entity of The University of Texas System not authorized by specific legislative act to offer a four-year undergraduate program as of the effective date of this Act shall offer any such four-year undergraduate program without prior recommendation and approval by a two-thirds vote of the Coordinating Board, Texas College and University System, and a specific act of the Legislature.

[Acts 1971, 62nd Leg., p. 3144, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1188, ch. 435, § 2, eff. Aug. 27, 1973.]

§ 65.12. Qualifications; Terms

Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring February 1 of odd-numbered years.

[Acts 1971, 62nd Leg., p. 3144, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 2837, ch. 484, art. III, § 1, eff. June 19, 1983.]

Section 5 of art. III of the 1983 amendatory act provides:

"A member of the board of regents of The University of Texas System, The Texas A&M University System, The Texas State University System, or Texas Woman's University who was appointed under prior law for a term expiring in 1985, 1987, or 1989 serves for a term expiring February 1 of the applicable year or until a successor is appointed and has qualified."

§ 65.13. Board Officers

The board shall elect a chairman from its members to serve at the will of the board. The state treasurer shall be the treasurer of the university system.

[Acts 1971, 62nd Leg., p. 3144, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 65.14. Expenses

The reasonable expenses incurred by members of the board in the discharge of their duties shall be paid from the available university fund.

[Acts 1971, 62nd Leg., p. 3144, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 65.15. Seal

The board may make and use a common seal and may alter it at will.

[Acts 1971, 62nd Leg., p. 3145, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 65.16 to 65.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

§ 65.31. General Powers and Duties

(a) The board is authorized and directed to govern, operate, support, and maintain each of the component institutions that are now or may hereafter be included in a part of The University of Texas System.

(b) The board is authorized to prescribe for each of the component institutions courses and programs leading to such degrees as are customarily offered in outstanding American universities, and to award all such degrees. It is the intent of the legislature that such degrees shall include baccalaureate, master's, and doctoral degrees, and their equivalents, but no new department, school, or degree-program shall be instituted without the prior approval of the Coordinating Board, Texas College and University System.

(c) The board has authority to promulgate and enforce such other rules and regulations for the operation, control, and management of the university system and the component institutions thereof as the board may deem either necessary or desirable. The board is specifically authorized and empowered to determine and prescribe the number of students that shall be admitted to any course, department, school, college, degree-program, or institution under its governance.

(d) The board is specifically authorized to make joint appointments in the component institutions under its governance. The salary of any person who receives such joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

(e) The board is specifically authorized, upon terms and conditions acceptable to it, to accept, retain in depositories of its choosing, and administer gifts, grants, or donations of any kind, from any source, for use by the system or any of the component institutions of the system.

(f) No component institution which is not authorized to offer a four-year undergraduate program shall offer a four-year undergraduate program without the specific authorization of the legislature.

[Acts 1971, 62nd Leg., p. 3145, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3360, ch. 1024, art. 2, § 37, eff. Sept. 1, 1971; Acts 1983, 68th Leg., p. 5010, ch. 900, § 1, eff. Aug. 29, 1983.]

§ 65.32. Removal of Officers, Etc.

The board may remove any officer, member of the faculty, or employee connected with the system when in its judgment the interest of the system requires the removal.

[Acts 1971, 62nd Leg., p. 3145, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 65.33. Eminent Domain

(a) The board has the power of eminent domain to acquire for the use of the university system any land that may be necessary and proper for carrying out its purposes in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended.¹

(b) Whenever the board has been made trustees by a will, instrument in writing, or otherwise of a trust for a scientific, educational, philanthropic, or charitable purpose, or other trust for a public purpose, it may act by a quorum of the board or a majority of all members. Unless otherwise directed by the terms of the will or instrument, as trustees the board may exercise for the purpose of the trust the power of eminent domain and may condemn land and other property as provided by Title 52, Revised Civil Statutes of Texas, 1925, as amended.

(c) The taking of the property is declared to be for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925.²

[Acts 1971, 62nd Leg., p. 3145, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Civil Statutes, art. 3264 et seq. (generally repealed; see, now, Property Code, § 21.001 et seq.)

² Repealed; see, now, Property Code, § 21.021.

§ 65.34. Contracts

(a) All contracts with architects, plan makers, landscapers, or draftsmen, or with any other person, firm, or corporation of whatever name or designation shall be absolutely void unless approved by the signed written vote of a majority of the board in regular or called meeting assembled.

(b) Repealed by Acts 1977, 65th Leg., p. 562, ch. 197, § 2, eff. May 20, 1977.

[Acts 1971, 62nd Leg., p. 3146, p. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 562, ch. 197, § 2, eff. May 20, 1977.]

§ 65.35. Expenditures

All expenditures may be made by the order of the board and shall be paid on warrants from the controller based on vouchers approved by the chairman of the board or his delegate, or by the institutional head or his delegate of the component institution making the expenditures.

[Acts 1971, 62nd Leg., p. 3146, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 65.36. Donations for Professorships and Scholarships

(a) Donations of property may be made and accepted by the board for the purpose of establishing or assisting in the establishment of a professorship or scholarship in the university system or any of its component institutions, or for creating in the university system or any of its component institutions any trust for any lawful, educational, or charitable purpose, either temporarily or permanently, and the donations or trusts thereby created will be governed by the rules prescribed by this section.

(b) The legal title to the property shall be vested in the board acting as an entity, or the State of Texas, to be held in trust for the purpose under any directions, limitations, and provisions that may be declared in writing in the donation or trust agreement, not inconsistent with the objectives and proper management of the system or its component institutions.

(c) The donor may declare and direct the manner in which the title to the property shall thereafter be transmitted from the trustee in continued succession, to be held for and appropriated to the declared purposes.

(d) The donor may declare and direct the person or class of persons who shall receive the benefit of the donation and the manner of their selection.

(e) The declarations, directions, and limitations shall not be inconsistent with the objects and proper management of the system or its institutions.

(f) In case of failure to transmit the title to the property or to bestow its use in the manner declared and directed in the donation, or in case the uses, or either of them, become impracticable from the change of circumstances, the title to the property, unless otherwise expressly directed by the donor, shall vest in this state to be held in trust to carry into effect the purposes of the donation as nearly as practicable by such agencies as may be provided therefor.

(g) The title to the property donated shall be received, and the trust conferred in the donation shall be assumed, subject to laws that may be passed and carried into effect from time to time which may be necessary to prevent the loss of, or damage to, the property donated, or an abuse or neglect of the trust so as to defeat, materially change, or prevent the objects of the donation.

(h) Copies of the donation shall be filed with the board or the branch to which the donation applies; and the board shall report the condition and management of the property and the manner in which the trust is being administered as part of the matters reported pertaining to the institution.

[Acts 1971, 62nd Leg., p. 3146, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1577, ch. 568, § 1, eff. Aug. 27, 1973.]

§ 65.37. Funds Received for Trust Services

The board may deposit in an appropriate university account all funds received as administrative fees or charges for services rendered in the management and administration of any trust estate under the control of the university system or any institution of the system. The funds so received as administrative fees or charges may be expended by the board for any educational purpose of the university system.

[Acts 1971, 62nd Leg., p. 3147, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 65.38. Nonsectarian

No religious qualification shall be required for admission to any office or privilege in the university system. No course of instruction of a sectarian character shall be taught in the system.

[Acts 1971, 62nd Leg., p. 3147, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 65.39. Management of Lands other than Permanent University Fund Lands

The board of regents of The University of Texas System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, The University of Texas System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of The University of Texas System, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years.

[Acts 1971, 62nd Leg., p. 3147, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 65.40. Environmental Science Park

(a) The board is hereby authorized to establish, maintain, and support an environmental science park in Bastrop County, Texas, on lands owned or controlled by it, the administration and business management of which shall be delegated to The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston.¹

(b) The board shall have authority to cooperate with agencies, institutions, instrumentalities, and subdivisions of this state, other states, and the federal government; and with private institutes, institutions, foundations, and organizations, in the furtherance of this section, and the promotion of educational and environmental science programs.

(c) The board is specifically authorized upon terms and conditions acceptable to it, to accept and administer, gifts, grants, or donations, of any kind, from any source, to aid in the establishment, opera-

tion, maintenance, or administration of the environmental science park.

[Acts 1971, 62nd Leg., p. 3336, ch. 1024, art. 2, § 2, eff. Sept. 1, 1971.]

¹ See § 73.101 et seq.

§ 65.41. Medical School Admission Policies

The Board of Regents shall promulgate appropriate rules and regulations pertaining to the admission of students to medical schools which will provide for admission of those students to its entering class each year who are equally or as well qualified as all other students and who have entered a contract with or received a commitment for a stipend, grant, loan or scholarship from the State Rural Medical Education Board. The State Rural Medical Education Board may contract with medical students providing for such students to engage in a general or family practice of medicine for not less than four years after licensing and a period of medical residency, as determined by the rules and regulations established by the State Rural Medical Education Board, in cities of Texas which have a population of less than 5,000 or in rural areas, as that term may be defined by the State Rural Medical Education Board, and said Board is hereby given the authority to define and from time to time redefine the term rural area, at the time the medical practice is commenced. This contract shall provide for a monthly stipend of at least \$100 to be granted by the State Rural Medical Education Board to each person under contract with the state while enrolled as a medical school student.

[Acts 1975, 64th Leg., p. 2408, ch. 740, § 3, eff. Sept. 1, 1975.]

§ 65.42. Defense of Certain Persons

Any person serving on the governing board of any foundation, corporation, or association at the request of and on behalf of The University of Texas System is an officer or employee as those terms are used in Chapter 309, Acts of the 64th Legislature, 1975, as amended (Article 6252-26, Vernon's Texas Civil Statutes).

[Acts 1979, 66th Leg., p. 1165, ch. 564, § 1, eff. Aug. 27, 1979.]

§ 65.43. Sale of Obsolete Medical Equipment

The board shall have the authority to sell and transfer, after due notification by journal or mail, on fair and reasonable terms, to any hospital within the State of Texas operated by the state, a city, a county, a hospital district, a nonprofit corporation, or a tax-exempt charitable organization any medical equipment that has been in use at an institution or facility governed by the board and is obsolete with regard to the instructional objectives of The University of Texas System.

[Acts 1981, 67th Leg., p. 2068, ch. 459, § 1, eff. June 11, 1981.]

§ 65.44. Incidental Fees

(a) The board may fix the rate of incidental fees to be paid to the component by students attending component institutions of The University of Texas System and may make rules for the collection of the fees and for the distribution of the funds collected. The rate of an incidental fee must reasonably reflect the actual cost to the component of the materials or services for which the fee is collected.

(b) The board shall cause to be published in the appropriate catalogs of each component a description of the amount of each fee to be charged a student attending that component.

(c) In this section, "incidental fees" includes, without limitation, such fees as late registration fees, library fines, microfilming fees, thesis or doctoral manuscript reproduction or filing fees, bad check charges, and laboratory breakage charges, but does not include a fee for which the board makes a charge under the authority of Section 54.503 or Section 67.211 of this code.

[Acts 1983, 68th Leg., p. 5387, ch. 993, § 1, eff. Aug. 29, 1983.]

CHAPTER 66. PERMANENT UNIVERSITY FUND

SUBCHAPTER A. COMPOSITION, INVESTMENT, AND USE

Sec.

- 66.01. Permanent University Fund.
- 66.02. Available University Fund.
- 66.03. Apportionment and Use of Available Fund.
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SUBCHAPTER A. COMPOSITION,
INVESTMENT, AND USE

§ 66.01. Permanent University Fund

The composition, investment, purposes, and use of the permanent university fund are governed by Article VII, Sections 10, 11, 11a, 15, and 18, of the Texas Constitution.

[Acts 1971, 62nd Leg., p. 3149, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.02. Available University Fund

The dividends, interest, and other income from the permanent university fund shall constitute the available university fund. All income derived from the permanent university fund shall be deposited in the State Treasury to the credit of the available university fund within five days after receipt by any state officer, agent, or employee.

[Acts 1971, 62nd Leg., p. 3149, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.03. Apportionment and Use of Available Fund

(a) The reference in Article VII, Section 18 of the Texas Constitution, to "Chapter 42 of the Acts of the Regular Session of the 42nd Legislature of the State of Texas" shall be construed to mean this section.

(b) The board of regents of The University of Texas System shall expend as much of the available university fund as is appropriated by the legislature for the administration of the university lands and of the permanent university fund, the expenses to be apportioned between the two systems in proportion to their receipts of available university funds under the terms of this section.

(c) The board of directors of The Texas A&M University System shall expend one-third of all the available university fund received from the permanent university fund arising from the 1,000,000 acres of land appropriated by the constitution and the land appropriated by the Act of 1883, except income from grazing leases on university lands (less its proportion of expenses of administration and excluding any expenses of administration from grazing leases); and the board of regents of The

University of Texas System shall expend the balance of the available fund, including all the income from grazing leases on university lands (less its proportion of expenses of administration).

[Acts 1971, 62nd Leg., p. 3149, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.04. Validity of Bonds Purchased by Board

Whenever the board has purchased the bonds of any city, county, or municipality, approved by the attorney general, the certificate of the attorney general attesting their validity shall be admitted and received as prima facie evidence of the validity of the bonds; and in all cases in which the proceeds of the sale of these bonds have been received by the proper officers of the city, municipality, or county, or by the party acting for them in negotiating the sale of the bonds, the city, municipality, or county is thereafter estopped from denying the validity of the bonds and they shall be held to be valid and binding obligations. In the case of any bonds bought under this section, premium or discount shall be distributed over the life of the bonds.

[Acts 1971, 62nd Leg., p. 3149, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.05. Reports

(a) Before December 1 of each year the board of regents of The University of Texas System shall prepare a written report disclosing all details concerning the investments made and income realized from the permanent university fund during the year ending August 31 preceding the publication of the report.

(b) The report shall contain a summary of all investments and an itemized list of all securities held for the fund on August 31, a summary of investment changes during the preceding year, and a summary of all income realized from the various components of the fund. The report shall also contain any other information needed to clearly indicate the nature and extent of investments made of the fund and all income realized from the components of the fund.

(c) The report shall be distributed to the governor, state treasurer, state comptroller of public accounts, state auditor, attorney general, commissioner of higher education, and to the members of the legislature by the 1st day of January each year. The board shall furnish copies of the report to any interested person on request.

[Acts 1971, 62nd Leg., p. 3347, ch. 1024, art. 2, § 20, eff. Sept. 1, 1971.]

§ 66.06. Written Objectives; Performance Evaluation

*Text as added by Acts 1983, 68th Leg., p.
5097, ch. 925, § 2*

(a) The board of regents of The University of Texas System shall develop written investment ob-

jectives concerning the investment of the permanent university fund. The objectives may address desired rates of return, risks involved, investment time frames, and any other relevant considerations.

(b) The board of regents shall employ a well-recognized performance measurement service to evaluate and analyze the investment results of the permanent university fund. The service shall compare investment results with the written investment objectives developed by the board of regents, and shall also compare the investment of the permanent university fund with the investment of other public and private funds.

[Acts 1983, 68th Leg., p. 5097, ch. 925, § 2, eff. Aug. 29, 1983.]

For text as added by Acts 1983, 68th Leg., p. 5100, ch. 926, § 2, see § 66.06, post

§ 66.06. External Investment Managers

Text as added by Acts 1983, 68th Leg., p. 5100, ch. 926, § 2

The board of regents of The University of Texas System may contract with private professional investment managers to assist the board in making investments of the permanent university fund.

[Acts 1983, 68th Leg., p. 5100, ch. 926, § 2, eff. Aug. 29, 1983.]

For text as added by Acts 1983, 68th Leg., p. 5097, ch. 925, § 2, see § 66.06, ante
[Sections 66.07 to 66.20 reserved for expansion]

SUBCHAPTER B. PERMANENT UNIVERSITY FUND BONDS AND NOTES

§ 66.21. Registration

All bonds and notes issued pursuant to the provisions of Article VII, Section 18, of the Texas Constitution, as originally adopted or as amended, shall be registered by the comptroller of public accounts after they have been approved by the attorney general.

[Acts 1971, 62nd Leg., p. 3150, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.22. Refunding Bonds and Notes

Any bonds or notes issued pursuant to the constitutional provisions described in Section 66.21 of this code, or issued pursuant to this subchapter, may be refunded by the governing board which issued the bonds or notes, upon such terms and conditions, including interest rates and maturities, as may be determined by that board, provided that such terms and conditions shall not be inconsistent with the applicable constitutional provisions. Any such bonds or notes may be so refunded by the issuance of refunding bonds or notes, either to be exchanged for the bonds or notes being refunded and cancelled, or to be sold, with the proceeds to be used for the

redemption and cancellation of the bonds or notes being refunded.

[Acts 1971, 62nd Leg., p. 3150, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.23. Refunding Bonds and Notes: Approval; Registration

All refunding bonds or notes authorized to be issued under this subchapter and the records relating to their issuance, including any proceedings relating to the redemption of any outstanding bonds or notes, shall be submitted to the attorney general for examination, and if he finds that they have been issued in accordance with law, he shall approve them, and then they shall be registered by the comptroller of public accounts, and after such approval and registration they shall be incontestable. When any such refunding bonds or notes are issued to be exchanged for any outstanding bonds or notes, the comptroller of public accounts shall register and deliver such refunding bonds on surrender for cancellation of the bonds or notes being refunded. When any such refunding bonds or notes are sold, with the proceeds to be used for redeeming any outstanding bonds or notes, the comptroller of public accounts shall register such refunding bonds or notes, even though the bonds or notes to be redeemed shall not have been surrendered for redemption or cancellation.

[Acts 1971, 62nd Leg., p. 3150, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.24. Authorized Investments; Security for Deposits

All bonds and notes, whether original or refunding, issued pursuant to the constitutional provisions or issued pursuant to this subchapter, shall be fully negotiable instruments, and all bonds and notes are declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and all other political corporations or subdivisions of the State of Texas; and the bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, and all other political corporations or subdivisions of the State of Texas; and the bonds and notes shall be lawful and sufficient security for those deposits to the extent of their par value when accompanied by all unmailed coupons appurtenant to them.

[Acts 1971, 62nd Leg., p. 3150, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.25. Tax Exempt

The carrying out of the purposes of the constitutional provisions and of this subchapter will be performing an essential public function under the constitution, and all bonds and notes, whether origi-

nal or refunding, heretofore or hereafter issued pursuant to the constitutional provisions or this subchapter, and their transfer and the income from them, including the profits made on their sale, shall at all times be free from taxation of this state.

[Acts 1971, 62nd Leg., p. 3151, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 66.26 to 66.40 reserved for expansion]

SUBCHAPTER C. MANAGEMENT OF UNIVERSITY LANDS

§ 66.41. Management of University Lands

The board of regents of The University of Texas System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, the permanent university fund. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the permanent university fund, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years.

[Acts 1971, 62nd Leg., p. 3151, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.42. Duty of Land Commissioner

The commissioner of the general land office shall:

(1) furnish to the board of regents complete and accurate maps and all other data necessary to show the location and condition of every tract of the university lands;

(2) furnish to the board any additional information it may require; and

(3) render to the board any possible assistance it may request in the discharge of its duties under this chapter.

[Acts 1971, 62nd Leg., p. 3151, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.43. University Lands: Surveys; Personnel

(a) The board of regents shall cause to be done such surveying or resurveying of the blocks and subdivisions of the university lands as may be necessary to enable the lines of the blocks and sections and fractional sections to be determined and identified and have such corners as may be necessary to that end permanently marked. When it is impracticable to establish such lines and corners as originally surveyed, or when such sections have not been actually surveyed on the ground, the blocks shall be surveyed or resurveyed and divided into surveys of sections and fractional sections, and as many corners thereof as may be necessary for the identification shall be permanently marked. The surveyors to do such surveying shall be employed by the board. The field notes of such surveys shall be

returned to the general land office, and when correct and in accordance with law shall be approved by the commissioner of the general land office, filed in the general land office, and become archives therein.

(b) The board of regents may employ and compensate personnel the board deems necessary in connection with performance of any duties under this section or under Subchapter D of this chapter.¹

[Acts 1971, 62nd Leg., p. 3151, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Section 66.61 et seq.

§ 66.44. Management of Minerals Other than Oil and Gas

The board of regents has the sole and exclusive management and control of all minerals, other than oil and gas, in lands set aside and appropriated to, or acquired by the permanent university fund. The board may sell, lease, and otherwise manage and control the minerals, other than oil and gas, in those lands as may seem best to it for the interests of the permanent university fund. The board may also explore and have explored and developed the minerals and may make any contract or contracts with any person, association of persons, firm, or corporation for the exploration, development, mining, production, disposition, and sale of the minerals in those lands.

[Acts 1971, 62nd Leg., p. 3152, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 66.45 to 66.60 reserved for expansion]

SUBCHAPTER D. BOARD FOR LEASE OF UNIVERSITY LANDS

§ 66.61. Definition

As used in this subchapter, "board" means the Board for Lease of University Lands.

[Acts 1971, 62nd Leg., p. 3152, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.62. Board for Lease

(a) The Board for Lease of University Lands is composed of the commissioner of the general land office and two members of the board of regents selected by the board of regents. In the event that a regent member of the Board for Lease of University Lands is unable to attend any meeting of that board, the chairman of the board of regents shall appoint another member of the board of regents as a substitute member of the Board for Lease of University Lands to attend the meeting that the regular regent member is unable to attend. The substitute regent member of the Board for Lease of University Lands shall exercise all the powers, duties, and responsibilities of the absent regent member during the conduct of the meeting for which he was appointed. Any substitute regent member of the Board for Lease of University Lands is subject to the provisions of this subchapter.

(b) Neither regent member may be directly or indirectly employed by, or be an officer of or an attorney for, an oil or gas company.

(c) A majority of the board has the power to act for the board.

(d) The board shall perform the duties prescribed by this subchapter and shall keep a public record of all its proceedings.

(e) The Board for Lease of University Lands is subject to the Texas Sunset Act;¹ and unless continued in existence as provided by that Act the board is abolished effective September 1, 1985.

[Acts 1971, 62nd Leg., p. 3152, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1578, ch. 569, § 1, eff. June 15, 1973; Acts 1977, 65th Leg., p. 1845, ch. 735, § 2.096, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 66.63. Oil and Gas Subject to Sale

The oil and gas in the university lands are subject to sale under the regulations, at the times, and on the terms provided in this subchapter, and under the rules and regulations adopted by the board as authorized by this subchapter, not inconsistent with the provisions of this subchapter.

[Acts 1971, 62nd Leg., p. 3152, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.64. Placing Oil and Gas on Market; Public Auction; Advertisement

(a) Whenever there is a demand for the purchase of oil and gas in any university land that will reasonably insure that the oil and gas may be sold advantageously, the board shall place the oil and gas in the land on the market in separate tracts of such area and extent as the board may determine most suitable for profitable marketing; but in no event shall any tract in which oil and gas is offered for as a unit exceed in area of 6,000 acres.

(b) The sale of the oil and gas shall be made at public auction or by sealed bid, or through a combination of public auction and sealed bid, as the board elects. The sales shall be held in Austin, or any other location designated by the board, at any hour between 10 a.m. and 5 p.m.

(c) The board shall cause an advertisement to be made of the sale in two or more newspapers of general circulation in this state. The advertisement shall state the method, time, and place of sale; the primary term of the lease proposed to be executed covering any sale; the bonus or royalty to be paid; that lists describing the land to be sold may be obtained from the board; and other matters that in the judgment of the board are deemed advisable. In addition to the foregoing mandatory provisions, the board may cause the advertisement to be placed in oil and gas journals in and out of the state and to

be mailed generally to persons it thinks might be interested.

[Acts 1971, 62nd Leg., p. 3152, p. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 234, ch. 88, § 1, eff. April 30, 1975; Acts 1983, 68th Leg., p. 307, ch. 68, § 1, eff. Aug. 29, 1983.]

§ 66.65. Royalty; Bonus; Annual Rental; Special Fee

(a) The oil and gas in each tract shall be offered for sale for a bonus to be determined by high bid in addition to the stipulated royalty or for a stipulated bonus and a royalty to be determined by high bid. Each tract shall be offered separately.

(b) Each bid is subject to the royalty or bonus specified in the official advertisement preceding the sale, but in no event shall the royalty be less than one-eighth of the gross production of oil and gas in the land; and shall further be subject to the payment of an annual rental after the first year of not less than 10 cents per acre, payable each year in advance, unless the royalties received from the land during the preceding year equal or exceed the amount of the annual rental payment.

(c) Each bid is also subject to the payment of a special fee equal to one percent of the total bonus whether stipulated or bid, which special payment shall constitute a special fund from which the Board of Regents of The University of Texas System shall defray the expenses of the sale, including the payment for the services of the auctioneer crying the sale and the payment of the general operating expenses in geologizing, oil field supervision, and auditing oil and gas production of university lands, including salaries and traveling expenses of persons employed by the board of regents for those purposes, and for the purpose of acquiring, constructing, and equipping a building in the city of Midland or adjacent area to house the administrative staff of the offices of University Lands, Geology and Land Agent, and such other related agencies necessary for the management and development of university lands in West Texas.

(d) The Board of Regents of The University of Texas System may also direct the comptroller of The University of Texas System to transmit to the state treasurer for deposit to the credit of the permanent university fund any unexpended balances remaining in the special fund after reserving a sufficient amount in it for the payment of current expenses as set out in Subsection (c) of this section.

(e) The highest successful bidder shall pay to the Board of Regents of The University of Texas System on the day the bid is accepted the full amount of bonus whether stipulated or bid and the special fee.

[Acts 1971, 62nd Leg., p. 3153, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 1377, ch. 616, § 1, eff. Sept. 1, 1979; Acts 1983, 68th Leg., p. 308, ch. 68, § 2, eff. Aug. 29, 1983.]

§ 66.66. Withdrawal of Lands Before Bids Received

The board may withdraw any lands advertised for lease before the hour set for receiving bids.

[Acts 1971, 62nd Leg., p. 3154, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.67. Award of Lease

(a) If any one of the bidders at the sale at public auction has offered a reasonable and proper price for any tract offered, not less than the price fixed by the board, the land advertised may be leased for oil and gas purposes under the terms of this subchapter and any regulations the board may prescribe, not inconsistent with the provisions of this subchapter. All bids may be rejected by the board.

(b) If the board determines that a satisfactory bid has been offered for the oil and gas, it shall make an award to the bidder offering the highest price, and a lease shall be executed by the commissioner of the general land office. A duplicate copy of the lease shall be filed in the general land office.

[Acts 1971, 62nd Leg., p. 3154, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.68. Provisions of Lease

(a) Each lease executed under this subchapter shall contain, and each valid and subsisting oil and gas lease previously executed by the commissioner under the source statute for this subchapter, on the application of the lessee and payment of a sum of money equal to one year's annual rental under the lease, shall be amended by written instrument to contain, the provisions prescribed by this section.

(b) Each lease shall provide that the primary term of the lease, as determined by the board prior to the promulgation of the advertisement, shall in no case exceed five years.

(c) Each lease shall provide that if oil and/or gas is being produced in paying quantities from the leased premises before the termination of the primary term, such lease shall not terminate but shall continue in force and effect as long as oil and/or gas is being so produced.

(d) Each lease shall provide that in the event production of oil or gas on the leased premises, after once obtained, shall cease for any cause within 60 days before the expiration of the primary term of such lease or at any time or times thereafter, such lease shall not terminate, if the lessee commences additional drilling or reworking operations within 60 days thereafter, and such lease shall remain in full force and effect so long as such operations continue in good faith and in workmanlike manner, without interruptions, totaling more than 60 days during any one such operation; and if such drilling or reworking operations result in the production of oil and/or gas, such lease shall remain in full force and effect so long as oil or gas is produced therefrom in paying quantities or payment of shut-in gas well

royalty or compensatory royalties is made as hereinafter provided in this subchapter.

(e) Each lease shall provide that if at the expiration of the primary term or at any time thereafter there is located on the leased premises a well or wells capable of producing gas in paying quantities and such gas is not produced for lack of a suitable market and such lease is not being otherwise maintained in force and effect, the lessee may pay as royalty \$1,200 per annum for each well on the lease capable of producing gas in paying quantities, such payment to be made to the Board of Regents of The University of Texas System at Austin, Texas, prior to the expiration of the primary term of the lease, or if the primary term has expired, within 60 days after lessee ceases to produce gas from such well or wells; and if such payment is made, the lease shall be considered to be a producing lease and such shut-in gas well royalty payment shall extend the term of the lease for a period of one year from the end of the primary term or from the first day of the month next succeeding the month in which production ceased; and thereafter if no suitable market for such gas exists, the lessee may extend the lease for two additional and successive periods of one year each by the payment of a like sum of money each year on or before the expiration of the extended term. Provided, however, that if, while such lease is being maintained in force and effect by payment of such shut-in gas well royalty, gas should be sold and delivered in paying quantities from a well situated within 1,000 feet of the leased premises and completed in the same producing reservoir or in any case where drainage is occurring, the right to further extend the lease by such shut-in gas well royalty payments shall cease, but such lease shall remain in force and effect for the remainder of the current one year period for which the shut-in gas well royalty has been paid, and for an additional period not to exceed a combined total of three years from the expiration of the primary term or from the first day of the month next succeeding the month in which production ceased by the payment by the lessee of compensatory royalty, at the royalty rate provided for in such university lease as would be due on an equivalent amount of like quality gas produced and delivered from the well completed in the same producing reservoir from which gas is being sold and delivered and which is situated within 1,000 feet of, or draining, the leased premises on which shut-in gas well is situated, such compensatory royalty to be paid monthly to the Board of Regents of The University of Texas System at Austin, Texas, beginning on or before the last day of the month next succeeding the month in which such gas is sold and delivered from the well situated within 1,000 feet of, or draining, the leased premises and completed in the same producing reservoir; provided further, that in the event such compensatory royalties paid in any 12-month period are in a sum less than the annual shut-in gas well royalties provided for in this section, the lessee shall pay an additional sum equal to the difference within 30

days from the end of such 12-month period; provided further, that nothing herein shall relieve the lessee of the obligation of reasonable development, nor of the obligation to drill offset wells required by Section 66.75 of this code.

(f) Each lease shall provide that if, at the expiration of the primary term, production of oil and/or gas has not been obtained in paying quantities on the leased premises but drilling operations are being conducted thereon in good faith and in good and workmanlike manner, the lessee may, on or before the expiration of the primary term, file with the Board of Regents of The University of Texas System a written application for a 30-day extension of such lease, such application to be accompanied by a payment to the Board of Regents of The University of Texas System of \$7.50 per acre for each acre in the lease, and the Chairman of the Board of Regents of The University of Texas System or a designee appointed by the Chairman shall, in writing, extend such lease for a 30-day period from and after the expiration of the primary term and so long thereafter as oil or gas is produced in paying quantities from the premises; provided further, that the lessee may, so long as such drilling operations are being conducted in good faith, make like application and payment during any 30-day extended period for an additional extension of 30 days not to exceed a combined total of 180 days; provided, however, lessee may, so long as such drilling operations are being conducted in good faith, make written application to the Board of Regents of The University of Texas System on or before the expiration of the initial extended period of 180 days for an additional extension of 180 days, such application to be accompanied by a payment to the Board of Regents of The University of Texas System of \$50 per acre for each acre in the lease, and the Chairman of the Board of Regents of The University of Texas System or a designee appointed by the Chairman shall, in writing, extend such lease for an additional 180-day period from and after the expiration of the initial extended period of 180 days, and so long thereafter as oil or gas is produced in paying quantities from the premises; provided, that no lease shall be extended under the provisions of this section for more than a total of 360 days from and after the expiration of the primary term unless production in paying quantities has been obtained.

(g) Each lease shall contain a provision enabling the board, at its election, to require that payment of royalty as stipulated in the lease be in kind. Such option may be exercised from time to time at the discretion of the board upon not less than six months' notice to the lessee. The board shall have all powers necessary to negotiate and execute sales contracts or any other instruments necessary for the disposition of any royalty taken in kind. Such other reasonable provisions, not inconsistent with this subchapter, as will facilitate the efficient and

equitable payment of royalty in kind may be included in this lease by the board.

[Acts 1971, 62nd Leg., p. 3154, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 621, ch. 265, § 1, eff. June 11, 1973; Acts 1979, 66th Leg., p. 1377, ch. 616, §§ 2, 3, eff. Sept. 1, 1979.]

§ 66.69. Lease: Additional Provisions

Each oil and gas lease issued on university lands under this subchapter shall include any additional provisions and regulations, not inconsistent with the provisions of this subchapter, that the board may prescribe to preserve the interest of the state and safeguard the university funds.

[Acts 1971, 62nd Leg., p. 3156, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.70. Compensatory Royalties in Lieu of Offset Wells

(a) Subject to the provisions of this section, the commissioner of the general land office may execute agreements on behalf of the permanent university fund that provide for the payment by university land oil and gas lessees of compensatory royalty in lieu of drilling offset wells that may be required to protect a university oil and gas lease from drainage from a well or wells located on non-university lands or university lands leased at a lesser royalty situated within 1,000 feet of or draining the university-leased premises.

(b) Agreements providing for the payment of compensatory royalty must be approved by the board for lease of university lands.

(c) Any such agreement must be found by the commissioner and the board for lease to be in the best interest of the state and necessary to prevent economic waste.

(d) Nothing in an agreement shall relieve the lessee of the obligation of reasonable development or of the obligation to drill offset wells as required by Section 66.75 of this code as to other producing horizons.

(e) Beginning on the date fixed in the agreement, the lessee shall pay the compensatory royalty monthly to the Board of Regents of The University of Texas System in Austin, Texas.

(f) The agreement with respect to the interest of the state shall remain in force and effect as long as oil and gas, or either of them, is produced from a well located on university or non-university acreage and draining the university-leased premises.

(g) The agreement may contain other provisions the commissioner and the board for lease deem necessary to protect the interests of the permanent university fund.

[Acts 1971, 62nd Leg., p. 3154, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 1379, ch. 616, § 4, eff. Sept. 1, 1979.]

§ 66.71. Prorated or Reduced Production Contracts

Whenever in the discretion of the board it is to the best interest of the university and its permanent fund that production from any lease for a limited period of time should be prorated or reduced, the board may execute the necessary contract or contracts with the lessee or lessees and their assignees to effectuate the same and to carry out the intention of this subchapter.

[Acts 1971, 62nd Leg., p. 3156, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.72. Extension of Producing Lease

If oil or gas is discovered in paying quantities on any tract covered by a lease, then the lease as to that tract shall remain in force as long as oil and gas is produced in paying quantities from the tract, provided that the other provisions of this subchapter are complied with by the lessee.

[Acts 1971, 62nd Leg., p. 3157, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.73. Assignment; Relinquishment

(a) Any rights acquired may be assigned; provided, however, in order for an assignment to be valid and effective, the assignment must be filed in the county or counties in which the area is situated, and an original certified copy of the assignment must be filed with the Board of Regents of The University of Texas System, accompanied by 10 cents an acre for each acre assigned and a filing fee of \$5 for each lease involved in the assignment.

(b) Any rights to any lease and to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area relinquished is situated and an original certified copy filed with the Board of Regents of The University of Texas System, accompanied by \$1 for each area relinquished and a filing fee of \$5 for each lease involved in the relinquishment.

(c) Such an assignment or relinquishment shall not relieve the lease owner of any past due obligation theretofore accrued thereon.

[Acts 1971, 62nd Leg., p. 3157, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 1379, ch. 616, § 5, eff. Sept. 1, 1979.]

§ 66.74. Royalty Payments; Inspection of Records

(a) Royalty as stipulated in the sale shall be paid to the Board of Regents of The University of Texas System at Austin, Texas, for the benefit of the university permanent fund as provided in this section.

(1) Royalty on oil is due and payable on or before the fifth day of the second month succeeding the month of production, and royalty on gas is due and payable on or before the 15th day of the

second month succeeding the month of production.

(2) Royalty payments shall be accompanied by:

(a) an affidavit of the owner, manager, or other authorized agent completed in the form and manner required by the Board of Regents of The University of Texas System and showing the gross amount and disposition of all oil and gas produced and the market value of the oil and gas;

(b) a copy of all documents, records, or reports confirming the gross production, disposition, and market value, including gas meter readings, pipeline receipts, gas line receipts, and other checks or memoranda of amount produced and put into pipelines, tanks, pools, and gas lines or gas storage;

(c) a check stub, schedule, summary, or other remittance advice showing by the assigned general land office lease number the amount of royalty being paid on each lease; and

(d) other reports or records that the Board of Regents of The University of Texas System may require to verify the gross production, disposition, and market value.

(3) The lessee has the responsibility for paying royalties or having royalties paid by the date provided for payment in this section.

(4) Any royalty not paid or affidavits and supporting documents not filed when due shall become delinquent, and a delinquency penalty of one percent for each 30-day period of delinquency or fractional part of that period shall be added to the amount owed; however, no penalty may be less than \$5 per month per lease. Payment of this penalty in no way operates to prohibit the state's right of forfeiture as provided by law and does not postpone the date on which royalties were originally due. The penalty does not apply in cases of title dispute as to the state's portion of the royalty or to that portion of the royalty in dispute as to fair market value. Except as provided in Subsection (g), Section 66.68 of this code, royalty payments shall be made in cash by bank draft drawn on a state or national bank in Texas, by a post-office or express money order, or in any other form that the law may provide for making payments to the State Treasury and are payable to the Board of Regents of The University of Texas System.

(5) Copies of contracts for the sale or processing of gas and subsequent agreements and amendments to those contracts shall be filed with the Board of Regents of The University of Texas System within 30 days after the contracts, agreements, or amendments are made. These contracts and agreements received by the Board of Regents of The University of Texas System shall be held in confidence by the Board of Regents of The University of Texas System unless otherwise authorized by the lessee.

(b) The books and accounts, receipt and discharges of all wells, tanks, pools, meters, pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil and gas shall at all times be subject to inspection and examination by the commissioner of the general land office, the attorney general, the governor, or any member of the board of regents, or the representative of either.

[Acts 1971, 62nd Leg., p. 3157, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 1379, ch. 616, § 6, eff. Sept. 1, 1979.]

§ 66.75. Protection from Drainage

In every case where the area in which the oil and gas sold shall be contiguous or adjacent to land not university land, the acceptance of the bid and the sale made thereby shall constitute an obligation on the lessee to adequately protect the land leased from drainage from adjacent lands. In cases where the area in which the oil and gas is sold is contiguous to other university lands leased or sold, at a lesser royalty, the lessee shall likewise protect the state from drainage from the land so leased or sold for a lesser royalty. On failure to protect the land from drainage, the sale and all rights thereunder may be forfeited by the board in the manner provided in this subchapter for forfeitures.

[Acts 1971, 62nd Leg., p. 3157, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.76. Forfeiture; Other Remedies; Lien

(a) If the owner of the rights acquired under this subchapter fails or refuses to make the payment of any sum due thereon, either as rental or royalty on the production, within 30 days after same becomes due, or if the owner or his authorized agent makes any false return or false report concerning production, royalty, or drilling, or if the owner fails or refuses to drill any offset well or wells in good faith, as required by his lease, or if the owner or his agent refuses the proper authority access to the records and other data pertaining to the operations under this subchapter, or if the owner or his authorized agent fails or refuses to give correct information to the proper authorities, or fails or refuses to furnish the log of any well within 30 days after production is found in paying quantities, or if any of the material terms of the lease are violated, the lease is subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default and declaring the forfeiture.

(b) The board may have suit instituted for forfeiture through the attorney general.

(c) On proper showing by the forfeiting owner, within 30 days after the declaration of forfeiture, the lease may, at the discretion of the board and on such terms as it may prescribe, be reinstated.

(d) In case of violation by the owner of the lease contract, the remedy of the state by forfeiture is

not the exclusive remedy, but suit for damages or specific performance, or both, may be instituted.

(e) The state shall have a first lien upon all oil and gas produced upon the leased area and upon all rigs, tanks, pipeline, telephone lines, and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of the lease.

[Acts 1971, 62nd Leg., p. 3158, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.77. Filing of Records

All surveys, files, records, copies of lease contracts, and all other records pertaining to the leases hereby authorized, shall be filed in the general land office and constitute archives thereof and copies of any such documents shall also be filed with the Board of Regents of The University of Texas System. All existing documents now on file in the general land office shall be transferred by copies to the Board of Regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3158, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 1381, ch. 616, § 7, eff. Sept. 1, 1979.]

§ 66.78. Payments; Disposition

Payments under this subchapter shall be made to the Board of Regents of The University of Texas System at Austin, Texas, who shall:

(1) transmit to the state treasurer for deposit to the credit of the permanent university fund all bonus, rental, and royalty payments;

(2) transmit to the state treasurer for deposit to the credit of the available university fund all filing, assignment, and relinquishment fees, and all other payments except those described in Subdivision (3) of this section; and

(3) retain the one percent fee payment prescribed by Section 66.65(c) of this code, for disbursement by the comptroller of The University of Texas System for the purposes authorized by Section 66.65(c) of this code.

[Acts 1971, 62nd Leg., p. 3158, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 1381, ch. 616, § 8, eff. Sept. 1, 1979.]

§ 66.79. Forms; Contracts; Regulations

The board shall adopt forms and contracts and shall promulgate rules and regulations, not inconsistent with the terms of this subchapter, that in its judgment will best effectuate the purpose of this subchapter and will best protect the university, its lands, and the income from the lands.

[Acts 1971, 62nd Leg., p. 3159, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 66.80. Expenses of Executing this Subchapter

The expenses of executing the provisions of this subchapter shall be paid monthly by warrants drawn by the comptroller on the state treasury.

[Acts 1971, 62nd Leg., p. 3159, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

CHAPTER 67. THE UNIVERSITY OF TEXAS AT AUSTIN

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 67.01. Definitions.
- 67.02. The University of Texas at Austin.

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

- 67.21. Special Fees.
- 67.211. Student Service Fees.
- 67.212. Student Fees Advisory Committee.
- 67.22. Military Training.
- 67.23. Texas Memorial Museum.
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SUBCHAPTER C. THE UNIVERSITY OF TEXAS McDONALD OBSERVATORY AT MOUNT LOCKE

- 67.51. Unit of University.
- 67.52. Programs.
- 67.53. Visitor Center.

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MARINE SCIENCE INSTITUTE AT PORT ARANSAS

- 67.61. Unit of University.
- 67.62. Programs, Courses, Facilities.

SUBCHAPTER A. GENERAL PROVISIONS

§ 67.01. Definitions

In this chapter:

- (1) "University" means the University of Texas at Austin.
- (2) "Board" means the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3159, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 67.02. The University of Texas at Austin

The University of Texas at Austin is a coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3160, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 67.03 to 67.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

§ 67.21. Special Fees

(a) The board may levy and collect special fees from each student as a prerequisite to registration in the university as provided by this section.

(b) Repealed by Acts 1983, 68th Leg., p. 2061, ch. 378, § 4.

(c) The board may levy and collect from each student a compulsory fee for operating, maintaining, improving, equipping, and/or constructing additions to the existing Texas Union building near Guadalupe Street, of not to exceed \$17 for each regular semester and \$8.50 for each term of each summer session, with such fees to be deposited to an account known as the Texas Union Fee Account; this fee may be raised to an amount not to exceed \$20 for each regular semester and \$10 for each term of each summer session if that increase in the fee is approved by a majority vote of those students participating in a general election called for that purpose. The activities of said Texas Union building financed in whole or in part by this fee shall be limited to those activities in which the entire student body is eligible to participate, and in no event shall any of the activities so financed be held outside of the territorial limits of the campus of The University of Texas at Austin.

(d) The fees thus collected and placed in the Texas Union Fee Account shall be placed under the control of and subject to the order of the board of directors of the Texas Union building, which board shall annually submit a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving the same, and shall then levy the fees in such amounts as will be sufficient to meet the budgetary needs of said Texas Union building, within the limits herein fixed.

(e) The power and authority conferred by this section does not and shall not constitute in any way a limitation or restriction upon the power and authority of the board of regents under Chapter 55 of this code.

[Acts 1971, 62nd Leg., p. 3160, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 2074, ch. 811, § 1, eff. June 13, 1979; Acts 1983, 68th Leg., p. 2060, ch. 378, § 3.]

Section 6(b) of the 1983 amendatory act provides:

"All fees, other than the compulsory student services fee previously established at The University of Texas at Austin under Section 54.503, Texas Education Code, remain in effect at current levels until established under the terms of this Act."

Section 7 of the 1983 amendatory act provided that the Act took effect with the fall semester, 1983.

§ 67.211. Student Service Fees

(a) In this section:

(1) "student services" includes textbook rentals; recreational activities; health, hospital, and other medical services; group hospitalization; automobile parking privileges; intramural and intercollegiate athletics; artists and lecture series and other cultural entertainment; debating and oratorical activities; student publications; student government; student fees advisory committee; student transportation services; and any other student activities and services specifically authorized and approved by the board; the term does not include services for which a fee may be charged under the specific authority of any other section of this code;

(2) "compulsory fee" means a fee that is charged to all students enrolled in the university; and

(3) "voluntary fee" means a fee that is charged only to those students who make use of the student service for which the fee is established.

(b) Subject to Section 67.212 of this subchapter and subsections (j) and (k) of this section, the board may charge and collect from students registered at the university fees to cover the cost of student services that the board considers necessary or desirable in carrying out the educational functions of the university.

(c) The board may make fees for a particular student service voluntary or compulsory.

(d) Except for fees allocated for hospital and health services, any compulsory fees for student services charged under this section shall be assessed in proportion to the number of semester credit hours for which a student registers.

(e) A fee for parking services or facilities may not be charged to a student unless the student desires to use the parking facilities provided.

(f) The board may charge reasonable fees for the enforcement and administration of university parking or traffic regulations approved by the board.

(g) Money collected as fees for student services shall be:

(1) reserved and accounted for in an account kept separate from educational and general funds of the university;

(2) used only for the support of student services;

(3) used only after the compulsory fees to be included in the student service fees budget have been considered as provided by Section 67.212 of this code; and

(4) placed in a depository bank designated by the board and secured as provided by law.

(h) Each year the board shall approve for the university a separate budget for student activities and services financed by fees authorized by this section. The budget must show the fees to be assessed, the purpose for which the fees will be

used or the functions to be financed, the estimated income to be derived, and the proposed expenditures to be made. Copies of the budget shall be filed annually with the coordinating board, the governor, the Legislative Budget Board, the State Auditor, and the state library.

(i) If payment of any compulsory fees authorized by this section would cause an undue financial hardship on a student, the board may waive all or part of the compulsory fees for that student. The number of students granted a waiver under this subsection may not exceed 10 percent of the total enrollment of the university. The board may limit the participation of a student in the activities financed by the fees waived in proportion to the extent of the waiver.

(j) If, in an academic year, the total compulsory fees charged under this section are more than 10 percent higher than the previous year's compulsory fees, the increase is not effective unless approved by a majority vote of the students voting in an election held for that purpose or by a majority vote of the duly elected student government.

(k) The total of all compulsory fees charged under this section to students for any semester or summer session may not exceed \$100.

(l) General revenue funds appropriated for the element of cost "physical plant operation or maintenance" may be used to support the services and activities provided for in this section:

(1) if the service or activity supported from the fees is not intercollegiate athletics or is not also appropriately classified as any other auxiliary enterprise that charges a fee directly related to the cost of the service under the criteria outlined in *College and University Business Administration, Fourth Edition (1982)*, published by the National Association of College and University Business Officers; or

(2) when the service or activity takes place in or on a facility the substantial use of which has been dedicated by the board for educational and general activities.

(m) This section does not affect any special fees, including building use fees, that the legislature has authorized to finance revenue bond issues or any other fees specifically authorized by law.

[Acts 1983, 68th Leg., p. 2055, ch. 378, § 1.]

Sections 6 and 7 of the 1983 Act provide:

"Sec. 6. Transition Provisions. (a) The maximum compulsory student services fee in effect under Section 67.211, Texas Education Code, for the fall semester 1983 is \$70.

"(b) All fees, other than the compulsory student services fee previously established at The University of Texas at Austin under Section 54.503, Texas Education Code, remain in effect at current levels until established under the terms of this Act.

"Sec. 7. Effective Date. This Act takes effect beginning with the fall semester, 1983."

§ 67.212. Student Fees Advisory Committee

(a) The student fees advisory committee is established to advise the administration of the university

on the type, level, and expenditure of compulsory fees for student services collected at the university under Section 67.211 of this subchapter. The administration may also ask the student fees advisory committee to advise the administration of the university on the type, level, and expenditure of voluntary fees for student services collected at the university under Section 67.211 of this subchapter. The committee is composed of nine members.

(b) Five of the members of the student fees advisory committee must be student members. The student members must be students who are enrolled in not less than six semester hours at the university and who are generally representative of the student body. If a student government exists, the student members shall be selected by the student government of the university. The student members shall be selected and designated as appropriate so that three student members on the committee are serving terms of two years, and two student members are serving terms of one year. If a student government does not exist, the students shall be elected by the students enrolled in the university voting in an election held for that purpose. At each election, the appropriate number of students shall be elected for terms of appropriate length so that three student members on the committee are serving terms of two years, and two student members are serving terms of one year. At an election at which three students are being elected for terms of two years and two students are being elected for terms of one year, each candidate must file for a one-year or two-year position.

(c) The four remaining members of the student fees advisory committee shall be appointed by the president of the university and shall be generally representative of the total university community. Each nonstudent member of the committee serves for a term of one year but may be reappointed.

(d) A student member who ceases to be a student may not continue to hold a student membership position. If a student vacancy occurs, the student government shall appoint a new member to serve for the remainder of the unexpired term. In the absence of student government or if the vacancy is in a nonstudent position, the president of the university shall appoint a new member to serve for the remainder of the unexpired term.

(e) The committee shall conduct appropriate inquiry into the type, level, and expenditure of any compulsory fees to be charged under Section 67.211 of this subchapter and on the expenditure of money generated from those fees. Following the committee's inquiries, the committee and the appropriate members of the university administration shall meet, and at the meeting the committee shall submit to the administration a statement recommending the type, level, and expenditure of compulsory fees to be charged to students in the academic year beginning with the following fall semester.

(f) The president shall duly consider the recommendations of the student fees advisory committee in his recommendations to the board which recommendations shall be submitted to the board during the annual budgetary process. If the president's recommendations to be made to the board are substantially different from those of the student fees advisory committee to the administration, the administration shall so notify the student fees advisory committee in sufficient time for the committee to request time for an appearance on the regents' agenda for the meeting at which the board will consider the president's recommendations. The administration shall provide to a student member designated by the student members of the committee, upon that student member's request, the most recent and complete recommendations of the president to the board.

(g) In addition to selecting the student members of the student fees advisory committee, the student government, if one exists, is entitled to select the student members of the university parking and traffic policies committee established by the president of the university. The university parking and traffic policies committee shall provide copies of any recommendations it makes concerning the setting of student parking fees to the student fees advisory committee. The student fees advisory committee may make such comments and recommendations to the administration on the recommendations of the university parking and traffic policies committee as it may wish.

[Acts 1983, 68th Leg., p. 2055, ch. 378, § 1.]

Sections 5 and 7 of the 1983 Act provided:

"Sec. 5. Student fees advisory committee terms. The terms of the initial members of the student fees advisory committee begin October 1, 1983."

"Sec. 7. Effective date. This Act takes effect beginning with the fall semester, 1983."

§ 67.22. Military Training

No student of the university shall ever be required to take a military training course as a condition for entrance into the university or for graduation from the university.

[Acts 1971, 62nd Leg., p. 3160, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 67.23. Texas Memorial Museum

The board has the management and control of the Texas Memorial Museum. It shall be maintained as a museum and shall be an integral part of The University of Texas at Austin.

[Acts 1971, 62nd Leg., p. 3160, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 67.24. Research and Experimentation for Highway Department

The state comptroller of public accounts may draw proper warrants in favor of the university based on vouchers or claims submitted by the university through the State Highway Department cov-

ering reasonable fees and charges for services rendered by members of the staff of the university system to the State Highway Department and for equipment and materials necessary for research and experimentation in all phases of highway activity, economics, materials, specifications, design of roadways, construction, maintenance, pavement and structures, drainage, traffic control, safety, the economics of highway design and construction, and other fields of highway design, construction, maintenance, or operation, based on an agreement between the State Highway Department and the university in accordance with the provisions of Texas Highway Department Minute Order Number 52742, dated May 24, 1963; and the state treasurer shall pay warrants so issued against any funds appropriated by the legislature to the State Highway Department for the construction and maintenance of highways, roads, and bridges. The payments made to the university shall be credited and deposited to local institutional funds under its control.

[Acts 1971, 62nd Leg., p. 3161, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 67.25. Sesquicentennial Museum

The University of Texas at Austin may contract with the Texas Sesquicentennial Museum Board to operate the Texas Sesquicentennial Museum.

[Acts 1981, 67th Leg., p. 2450, ch. 630, § 2, eff. Sept. 1, 1981.]

[Sections 67.26 to 67.50 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS McDONALD OBSERVATORY AT MOUNT LOCKE

§ 67.51. Unit of University

The University of Texas McDonald Observatory at Mount Locke is a part of and under the direction and control of The University of Texas at Austin.

[Acts 1971, 62nd Leg., p. 3161, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 67.52. Programs

The observatory shall conduct basic research in astronomy, along with optical and radio astronomy research, toward the establishment of a highly developed astronomy and space-science program, including the acquisition and support of the technical and maintenance staffs and facilities essential to the operation of an observatory of the first class, and may assist in the conduct of a comprehensive instructional program in astronomy and space science.

[Acts 1971, 62nd Leg., p. 3361, ch. 1024, art. 2, § 40, eff. Sept. 1, 1971.]

§ 67.53. Visitor Center

The board may negotiate and contract with the Texas Highway Department and any other agency, department, or political subdivision of the state or

any individual for the construction, maintenance, and operation of a visitor center and related facilities at McDonald Observatory at Mount Locke.

[Acts 1975, 64th Leg., p. 370, ch. 161, § 1, eff. May 8, 1975.]

[Sections 67.54 to 67.60 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MARINE SCIENCE INSTITUTE AT PORT ARANSAS

§ 67.61. Unit of University

The University of Texas Marine Science Institute is a part of and under the direction and control of The University of Texas at Austin.

[Acts 1971, 62nd Leg., p. 3161, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 481, ch. 208, § 1, eff. May 26, 1973.]

§ 67.62. Programs, Courses, Facilities

The institute shall conduct a comprehensive instructional program in marine science, resources, and engineering at the graduate level and offer undergraduate courses for those students interested in the marine environment, and perform basic and applied research in the marine environment; and may provide shore-based facilities, including, but not limited to laboratories, boats, classrooms, dormitories, and a cafeteria for faculty and students who are engaged in studies of the marine environment.

[Acts 1971, 62nd Leg., p. 3361, ch. 1024, art. 2, § 39, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 481, ch. 208, § 1, eff. May 26, 1973.]

CHAPTER 68. THE UNIVERSITY OF TEXAS AT ARLINGTON

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 68.01. Definitions.
- 68.02. The University of Texas at Arlington.
- 68.03. Buildings.
- 68.03. Role and Scope; Courses and Degrees.
- 68.04. Student Union Fee.
- 68.05. Shuttle Bus Fee.

SUBCHAPTER A. GENERAL PROVISIONS

§ 68.01. Definitions

In this chapter:

(1) "University" means The University of Texas at Arlington.

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

[Acts 1971, 62nd Leg., p. 3162, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 68.02. The University of Texas at Arlington

The University of Texas at Arlington is a four-year and graduate-level coeducational institution of

higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3162, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 68.03. Buildings

Text as added by Acts 1971, 62nd Leg., p. 3162, ch. 1024, art. 1, § 1

It is the intent of the legislature that future building needs of The University of Texas at Arlington shall be financed from some source or sources other than The University of Texas' share of the principal and/or interest of and from the Permanent University Fund.

[Acts 1971, 62nd Leg., p. 3162, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

For text as added by Acts 1971, 62nd Leg., p. 3360, ch. 1024, art. 2, § 38, see § 68.03, post

§ 68.03. Role and Scope; Courses and Degrees

Text as added by Acts 1971, 62nd Leg., p. 3360, ch. 1024, art. 2, § 38

The board is authorized to maintain, operate, and administer The University of Texas at Arlington as a general academic institution of higher education offering a standard four-year undergraduate program. The board shall have the authority to prescribe courses leading to such customary degrees as are offered at leading American universities and to award such degrees. It is the intent of the legislature that such degrees shall include baccalaureate, master's, and doctoral degrees and their equivalents; but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3360, ch. 1024, art. 2, § 38, eff. Sept. 1, 1971.]

For text as added by Acts 1971, 62nd Leg., p. 3162, ch. 1024, art. 1, § 1, see § 68.03, ante

§ 68.04. Student Union Fee

(a) The board may levy a student union fee not to exceed \$39 per student for each regular semester and not to exceed \$19.50 per student for each term of the summer session, for the sole purpose of financing, constructing, operating, maintaining, and improving the Student Union Building; provided, however, that the fee may not be increased above \$15 per student for each regular semester and \$7.50 per student for each term of the summer session unless the increase is approved by a majority vote of those students participating in a general election. The fees herein authorized to be levied are in addi-

tion to any use or service fee now or hereafter authorized to be levied.

(b) Such fees shall be deposited to an account known as "The University of Texas at Arlington Student Union Fee Account" and shall be placed under the control of and subject to the order of the Student Union Advisory Committee. The committee shall annually submit to the board of regents a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving the budget, and shall then levy the fees, within the limits herein fixed, in such amounts as will be sufficient to meet the budgetary needs of the student union building.

[Acts 1977, 65th Leg., p. 832, ch. 309, § 1, eff. Aug. 29, 1977. Amended by Acts 1983, 68th Leg., p. 890, ch. 209, § 1, eff. Aug. 29, 1983.]

§ 68.05. Shuttle Bus Fee

(a) The board may levy a shuttle bus fee not to exceed \$10 per student for each regular semester and not to exceed \$5 per student for each term of the summer session, for the sole purpose of financing shuttle bus service for students attending the institution. The fees herein authorized to be levied are in addition to any use fee or service fee now or hereafter authorized to be levied. However, no fee may be levied unless the fee is approved by a majority vote of those students participating in a general election called for that purpose.

(b) Such fees shall be deposited to an account known as "The University of Texas at Arlington Shuttle Bus Fee Account" and shall be expended in accordance with a budget submitted to and approved by the board of regents. The board of regents shall make such changes in the budget as it deems necessary before approving the budget, and shall then levy the fees, within the limits herein fixed, in such amounts as will be sufficient to meet the budget as approved.

[Acts 1977, 65th Leg., p. 833, ch. 309, § 2, eff. Aug. 29, 1977.]

CHAPTER 69. THE UNIVERSITY OF TEXAS AT EL PASO

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

69.01. Definitions.

69.02. The University of Texas at El Paso.

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

69.21. Acquisition of Land.

SUBCHAPTER A. GENERAL PROVISIONS

§ 69.01. Definitions

In this chapter:

- (1) "University" means The University of Texas at El Paso.
- (2) "Board" means the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3163, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 69.02. The University of Texas at El Paso

The University of Texas at El Paso is a coeducational institution of higher education within The University of Texas System. It is under the management and control of the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3163, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 69.03 to 69.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

§ 69.21. Acquisition of Land

The board may acquire by purchase, exchange, or otherwise any tract or parcel of land in El Paso County that is contiguous or adjacent to the campus of the university when the board deems the land necessary for campus expansion.

[Acts 1971, 62nd Leg., p. 3163, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

CHAPTER 70. THE UNIVERSITY OF TEXAS AT DALLAS

Sec.

- 70.01. University Authorized.
- 70.02. Location.
- 70.03. Courses and Degrees.
- 70.04. Rules and Regulations; Joint Appointments.
- 70.05. Programs at Other Universities.
- 70.06. Limitations on Enrollment.
- 70.07. Grants and Gifts.
- 70.08. Student Union Building Fees.

§ 70.01. University Authorized

The Board of Regents of The University of Texas System shall establish and maintain a state-supported general academic institution of higher education to be known as The University of Texas at Dallas.

[Acts 1971, 62nd Leg., p. 3164, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 70.02. Location

The board shall locate The University of Texas at Dallas on a site, to be selected in Dallas County, consisting of not less than 250 acres of land that shall be donated for that purpose without cost to

the State of Texas. The site may extend into any county adjacent to Dallas County.

[Acts 1971, 62nd Leg., p. 3164, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 70.03. Courses and Degrees

(a) The board may prescribe courses leading to customary degrees offered at leading American universities and may award those degrees. It is the intent of the legislature that those degrees include bachelor's, master's, and doctor's degrees, and their equivalents.

(b) No department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System, or its successor.

(c) Initial programs and departments shall be limited to those which existed in the Southwest Center for Advanced Studies on September 1, 1969. Approval of these programs, their expansion, and initiation of other programs shall be recommended by the board of regents and approved by the coordinating board.

[Acts 1971, 62nd Leg., p. 3164, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 70.04. Rules and Regulations; Joint Appointments

The board may adopt other rules and regulations for the operation, control, and management of the university that are necessary for the conduct of the university as one of the first class. The board is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3164, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 70.05. Programs at Other Universities

It is the intent of the legislature that existing programs leading to undergraduate and graduate degrees at North Texas State University, Texas Woman's University, East Texas State University, and The University of Texas at Arlington shall never be placed at a disadvantage, curtailed, or restricted from orderly and proper expansion for any cause attributable to the establishment of, or the curricular objectives for, The University of Texas at Dallas; and that these universities shall not, as a result of the establishment of The University of Texas at Dallas, be handicapped in realizing their full potentials in quantity or quality for developing additional undergraduate and graduate programs which may from time to time be authorized by the coordinating board.

[Acts 1971, 62nd Leg., p. 3165, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 70.06. Limitations on Enrollment

(a) The board may not permit the enrollment of freshman or sophomore undergraduate students at any time.

(b) The board may not permit the enrollment of junior or senior undergraduate students prior to September 1, 1975.

(c) The board may provide for the enrollment of graduate students and the awarding of graduate degrees after September 1, 1969.

[Acts 1971, 62nd Leg., p. 3165, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 70.07. Grants and Gifts

The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas at Dallas, and in aid of the research and teaching at the university. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university.

[Acts 1971, 62nd Leg., p. 3165, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 70.08. Student Union Building Fees

(a) The board may levy a student union fee, not to exceed \$15 per student for each regular semester and not to exceed \$7.50 per student for each term of the summer session, for the sole purpose of financing, constructing, operating, maintaining, and improving a student union building. The fees herein authorized to be levied are in addition to any use or service fee now or hereafter authorized to be levied.

(b) Such fees shall be deposited to an account known as "The University of Texas at Dallas Student Union Fee Account" and shall be placed under the control of and subject to the order of the Student Union Advisory Committee. The committee shall annually submit to the board of regents a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving the budget, and shall then levy the fees, within the limits herein fixed, in such amounts as will be sufficient to meet the budgetary needs of the student union building.

[Acts 1977, 65th Leg., p. 1041, ch. 385, § 1, eff. Aug. 29, 1977.]

CHAPTER 71. THE UNIVERSITY OF TEXAS AT SAN ANTONIO

Sec.

- 71.01. The University of Texas at San Antonio.
- 71.02. Organization and Control.
- 71.03. Courses and Degrees.
- 71.04. Other Rules and Regulations.
- 71.05. Joint Appointments.
- 71.06. Board may Accept Grants and Gifts.
- 71.07. Student Union Building Fees.

§ 71.01. The University of Texas at San Antonio

The University of Texas at San Antonio is a coeducational institution of higher education in Bexar County. The site of the university shall be on land selected by the board of regents and provided or donated for that purpose.

[Acts 1971, 62nd Leg., p. 3165, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 71.02. Organization and Control

The organization and control of The University of Texas at San Antonio is vested in the Board of Regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3166, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 71.03. Courses and Degrees

The board may prescribe courses leading to such customary degrees as are offered at leading American universities and may award those degrees. It is the intent of the legislature that those degrees include bachelor's, master's, and doctor's degrees and their equivalents, and that there be established a standard four-year undergraduate program; but no department, school, or degree program may be instituted except with the prior approval of the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3166, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 71.04. Other Rules and Regulations

The board shall make other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class.

[Acts 1971, 62nd Leg., p. 3166, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 71.05. Joint Appointments

The board is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any such person who receives a joint appointment shall be

apportioned to the appointing institutions on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3166, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 71.06. Board may Accept Grants and Gifts

The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas at San Antonio, and in aid of research and teaching at the university. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university.

[Acts 1971, 62nd Leg., p. 3166, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 71.07. Student Union Building Fees

(a) The board may levy a student union fee, not to exceed \$15 per student for each regular semester and not to exceed \$7.50 per student for each term of the summer session, for the sole purpose of financing, constructing, operating, maintaining, and improving a student union building. This fee may be levied in addition to any other use or service fee. Furthermore, fee may be levied only upon an affirmative vote of a majority of the student body voting of The University of Texas at San Antonio.

(b) The fees collected under Subsection (a) of this section shall be deposited to an account known as The University of Texas at San Antonio Student Union Fee Account and shall be placed under the control of and subject to the order of the student union advisory committee. The committee shall annually submit to the board of regents a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident to those activities. The board of regents shall make such changes in the budget as it deems necessary before approving the budget, but only after a student referendum has been called on the issue of increase in the fee, and the issue has been approved by a majority of the students voting in the election. The board shall then levy the fees, within the limits fixed in this section, in such amounts as will be sufficient to meet the budgetary needs of the student union building.

[Acts 1979, 66th Leg., p. 62, ch. 38, § 1, eff. May 11, 1979.]

CHAPTER 72. THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN

Sec.

72.01. Establishment.

72.02. Courses and Degrees.

72.03. Other Rules and Regulations.

Sec.

72.04. Joint Appointments.

72.05. Board may Accept Grants and Gifts.

72.06. Location.

§ 72.01. Establishment

The Board of Regents of The University of Texas System shall establish and maintain a fully state-supported coeducational institution of higher education to be known as The University of Texas of the Permian Basin. The institution is organized to teach only junior-, senior-, and graduate-level courses approved by the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3167, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 1684, ch. 314, § 1, eff. Aug. 29, 1983.]

§ 72.02. Courses and Degrees

The board of regents may prescribe courses leading to such customary degrees as are offered at leading American universities of this concept and may award those degrees. It is the intent of the legislature that those degrees include bachelor's and master's degrees and their equivalents, and that there be established a standard program for this type of institution, but no department, school, or degree program may be instituted except with the prior approval of the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3167, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 72.03. Other Rules and Regulations

The board of regents shall make other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class.

[Acts 1971, 62nd Leg., p. 3167, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 72.04. Joint Appointments

The board of regents is specifically authorized to make joint appointments in the university and in other institutions under its governance. The salary of any such person who receives a joint appointment shall be apportioned to the appointing institution on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3167, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 72.05. Board may Accept Grants and Gifts

The board of regents may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate or money, or any part of existing junior college facilities that may be tendered to it in aid of the planning, establishment, conduct, and operation of The University of Texas of the Permian Basin, and in aid of re-

search and teaching at the university. The board of regents may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university.

[Acts 1971, 62nd Leg., p. 3168, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 72.06. Location

(a) The board of regents shall establish The University of Texas of the Permian Basin at a site consisting of at least 200 acres, unless otherwise specifically acceptable to the board.

(b) The site shall, within a reasonable length of time, be accessible to roads, and shall be accessible to required utilities at the perimeter of the site. The site shall be accessible to, and within a reasonable distance of, the present site of the Odessa College Campus in Odessa.

(c) The board shall select a site which is in Ector County; however, the site may extend into an adjoining county. If, within the discretion of the board, those sites made available within the provisions of this chapter are not suitable and other sites are suitable, then the board may accept and acquire a similar site wholly or partly in an adjoining county; however, that site may not be outside a 12-mile radius from the present campus of Odessa College in Odessa.

(d) The board is authorized to accept and acquire and shall accept and acquire a site for such college within the provisions of this chapter and the land for the site shall be deeded by proper conveyance free and clear of debt, to the state.

(e) The board shall in no event delay the acquisition of land for the institution created by the provisions of this chapter later than December 31, 1969.

(f) The board must follow the provisions of this chapter with respect to site and any decision reached to the contrary shall be null and void and all laws to the contrary are hereby expressly repealed.

[Acts 1971, 62nd Leg., p. 3168, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

CHAPTER 73. THE UNIVERSITY OF TEXAS AT HOUSTON

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

73.001. Composition.

SUBCHAPTER B. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON

- 73.051. Short Title.
- 73.052. Establishment; Scope.
- 73.053. Transfer of Division of Continuing Education.
- 73.054. Courses and Degrees; Rules and Regulations.
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- 73.056. Gifts and Grants.
- 73.057. Teaching Hospital.

SUBCHAPTER C. THE UNIVERSITY OF TEXAS M. D. ANDERSON HOSPITAL AND TUMOR INSTITUTE AT HOUSTON

- 73.101. Location.
- 73.102. Purpose.
- 73.103. President.
- 73.104. Medical Staff.
- 73.105. Diagnostic and Treatment Substations.
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- 73.107. Admission: Rules and Regulations; Approval of President.
- 73.108. Application.
- 73.109. Fee Schedule.
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SUBCHAPTER D. THE UNIVERSITY OF TEXAS GRADUATE SCHOOL OF BIOMEDICAL SCIENCES AT HOUSTON

- 73.151. Dean.
- 73.152. Scope; Degree Programs; Rules and Regulations.
- 73.153. Gifts and Grants.
- 73.154. Research and Graduate Instruction; Joint Appointments.
- 73.155. Affiliation and Cooperation with other Units.
- 73.156. Division of Continuing Education.
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SUBCHAPTER E. THE UNIVERSITY OF TEXAS SCHOOL OF PUBLIC HEALTH AT HOUSTON

- 73.201. Location.
- 73.202. Gifts and Donations.

SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL BRANCH AT HOUSTON

- 73.301. Composition, Location.
- 73.302. Purpose.
- 73.303. Faculty.
- 73.304. Courses and Degrees; Rules and Regulations.
- 73.305. Gifts and Grants.

SUBCHAPTER A. GENERAL PROVISIONS

§ 73.001. Composition

The University of Texas at Houston is composed of the following component institutions under the management and control of the board of regents of The University of Texas System:

- (1) The University of Texas Medical School at Houston;
- (2) The University of Texas Dental Branch at Houston;
- (3) The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston;
- (4) The University of Texas Graduate School of Biomedical Sciences at Houston;
- (5) The University of Texas School of Public Health at Houston; and

(6) other institutions and activities assigned to it from time to time.

[Acts 1971, 62nd Leg., p. 3170, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 73.002 to 73.050 reserved for expansion]

SUBCHAPTER B. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON

§ 73.051. Short Title

This subchapter may be cited as the Brooks-Bass Medical Training Act of 1969.

[Acts 1971, 62nd Leg., p. 3170, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.052. Establishment; Scope

The board of regents shall establish and maintain The University of Texas Medical School at Houston, a component institution of the university system located in Harris County. The board may provide for the training and teaching of medical students, medical technicians, and other technicians in the practice of medicine.

[Acts 1971, 62nd Leg., p. 3170, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.053. Transfer of Division of Continuing Education

The board may transfer the division of continuing education from The University of Texas Graduate School of Biomedical Sciences at Houston to The University of Texas Medical School at Houston. After the transfer, all appropriations, assets, funds, property, and equipment owned or held by the division of continuing education shall be owned, held, and controlled by The University of Texas Medical School at Houston.

[Acts 1971, 62nd Leg., p. 3171, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.054. Courses and Degrees; Rules and Regulations

The board may prescribe courses leading to customary degrees offered in other leading American medical schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, that are necessary for the conduct of a professional school of the first class.

[Acts 1971, 62nd Leg., p. 3171, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.055. Affiliation Agreements; Joint Appointments

The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional

school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3171, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.056. Gifts and Grants

The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money, for the use and benefit of the school.

[Acts 1971, 62nd Leg., p. 3171, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.057. Teaching Hospital

A complete teaching hospital for the school shall be furnished at no cost or expense to the state, and the state shall never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school.

[Acts 1971, 62nd Leg., p. 3171, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 73.058 to 73.100 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS M. D. ANDERSON HOSPITAL AND TUMOR INSTITUTE AT HOUSTON

§ 73.101. Location

The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston is located in the Texas Medical Center in the city of Houston.

[Acts 1971, 62nd Leg., p. 3172, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.102. Purpose

The institution and its substations shall be devoted to the diagnosis, teaching, study, prevention, and treatment of neoplastic and allied diseases.

[Acts 1971, 62nd Leg., p. 3172, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.103. President

(a) The board of regents shall appoint a president of the institution.

(b) To be qualified for appointment as president, a person must be a licensed physician possessing an M.D. degree with at least five years of experience practicing medicine.

(c) The president has charge of the operation and conduct of the institution and has any other powers and duties conferred on him by the board.

[Acts 1971, 62nd Leg., p. 3172, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.104. Medical Staff

The medical staff of the institution shall be selected and employed by the board on the recommendation of the president, and may be discharged in like manner.

[Acts 1971, 62nd Leg., p. 3172, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.105. Diagnostic and Treatment Substations

The board may establish and maintain diagnostic and treatment substations as deemed expedient from time to time. The location, erection, operation, and management of the substations are under the control and direction of the board, subject to the other provisions of this subchapter. The substations and the main institution shall conform to the standards of the American College of Surgeons and the American Medical Association.

[Acts 1971, 62nd Leg., p. 3172, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.106. Patients

Except to the extent of any conflict with this subchapter, the provisions of Chapter 152, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 3196a, Vernon's Texas Civil Statutes), govern the admission of patients to the institution and its substations, the support of patients, and other matters relating to patients.

[Acts 1971, 62nd Leg., p. 3172, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.107. Admission: Rules and Regulations; Approval of President

(a) Admission to the institution and its substations is subject to rules and regulations promulgated from time to time by the president.

(b) No person shall be admitted until the president is satisfied that all requirements of this subchapter and the rules and regulations of the president have been met.

[Acts 1971, 62nd Leg., p. 3172, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.108. Application

(a) Admission is subject to the written application of the patient, the guardian of the patient, or some friend or relative of the patient.

(b) The written application shall be on forms prescribed by the president and shall include:

- (1) the patient's name, age, sex, and national origin;

- (2) the patient's residence address or addresses for at least the two-year period preceding the date of the application;

- (3) the patient's occupation, trade, profession, or employment;

- (4) the names and addresses of the patient's parents, children, brothers, sisters, and other responsible relatives, if any;

- (5) the names, addresses, and ages of any relatives who are or who may have been similarly afflicted;

- (6) a complete statement of the location, description, and value of any real or personal property owned, possessed, or held by the patient or his guardian;

- (7) the name of each person legally liable for the support of the patient and a statement of the location, description, and value of any real or personal property owned, possessed, or held by that person; and

- (8) any other information or statements that may be required by the president.

(c) Each application shall be accompanied by a written request for the patient's admission by his attending physician which includes:

- (1) a statement that he has adequately examined the patient and that the patient has, or is suspected of having, a neoplasm or allied disease;

- (2) a statement indicating the duration of the disease, if known, and indicating any accompanying bodily disorder or disorders the patient may have at the time of the application; and

- (3) any other information that may be required by the president.

[Acts 1971, 62nd Leg., p. 3173, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.109. Fee Schedule

The president shall establish a schedule of minimum fees and charges conforming to the fees and charges customarily made for similar services in the community in which the services are rendered.

[Acts 1971, 62nd Leg., p. 3173, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.110. Gifts and Grants

The board may accept gifts and grants of money from other than state sources for the benefit of the institution and its substations.

[Acts 1971, 62nd Leg., p. 3173, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.111. Acceptance of Land in Medical Center

The board may accept for and in behalf of the State of Texas title by proper conveyance or conveyances to any land located in the Texas Medical Center for the operation and maintenance of the program of the institution.

[Acts 1971, 62nd Leg., p. 3173, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 73.112 to 73.150 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS GRADUATE SCHOOL OF BIOMEDICAL SCIENCES AT HOUSTON

§ 73.151. Dean

(a) The University of Texas Graduate School of Biomedical Sciences at Houston is under the direction of a dean appointed by the board of regents.

(b) To be qualified for appointment as dean, a person must have a doctor of medicine degree or a doctor of philosophy degree in one of the biomedical sciences.

(c) The dean is responsible through the chancellor or other executive officer of the system to the board.

[Acts 1971, 62nd Leg., p. 3174, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.152. Scope; Degree Programs; Rules and Regulations

(a) The board of regents may prescribe courses and conduct graduate and postdoctoral programs at the master's and doctoral levels in the sciences and other academic areas directly related to medical education and research, but the board shall not operate this institution as a general academic graduate school. The degree programs to be offered by the graduate school are subject to approval by the Coordinating Board, Texas College and University System.

(b) The board of regents may make rules and regulations necessary for the operation, control, and management of the graduate school.

[Acts 1971, 62nd Leg., p. 3174, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.153. Gifts and Grants

The board may accept and administer grants and gifts from any source for the benefit of the graduate school.

[Acts 1971, 62nd Leg., p. 3174, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.154. Research and Graduate Instruction; Joint Appointments

(a) The board may expend funds appropriated by the legislature to the graduate school and grant, gift, and contract funds of the school in support of research and graduate instruction, within approved areas and programs, to be carried out either in its own facilities or in the facilities of other component units of The University of Texas at Houston.

(b) The board may make joint appointments in the graduate school and in one or more of the other component units of The University of Texas System. The salary of a person who is receiving a joint

appointment shall be apportioned to the different units on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3174, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.155. Affiliation and Cooperation with other Units

The graduate school shall maintain the closest possible affiliation with the science programs at The University of Texas at Austin and with the other medical units of The University of Texas System. It shall cooperate with other institutions, private and public, in furtherance of research in the biomedical sciences and related fields.

[Acts 1971, 62nd Leg., p. 3174, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.156. Division of Continuing Education

The board may establish as a part of the graduate school a separate division of continuing education for physicians.

[Acts 1971, 62nd Leg., p. 3175, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.157. Division of Communicative Disorders

(a) The board may acquire by donation the facilities of the Houston Speech and Hearing Center, a Texas nonprofit corporation of Houston, all of which are located within the Texas Medical Center, including a leasehold interest in land. The board is further authorized to execute any and all agreements necessary to carry out the purpose and intent of this section.

(b) If and when such center is accepted, there shall be established within The University of Texas Graduate School of Biomedical Sciences at Houston a division which shall be known as the Division of Communicative Disorders for the purpose of observing, testing, analyzing, diagnosing, and treating those persons afflicted with hearing and speech abnormalities, defects, and afflictions, and as a center for research studies and training relating to speech and hearing afflictions, abnormalities, and defects, and for all programs incidental thereto. The facilities of the Division of Communicative Disorders shall be available to all persons and institutions, subject only to necessary limitations with respect to space, funding, and qualifications of such users.

(c) The board may accept gifts and grants from any source in aid of the conduct and operation of the Division of Communicative Disorders.

[Acts 1971, 62nd Leg., p. 3351, ch. 1024, art. 2, § 26, eff. Sept. 1, 1971.]

[Sections 73.158 to 73.200 reserved for expansion]

SUBCHAPTER E. THE UNIVERSITY OF TEXAS SCHOOL OF PUBLIC HEALTH AT HOUSTON

§ 73.201. Location

The University of Texas School of Public Health at Houston is located in the Texas Medical Center in the city of Houston.

[Acts 1971, 62nd Leg., p. 3175, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.202. Gifts and Donations

The board of regents may accept gifts and donations for the benefit of the school.

[Acts 1971, 62nd Leg., p. 3175, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 73.203 to 73.300 reserved for expansion]

SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL BRANCH AT HOUSTON

§ 73.301. Composition, Location

The University of Texas Dental Branch at Houston is composed of The University of Texas Dental School at Houston, The University of Texas Dental Science Institute at Houston, The University of Texas School of Dental Hygiene at Houston, The University of Texas Postgraduate School of Dentistry at Houston, and other institutions and activities assigned to it from time to time. It is located in the Texas Medical Center.

[Acts 1971, 62nd Leg., p. 3175, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.302. Purpose

The principal purpose of the dental school is to teach the subjects of dental education that will give a thorough knowledge of dentistry and related subjects and that meet the requirements of the Council on Dental Education, the American Association of Dental Schools, and other educational associations of similar standards concerned with dental education.

[Acts 1971, 62nd Leg., p. 3175, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.303. Faculty

The board of regents shall appoint the faculty of the dental school.

[Acts 1971, 62nd Leg., p. 3175, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.304. Courses and Degrees; Rules and Regulations

(a) The board may confer degrees and issue diplomas, and may fix a standard of grades for students.

(b) The dental school shall have regular courses leading to degrees and special courses deemed necessary by the board.

(c) The board may make other rules and regulations it deems necessary for the proper control and management of the dental school.

[Acts 1971, 62nd Leg., p. 3175, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 73.305. Gifts and Grants

The board may accept gifts and grants from any source for the benefit of the dental branch.

[Acts 1971, 62nd Leg., p. 3176, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

CHAPTER 74. OTHER MEDICAL, DENTAL, AND NURSING UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON

Sec.

- 74.001. Composition.
- 74.002. Jennie Sealy Hospital; R. Waverly Smith Pavilion.
- 74.003. Land Acquisition.

SUBCHAPTER B. MOODY STATE SCHOOL FOR CEREBRAL PALSIED CHILDREN

- 74.051. Moody State School for Cerebral Palsied Children.
- 74.052. Purpose of School.
- 74.053. Superintendent, Officers, Employees.
- 74.054. Rules and Regulations.
- 74.055. Persons who may be Admitted; Classification.
- 74.056. Private Students.
- 74.057. Preference as Between Applicants.
- 74.058. Application.
- 74.059. Certificate of Physician.
- 74.060. Duties of County Judge.
- 74.061. Expenses.
- 74.062. Support of Indigent Public Students.
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SUBCHAPTER C. THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL SCHOOL AT DALLAS

- 74.101. Component Institution.
- 74.102. Courses and Degrees; Rules and Regulations.
- 74.103. Gifts and Grants.
- 74.104. Entering Classes.
- 74.105. Lease of Land for Hospital, Etc.

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT SAN ANTONIO

- 74.151. Component Institution.
- 74.152. Courses and Degrees; Rules and Regulations.
- 74.153. Gifts and Grants.
- 74.154. Teaching Hospital.

SUBCHAPTER E. MEDICAL SCHOOL TO BE ESTABLISHED AND LOCATED BY BOARD OF REGENTS

- 74.201. Establishment and Location; Name; Scope.
- 74.202. Courses and Degrees; Rules and Regulations.
- 74.203. Affiliation Agreements; Joint Appointments.
- 74.204. Gifts and Grants.
- 74.205. Teaching Hospital.

SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL SCHOOL AT SAN ANTONIO

- 74.251. Component Institution.
- 74.252. Training and Teaching.
- 74.253. Courses and Degrees; Rules and Regulations.
- 74.254. Affiliation Agreements; Joint Appointments.
- 74.255. Gifts and Grants.

SUBCHAPTER G. THE UNIVERSITY OF TEXAS (CLINICAL) NURSING SCHOOL AT SAN ANTONIO

- 74.301. Establishment; Purpose.
- 74.302. Hospital Facilities and Services.

Sec.

- 74.303. Courses and Degrees; Rules and Regulations.
- 74.304. Affiliation Agreements; Joint Appointments.
- 74.305. Gifts and Grants.
- 74.306. Liberal Arts Courses Pending Establishment.

SUBCHAPTER H. THE UNIVERSITY OF TEXAS
(UNDERGRADUATE) NURSING SCHOOL AT
EL PASO

- 74.351. Establishment; Purpose.
- 74.352. Hospital Facilities and Services.
- 74.353. Courses and Degrees; Rules and Regulations.
- 74.354. Affiliation Agreements; Joint Appointments.
- 74.355. Gifts and Grants.

SUBCHAPTER I. THE UNIVERSITY OF TEXAS
NURSING SCHOOL (SYSTEM-WIDE)

- 74.401. Composition, Operation, Maintenance.
- 74.402. Courses, Degrees, Etc.
- 74.403. Affiliation Agreements; Joint Appointments.
- 74.404. Gifts and Grants.

SUBCHAPTER J. PODIATRY SCHOOL TO BE
ESTABLISHED AND LOCATED

- 74.501. Establishment and Location; Name; Scope.
- 74.502. Courses and Degrees; Rules and Regulations.
- 74.503. Affiliation Agreements; Joint Appointments.
- 74.504. Gifts and Grants.
- 74.505. Teaching Hospital.
- 74.506. Funding.

SUBCHAPTER A. THE UNIVERSITY OF TEXAS
MEDICAL BRANCH AT GALVESTON

§ 74.001. Composition

The University of Texas Medical Branch at Galveston is composed of the following component institutions under the control and management of the Board of Regents of The University of Texas System:

- (1) The University of Texas Medical School at Galveston, including:
 - (A) the Graduate School;
 - (B) the School of Allied Health Sciences; and
 - (C) the Marine Biomedical Institute;
- (2) The University of Texas Hospitals at Galveston, including:
 - (A) John Sealy Hospital;
 - (B) Children's Hospital;
 - (C) Marvin L. Graves Hospital;
 - (D) Randall Pavilion;
 - (E) Moody State School for Cerebral Palsied Children;
 - (F) R. Waverly Smith Pavilion;
 - (G) Jennie Sealy Hospital;
 - (H) John W. McCullough Outpatient Clinic;
 - (I) Rebecca Sealy Outpatient Facility; and
 - (J) Rosa and Henry Ziegler Hospital; and
- (3) other institutions that may be assigned to it from time to time.

[Acts 1971, 62nd Leg., p. 3178, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.002. Jennie Sealy Hospital; R. Waverly Smith Pavilion

(a) The Jennie Sealy Hospital and the R. Waverly Smith Pavilion shall be operated by the medical branch as integral parts of its hospital operations.

(b) Title to those facilities shall remain in the name of the Sealy-Smith Foundation; and the property may be leased to, but shall not be sold to, the medical branch or to The University of Texas System. The Board of Regents of The University of Texas System has the sole authority to execute such lease or leases with the Sealy-Smith Foundation relating to the Jennie Sealy Hospital and the R. Waverly Smith Pavilion under such terms and conditions as the board considers to be in the best interests of the medical branch.

(c) Except as otherwise provided in this section, the land on which Jennie Sealy Hospital is situated (Lots 11, 12, 13, and 14, Block 667, city of Galveston, Galveston County, Texas, conveyed to the Sealy-Smith Foundation by the board of regents) shall be used as the site of the Jennie Sealy Hospital, and in the event the land is not so utilized the title reverts to the board of regents.

(d) By agreement between the board of regents of The University of Texas System and the trustees of the Sealy-Smith Foundation, the purpose or use of these facilities may be changed to any other purpose or use consistent with the purposes of the foundation and with the operation of a medical school.

[Acts 1971, 62nd Leg., p. 3178, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 665, ch. 293, §§ 1 to 3, eff. Sept. 1, 1979.]

§ 74.003. Land Acquisition

The board may acquire by donation or deed of gift, for the use and benefit of the medical branch, any and all properties contiguous or adjacent, or both, to the campus of the medical branch when the lands are deemed necessary for campus expansion.

[Acts 1971, 62nd Leg., p. 3179, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 74.004 to 74.050 reserved for expansion]

SUBCHAPTER B. MOODY STATE SCHOOL
FOR CEREBRAL PALSIED CHILDREN

§ 74.051. Moody State School for Cerebral Palsied Children

The Moody State School for Cerebral Palsied Children is under the management and control of the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3179, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.052. Purpose of School

The purpose of the school is to provide for the diagnosis, care, and education of persons afflicted with cerebral palsy.

[Acts 1971, 62nd Leg., p. 3179, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.053. Superintendent, Officers, Employees

(a) The board of regents shall appoint a well-educated person as superintendent of the school and shall determine his salary and his duties. The board may remove him for reasons it deems sufficient.

(b) The superintendent may appoint and remove the subordinate officers and employees, the number and salaries of whom shall be fixed by the board.

(c) The superintendent is responsible to the board for the details of management of the school. He shall exercise the power conferred on him by law with the approval and consent of the board.

[Acts 1971, 62nd Leg., p. 3179, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.054. Rules and Regulations

The superintendent, with the approval of the board of regents, shall make the necessary rules and regulations for the government and management of the school.

[Acts 1971, 62nd Leg., p. 3179, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.055. Persons who may be Admitted; Classification

(a) A person afflicted with cerebral palsy who has been a citizen of this state and of the county from which he comes at the time of filing his application with the county judge as provided by this subchapter shall be admitted to the school.

(b) A "citizen of this state" is defined to be any person who has actually resided in the state with the bona fide intention of being a citizen of the state for a period of 12 months immediately preceding the date of the application.

(c) Students admitted to the school shall be classified as:

- (1) indigent public students;
- (2) non-indigent public students; and
- (3) private students.

(d) Indigent public students are those who possess no property of any kind and have no one legally liable for their support and able to reimburse the state.

(e) Non-indigent public students are those who possess some property out of which the state may be reimbursed or who have someone legally liable for their support and able to reimburse the state.

[Acts 1971, 62nd Leg., p. 3179, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.056. Private Students

(a) Private students may be admitted to the school on the application of a parent, guardian, or friend under regulations prescribed by the board and the superintendent not in conflict with the provisions of this subchapter.

(b) A private student shall be kept and maintained at the school at his own expense or at the expense of his parent, guardian, relative, or friend. For the board, care, and education of private students, the superintendent shall make a special contract at the rate set by the board of regents. At the time of admission of a private student, the agreed fee must be paid in advance for six months, and bond and security must be given for the prompt payment of all future expenses of the student.

(c) Payments under this section shall be made to the school, which shall give receipt for the payments and shall use them for the maintenance and improvement of the school.

[Acts 1971, 62nd Leg., p. 3180, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.057. Preference as Between Applicants

When application is made for more students than can be admitted, the superintendent shall give preference to indigent public students over non-indigent public students, and shall at all times give preference to both of those classes over private students.

[Acts 1971, 62nd Leg., p. 3180, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.058. Application

(a) The parent, guardian, or friend of a person for whom admission is sought may make application in writing and under oath to the county judge of the county where the person for whom admission is sought resides.

(b) The application shall state as to the person for whom admission is sought:

- (1) the name, age, sex, and national origin;
- (2) his occupation, trade, or employment;
- (3) his residence address or addresses for the three years immediately preceding the date of the application;
- (4) the name and address of any living parent or guardian;
- (5) the name and address of the husband or wife, if any;
- (6) the name, address, age, and sex of each child, if any;
- (7) a description and estimated value of any property interest;
- (8) the name and address of each person liable for his support, if any, and a description and estimated value of any property owned by that person; and

(9) the name and address of any relative who is or was similarly afflicted, insane, inebriate, consumptive, or criminal.

[Acts 1971, 62nd Leg., p. 3180, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.059. Certificate of Physician

The application shall be accompanied by a certificate of a reputable practicing physician stating that he has carefully examined the person for whose admission application is made and that the person is afflicted with cerebral palsy. The certificate shall also show the present physical condition of the applicant and any special and other information that would be helpful to the superintendent in the care and education of the person.

[Acts 1971, 62nd Leg., p. 3181, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.060. Duties of County Judge

(a) The county judge shall certify that the physician making the certificate is a reputable physician actively engaged in the practice of his profession and has complied with the laws of this state granting license to physicians to practice medicine.

(b) If the judge is not satisfied as to the showing made in the application and certificate, or either, he may subpoena witnesses and examine them under oath as to those matters.

(c) If it appears to the county judge that the person is entitled to admission to the school, he shall forward an application to the superintendent of the school for admission of the person as an indigent or non-indigent student, as the judge determines on careful investigation. The application shall be accompanied with full copy of the proceedings had in the case, and the original shall be filed in the office of the county clerk.

(d) The county judge shall see that each student admitted to the school is supplied with three full suits of substantial clothing.

[Acts 1971, 62nd Leg., p. 3181, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.061. Expenses

The cost of the clothing and the transportation of an indigent public student and the expenses and compensation of the necessary escort shall be paid by the county from which the student is sent. Non-indigent public students shall pay for the clothing, transportation, and escort. In no case shall the escort be entitled to charge or receive more than \$2 a day and expenses actually necessary in going to and returning from the school.

[Acts 1971, 62nd Leg., p. 3181, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

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§ 74.062. Support of Indigent Public Students

Indigent public students shall be supported entirely at the expense of the state.

[Acts 1971, 62nd Leg., p. 3181, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.063. Support of Non-Indigent Public Students; Reimbursement; Suit

(a) Each non-indigent public student shall be kept and maintained at the expense of the state in the first instance; but the state has the right to be reimbursed for the support of a non-indigent student, and the claim of the state for support constitutes a valid lien against any property of the student, or in case he has a guardian, against his estate, or against the person or persons who may be legally liable for his support and financially able to contribute to his support.

(b) The claim may be collected by suit or other proceedings in the name of this state by the county or district attorney of the county from which the student is sent, against the student, his guardian, or the person or persons liable for his support, as the case may be.

(c) The suit or proceeding shall be instituted on the written request of the superintendent, accompanied by his certificate as to the amount due the state, which shall in no case exceed the sum set by the board of regents. The certificate of the superintendent shall be sufficient evidence of the amount due the state for the support of the student.

(d) The county or district attorney shall institute and conduct the suit or proceedings, for which he is entitled to a commission of 10 percent of the amount collected. The county or district attorney shall pay all money so collected, less the commission, to the board of regents, which shall receive and give receipt for the payment and shall use the money for maintenance and improvement of the school.

[Acts 1971, 62nd Leg., p. 3181, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 74.064 to 74.100 reserved for expansion]

SUBCHAPTER C. THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL SCHOOL AT DALLAS

§ 74.101. Component Institution

The University of Texas Southwestern Medical School at Dallas is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3182, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.102. Courses and Degrees; Rules and Regulations

The board of regents may prescribe courses leading to customary degrees and may make rules and regulations for the operation, control, and management of the medical school as may be necessary for its conduct as a medical school of the first class.

[Acts 1971, 62nd Leg., p. 3182, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.103. Gifts and Grants

The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and leases, for the exclusive use and benefit of the medical school. Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed.

[Acts 1971, 62nd Leg., p. 3182, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.104. Entering Classes

The medical school shall admit at least 100 students in each entering class.

[Acts 1971, 62nd Leg., p. 3182, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.105. Lease of Land for Hospital, Etc.

(a) The board may lease to nonprofit charitable, scientific, or educational corporations organized under the laws of the State of Texas, or to any governmental agency or agencies, a tract or tracts of land situated in Dallas County out of land previously deeded by Southwestern Medical Foundation to the State of Texas.

(b) A lease under this section shall be on the terms, conditions, and provisions and for a period of years determined by the board. No lease shall be for a term of more than 99 years.

(c) A lease under this section shall be made only to a nonprofit corporation or governmental agency for the purpose of constructing, maintaining, and operating a hospital, hospitals, or public health centers and services; or for the purpose of constructing, maintaining, and operating dormitories and housing facilities for students attending the medical school or persons employed by and in institutions located on the property.

(d) In no event shall the State of Texas or The University of Texas System be liable, directly or indirectly, for any expense or cost in connection with the construction, operation, and maintenance

of any building or other improvement placed on the leased premises by any lessee.

[Acts 1971, 62nd Leg., p. 3182, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 74.106 to 74.150 reserved for expansion]

SUBCHAPTER D. THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT SAN ANTONIO

§ 74.151. Component Institution

The University of Texas Medical School at San Antonio is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3183, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.152. Courses and Degrees; Rules and Regulations

The board of regents may prescribe courses leading to customary degrees and may make rules and regulations for the operation, control, and management of the medical school as may be necessary for its conduct as a medical school of the first class.

[Acts 1971, 62nd Leg., p. 3183, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.153. Gifts and Grants

The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government, any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and money, for the exclusive use and benefit of the medical school. Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed.

[Acts 1971, 62nd Leg., p. 3183, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.154. Teaching Hospital

A teaching hospital deemed suitable by the board shall be provided by the city or county within one mile of the campus of the medical school. It shall be maintained without cost to the state.

[Acts 1971, 62nd Leg., p. 3183, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 74.155 to 74.200 reserved for expansion]

SUBCHAPTER E. MEDICAL SCHOOL TO BE ESTABLISHED AND LOCATED BY BOARD OF REGENTS

§ 74.201. Establishment and Location; Name; Scope

(a) The board of regents may establish and maintain an additional medical branch of the university

system at any location in the state. However, the location of the medical school must be determined by the board to be in the best interests of the people of the State of Texas and must be approved by the Coordinating Board, Texas College and University System. The school so established shall be known by a name designated by the board. The board is prohibited, however, from establishing this medical school in the same county that maintains or operates the main campus of any public or private medical school on September 1, 1969.

(b) The board may provide for the teaching and training of medical students, medical technicians, and other technicians in the practice of medicine. [Acts 1971, 62nd Leg., p. 3184, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.202. Courses and Degrees; Rules and Regulations

The board may prescribe courses leading to customary degrees offered in other leading American medical schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, that are necessary for the conduct of a professional school of the first class.

[Acts 1971, 62nd Leg., p. 3184, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.203. Affiliation Agreements; Joint Appointments

The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3184, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.204. Gifts and Grants

The board may accept and administer, on terms and conditions satisfactory to it, grants or gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money, for the use and benefit of the school.

[Acts 1971, 62nd Leg., p. 3184, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.205. Teaching Hospital

A complete teaching hospital for the school shall be furnished at no cost or expense to the state, and the state shall never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school.

[Acts 1971, 62nd Leg., p. 3184, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 74.206 to 74.250 reserved for expansion]

SUBCHAPTER F. THE UNIVERSITY OF TEXAS DENTAL SCHOOL AT SAN ANTONIO

§ 74.251. Component Institution

The University of Texas Dental School at San Antonio is a component institution of The University of Texas System under the management and control of the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3185, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.252. Training and Teaching

The board may provide for the training and teaching of dental students, dental technicians, and other technicians related to the practice of dentistry.

[Acts 1971, 62nd Leg., p. 3185, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.253. Courses and Degrees; Rules and Regulations

The board may prescribe courses leading to customary degrees offered in other leading American dental schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted to any degree-granting program, as may be necessary for the conduct of a professional school of the first class.

[Acts 1971, 62nd Leg., p. 3185, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.254. Affiliation Agreements; Joint Appointments

The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of a person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3185, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.255. **Gifts and Grants**

The board may accept gifts and grants from any source for the benefit of the dental school.

[Acts 1971, 62nd Leg., p. 3185, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 74.256 to 74.300 reserved for expansion]

SUBCHAPTER G. THE UNIVERSITY OF TEXAS (CLINICAL) NURSING SCHOOL AT SAN ANTONIO

§ 74.301. **Establishment; Purpose**

The board of regents may establish and maintain in Bexar County The University of Texas (Clinical) Nursing School at San Antonio, a clinical nursing school for the education of nursing students.

[Acts 1971, 62nd Leg., p. 3185, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.302. **Hospital Facilities and Services**

All hospital facilities and services required for the operation and maintenance of the nursing school shall be furnished and provided at no cost or expense to the state at the time of completion of the nursing school and subsequently.

[Acts 1971, 62nd Leg., p. 3186, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.303. **Courses and Degrees; Rules and Regulations**

The board may prescribe courses leading to customary degrees offered in other leading American nursing schools, may award those degrees, and may make rules and regulations for the operation, control, and management of the school as may be necessary for the conduct of a professional school of the first class.

[Acts 1971, 62nd Leg., p. 3186, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.304. **Affiliation Agreements; Joint Appointments**

The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class, not in conflict with Section 74.302 of this code; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3186, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.305. **Gifts and Grants**

The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts of property, including real estate and money, that may

be tendered to it in aid of the planning, establishment, conduct, and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records and money, for the use and benefit of the school.

[Acts 1971, 62nd Leg., p. 3186, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.306. **Liberal Arts Courses Pending Establishment**

While the nursing school is being established, students may take the prerequisite liberal arts courses prescribed by the nursing school.

[Acts 1971, 62nd Leg., p. 3186, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 74.307 to 74.350 reserved for expansion]

SUBCHAPTER H. THE UNIVERSITY OF TEXAS (UNDERGRADUATE) NURSING SCHOOL AT EL PASO

§ 74.351. **Establishment; Purpose**

The board of regents may establish and maintain in El Paso County The University of Texas (Undergraduate) Nursing School at El Paso, a four-year school for the education of nursing students.

[Acts 1971, 62nd Leg., p. 3186, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.352. **Hospital Facilities and Services**

All hospital facilities and services required for the operation and maintenance of the nursing school shall be furnished and provided at no cost or expense to the state at the time of completion of the nursing school and subsequently.

[Acts 1971, 62nd Leg., p. 3187, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.353. **Courses and Degrees; Rules and Regulations**

The board may prescribe courses leading to customary degrees offered in other leading American nursing schools, may award those degrees, and may make rules and regulations for the operation, control, and management of the school as may be necessary for the conduct of a professional school of the first class.

[Acts 1971, 62nd Leg., p. 3187, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.354. **Affiliation Agreements; Joint Appointments**

The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional

school of the first class, not in conflict with Section 74.352 of this code; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institution on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3187, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 74.355. Gifts and Grants

The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts of property, including real estate and money, that may be tendered to it in aid of the planning, establishment, conduct and operation of the school and in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records and money, for the use and benefit of the school.

[Acts 1971, 62nd Leg., p. 3187, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 74.356 to 74.400 reserved for expansion]

SUBCHAPTER I. THE UNIVERSITY OF TEXAS NURSING SCHOOL (SYSTEM-WIDE)

§ 74.401. Composition, Operation, Maintenance

The board of regents of The University of Texas System is authorized to establish, maintain, and operate The University of Texas Nursing School (System-wide) which is composed of the following branches: The University of Texas (Undergraduate) Nursing School at Austin; The University of Texas (Graduate) Nursing School at Austin; The University of Texas (Undergraduate) Nursing School at El Paso; The University of Texas (Clinical) Nursing School at Galveston; The University of Texas (Clinical) Nursing School at San Antonio; and The University of Texas (Undergraduate) Nursing School at Tarrant County. The board is authorized to provide for the education of nursing students at each nursing school; however, all hospital facilities and services required for the operation and maintenance of each nursing school shall be furnished and provided at no cost and expense to the State of Texas except at the Galveston Division of The University of Texas (Clinical) Nursing School at Galveston.

[Acts 1971, 62nd Leg., p. 3346, ch. 1024, art. 2, § 19, eff. Sept. 1, 1971.]

§ 74.402. Courses, Degrees, Etc.

The board is authorized to prescribe courses leading to such customary degrees as are offered in other leading American nursing schools, to award those degrees, and to make rules and regulations for the operation, control, and management of each

nursing school, as may be necessary for the conduct of professional schools of the first class.

[Acts 1971, 62nd Leg., p. 3346, ch. 1024, art. 2, § 19, eff. Sept. 1, 1971.]

§ 74.403. Affiliation Agreements; Joint Appointments

The board is authorized to execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of professional schools of the first class, not in conflict with Section 74.401 of this code, and the board is specifically authorized to make joint appointments in other institutions under its governance, the salary of any such person who receives a joint appointment to be apportioned to the appointing institutions on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3346, ch. 1024, art. 2, § 19, eff. Sept. 1, 1971.]

§ 74.404. Gifts and Grants

The board may accept gifts and grants from any source in aid of the conduct and operation of The University of Texas Nursing School (System-wide) or the branch nursing schools.

[Acts 1971, 62nd Leg., p. 3346, ch. 1024, art. 2, § 19, eff. Sept. 1, 1971.]

SUBCHAPTER J. PODIATRY SCHOOL TO BE ESTABLISHED AND LOCATED

§ 74.501. Establishment and Location; Name; Scope

(a) Subject to the approval of the Coordinating Board, Texas College and University System, the board of regents of the University of Texas System may establish and maintain a podiatry branch of its system at any location in the state. The location of the podiatry school must be determined by the board of regents to be in the best interests of the people of the State of Texas and must be approved by the Coordinating Board, Texas College and University System. If possible, the podiatry school shall be located in or affiliated with an existing or proposed academic health sciences center which provides education and training of medical students, dental students, or both, or shall be located in or affiliated with a medical or dental unit, as such term is defined in paragraph (5), Section 61.003, of this Code. If it is not possible to so locate or affiliate the podiatry school, it may be located in or affiliated with any other public senior college or university within the system under the jurisdiction of the board of regents. The school so established shall be known by a name designated by the board of regents.

(b) The board of regents may provide for the teaching and training of podiatry students, podiatry

technicians, and other technicians in the practice of podiatry.

[Acts 1973, 63rd Leg., p. 1681, ch. 608, § 1, eff. June 15, 1973.]

§ 74.502. Courses and Degrees; Rules and Regulations

The board may prescribe courses leading to customary degrees offered in other leading American podiatry schools, may award the degrees, and may make other rules and regulations for the operation, control, and management of the school, including the determination of the numbers of students that shall be admitted to any degree-granting programs, that are necessary for the conduct of a professional school of the first class.

[Acts 1973, 63rd Leg., p. 1681, ch. 608, § 1, eff. June 15, 1973.]

§ 74.503. Affiliation Agreements; Joint Appointments

The board may execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of a professional school of the first class; and the board may make joint appointments in other institutions under its governance. The salary of any person who receives a joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

[Acts 1973, 63rd Leg., p. 1681, ch. 608, § 1, eff. June 15, 1973.]

§ 74.504. Gifts and Grants

The board may accept and administer on terms and conditions satisfactory to it, grants or gifts of property, including real estate and money, that may be tendered to it in aid of research and teaching at the school. The board may accept from the federal government or any foundation, trust fund, corporation, individual, or other legal entity, donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money, for the use and benefit of the school.

[Acts 1973, 63rd Leg., p. 1681, ch. 608, § 1, eff. June 15, 1973.]

§ 74.505. Teaching Hospital

A teaching hospital shall be furnished for or available for use by the school at no cost or expense to the state, and the state shall never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school.

[Acts 1973, 63rd Leg., p. 1681, ch. 608, § 1, eff. June 15, 1973.]

§ 74.506. Funding

No state funds shall be expended for physical improvements for the purpose of this Act before fiscal year 1977.

[Acts 1973, 63rd Leg., p. 1681, ch. 608, § 1, eff. June 15, 1973.]

CHAPTER 75. OTHER UNITS OF THE UNIVERSITY OF TEXAS SYSTEM

SUBCHAPTER A. THE INSTITUTE OF TEXAN CULTURES

Sec.

- 75.001. Institute of Texan Cultures.
- 75.002. Purpose of Institute.
- 75.003. Gifts of Land.

SUBCHAPTER B. INSTITUTE FOR URBAN STUDIES

- 75.101. Creation of Institute; Location.
- 75.102. Administration.
- 75.103. Role and Scope of Institute.
- 75.104. Correlation of Programs.
- 75.105. Receipt and Disbursement of Funds, Property, and Services.

SUBCHAPTER A. THE INSTITUTE OF TEXAN CULTURES

§ 75.001. Institute of Texan Cultures

The Institute of Texan Cultures and the Texas State Exhibits Building at HemisFair 1968, and all land and improvements related to them, are under the management and control of the board of regents.

[Acts 1971, 62nd Leg., p. 3188, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 75.002. Purpose of Institute

The institute shall continue to be used principally as a center concerned with subjects relating to the history and culture of the people of Texas, with collecting, organizing, and interpreting information on Texas subjects, and with producing films, filmstrips, slides, tapes, publications, and exhibits on these subjects for statewide use on television, in classrooms, in museums, and at public gatherings for the benefit of the people of Texas.

[Acts 1971, 62nd Leg., p. 3188, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 75.003. Gifts of Land

The board may accept gifts of land for the benefit of the institute.

[Acts 1971, 62nd Leg., p. 3188, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 75.004 to 75.100 reserved for expansion]

SUBCHAPTER B. INSTITUTE FOR
URBAN STUDIES

§ 75.101. Creation of Institute; Location

The board of regents of The University of Texas System shall establish and maintain an institute for urban studies in the Fort Worth-Dallas metropolitan area.

[Acts 1971, 62nd Leg., p. 3188, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 75.102. Administration

The administration of the institute for urban studies shall be under the direction of the chancellor and board of regents of The University of Texas System. The administrative officer of the institute shall be appointed by the chief academic executive of his university with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board.

[Acts 1971, 62nd Leg., p. 3188, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 75.103. Role and Scope of Institute

The institute of urban studies shall conduct basic and applied research into urban problems and public policy and make available the results of this research to private groups and public bodies and officials. It may offer consultative and general advisory services concerning urban problems and their solutions. According to the policies of the Coordinating Board, Texas College and University System, and with its approval, the institute may conduct instructional and training programs for those who are working in or expect to make careers in urban public service. The training programs may be conducted by the institute either in its own name or by agreement and cooperation with other public and private organizations.

[Acts 1971, 62nd Leg., p. 3188, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 75.104. Correlation of Programs

In order to correlate the programs offered by the institute and the institute established by the University of Houston under Subchapter D, Chapter 111, of this code,¹ there shall be maintained regular liaison between the institutes concerning programs undertaken, a joint committee for future planning, and a union catalogue of research resources. This correlation shall be achieved by utilizing regular administrative channels, including the staff of the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3189, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Section 111.61 et seq.

§ 75.105. Receipt and Disbursement of Funds, Property, and Services

In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the chief academic executive of the university and the board and under applicable state laws.

[Acts 1971, 62nd Leg., p. 3189, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

**CHAPTER 76. THE UNIVERSITY OF
TEXAS AT TYLER**

Sec.

- 76.01. Establishment.
- 76.02. Role and Scope.
- 76.03. President.
- 76.04. Suits; Venue; Citation.
- 76.05. Gifts and Grants.
- 76.06. Management of Property.

§ 76.01. Establishment

The University of Texas at Tyler is a coeducational institution of higher education within The University of Texas System. It is under the control and management of the Board of Regents of The University of Texas System.

[Acts 1979, 66th Leg., p. 699, ch. 303, § 4, eff. Sept. 1, 1979.]

§ 76.02. Role and Scope

The institution shall offer junior and senior undergraduate programs and graduate programs, both of which are subject to the authority of the Coordinating Board, Texas College and University System.

[Acts 1979, 66th Leg., p. 699, ch. 303, § 4, eff. Sept. 1, 1979.]

§ 76.03. President

The board may appoint and remove the president, any faculty member, or other officer or employee of the institution. The president is the executive officer of the institution and is responsible for its general management. The president shall recommend a plan of organization and orderly course development for the institution.

[Acts 1979, 66th Leg., p. 699, ch. 303, § 4, eff. Sept. 1, 1979.]

§ 76.04. Suits; Venue; Citation

The board may sue and be sued in the name of the institution. Venue is in Smith or Travis County. The institution may be impleaded by service of citation on its president, and legislative consent to suits against the institution is granted.

[Acts 1979, 66th Leg., p. 699, ch. 303, § 4, eff. Sept. 1, 1979.]

§ 76.05. Gifts and Grants

The board may accept donations, gifts, and endowments for the institution. They are to be held

in trust and administered by the board according to the purposes, directions, limitations, and provisions declared in writing in the donation, gift, or endowment. The provisions of the donation, gift, or endowment shall be followed to the extent that they are not inconsistent with the laws of this state or with the objective and proper management of the institution.

[Acts 1979, 66th Leg., p. 699, ch. 303, § 4, eff. Sept. 1, 1979.]

§ 76.06. Management of Property

The board is vested with the exclusive management of all property owned by the institution. The board may make any agreements necessary to the effective management of the institution's property. All money received shall be deposited in the State Treasury to the credit of a special fund that may be invested and the principal and income of the fund may be expended on appropriation by the legislature for the administration of the institution.

[Acts 1979, 66th Leg., p. 699, ch. 303, § 4, eff. Sept. 1, 1979.]

SUBTITLE D. THE TEXAS A & M UNIVERSITY SYSTEM

CHAPTER 85. ADMINISTRATION OF THE TEXAS A & M UNIVERSITY SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

85.01. Definitions.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 85.11. Board of Regents.
- 85.12. Qualifications; Terms.
- 85.13. Certificate of Appointment.
- 85.14. Chairman of Board.
- 85.15. Expenses of Regents.
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- 85.21. General Powers and Duties.
- 85.22. Expenditures.
- 85.23. Permanent Improvements; Contracts; Land Transactions.
- 85.24. Utilities.
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- 85.51. Authority to Lease.
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Sec.

- 85.54. Placing Leases on Market; Advertising.
- 85.55. Public Auction; Bids; Acceptance; Rejection; Payments.
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- 85.67. Forfeiture; Other Remedies; Lien.
- 85.68. Filing of Records.
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- 85.70. Disposition of Money; Special Funds; Investment.
- 85.71. Forms; Contracts; Regulations.
- 85.72. Expenses of Executing this Subchapter.

SUBCHAPTER A. GENERAL PROVISIONS

§ 85.01. Definitions

In this chapter:

- (1) "System" or "university system" means The Texas A & M University System.
- (2) "Board" means the board of regents of The Texas A & M University System.

[Acts 1971, 62nd Leg., p. 3191, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 598, ch. 247, § 1, eff. Sept. 1, 1975.]

Section 6 of the 1973 amendatory act provided: "Wherever the phrase 'board of directors' appears in other statutes, the phrase 'board of regents' shall not affect any previous authorization and obligation thereunder and, such new name for the governing board shall be substituted."

[Sections 85.02 to 85.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 85.11. Board of Regents

The government of the university system is vested in a board of nine regents appointed by the governor with the advice and consent of the senate.

[Acts 1971, 62nd Leg., p. 3192, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 598, ch. 247, § 2, eff. Sept. 1, 1975.]

§ 85.12. Qualifications; Terms

Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the

terms of three expiring February 1 of odd-numbered years.

[Acts 1971, 62nd Leg., p. 3192, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 2837, ch. 484, art. III, § 2, eff. June 19, 1983.]

Section 5 of art. III of the 1983 amendatory act provides:

"A member of the board of regents of The University of Texas System, The Texas A&M University System, The Texas State University System, or Texas Woman's University who was appointed under prior law for a term expiring in 1985, 1987, or 1989 serves for a term expiring February 1 of the applicable year or until a successor is appointed and has qualified."

§ 85.13. Certificate of Appointment

The secretary of state shall forward a certificate to each regent within 10 days after his appointment, notifying him of the fact of his appointment. If any person so appointed and notified fails for 10 days to give notice to the governor of his acceptance, his appointment shall be deemed void and his place shall be filled as in the case of a vacancy.

[Acts 1971, 62nd Leg., p. 3192, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 598, ch. 247, § 3, eff. Sept. 1, 1975.]

§ 85.14. Chairman of Board

The board shall elect from its members a chairman of the board, who shall call the board together for the transaction of business whenever he deems it expedient.

[Acts 1971, 62nd Leg., p. 3192, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 599, ch. 247, § 4, eff. Sept. 1, 1975.]

§ 85.15. Expenses of Regents

The regents shall serve without compensation but are entitled to reimbursement for actual expenses incurred in attending board meetings and in transacting the official business of the board.

[Acts 1971, 62nd Leg., p. 3192, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 599, ch. 247, § 5, eff. Sept. 1, 1975.]

§ 85.16. Seal

The board may make and use a common seal.

[Acts 1971, 62nd Leg., p. 3192, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 85.17 to 85.20 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

§ 85.21. General Powers and Duties

(a) The board shall make bylaws, rules, and regulations it deems necessary and proper for the government of the university system and its institutions, agencies, and services. The board shall regulate the course of study and prescribe the course of discipline necessary to enforce the faithful discharge of the duties of the officers, faculty, and students.

(b) The board is specifically authorized, upon terms and conditions acceptable to it, to accept and administer gifts, donations, grants, and endowments, from any source, for use by the system or any of the components of the system. The board may retain such funds in local fund accounts.

[Acts 1971, 62nd Leg., p. 3192, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 2053, ch. 377, § 1, eff. June 17, 1983.]

§ 85.22. Expenditures

All expenditures may be made by order of the board and shall be paid on warrants from the comptroller based on vouchers approved by the president of the board or by some officer or officers designated by him in writing to the comptroller.

[Acts 1971, 62nd Leg., p. 3192, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.23. Permanent Improvements; Contracts; Land Transactions

(a) The board may contract with persons, firms, or corporations for the purchase, acquisition, or construction of permanent improvements on or conveniently located with reference to the campus of any institution of the system; and may purchase, sell, or lease lands and other appurtenances for the construction of the permanent improvements. However, no liability shall be incurred by the State of Texas under this subsection.

(b) The board may sell, encumber, or contract with reference to the divesting or encumbering of the title to, any part of the campus or other property of any institution of the system as may be necessary in the construction or acquisition of dormitories. However, no debt shall be incurred against the institution or the State of Texas.

[Acts 1971, 62nd Leg., p. 3193, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.24. Utilities

(a) The board from time to time may improve and equip existing central power plants and may construct, acquire, improve, and equip steam plants and additions to them, and the board may acquire land for these purposes for the institutions under its control, when the total cost, type of construction, capacity, and plans and specifications have been approved by the board. As used in this subsection, "steam plants" does not include electrical generating facilities, but "central power plants" does include electrical generating facilities.

(b) The board from time to time may construct, extend, and improve the water systems, sewer systems, or both, for any or all institutions under its control, when the total cost, type of construction, capacity, and plans and specifications have been approved by the board.

(c) The board may furnish water, sewer, steam, power, electricity, or any or all of those services from the power and steam plant or plants and other

facilities located at each institution to any or all dormitories, kitchens and dining halls, hospitals, student activity buildings, gymnasiums, athletic buildings and stadiums, the dormitory for help, laundry, and other buildings or facilities that may have been or may be constructed at each institution, and may determine the amount to be charged as a part of the maintenance and operation expense of those buildings or facilities for the service or services. The board may allocate the cost of furnishing the services to revenue-producing buildings and facilities and to other buildings and facilities at the institutions. The board may pledge the net revenues from the amounts thus received for the services to pay the principal of and interest on, and to create and maintain the reserve for, the negotiable revenue bonds issued for the purpose of constructing, acquiring, improving, extending, or equipping the power and steam plants, or additions thereto, or other facilities, and may secure the bonds additionally by pledging rentals, rates, charges, and fees for the use or availability of all or any property, buildings, structures, activities, operations, or facilities, of any nature, which may be fixed and collected from all or any designated part of the students enrolled in the institution or institutions or from others in the amounts and in the manner determined and provided by the board in the resolution authorizing the issuance of the bonds.

[Acts 1971, 62nd Leg., p. 3193, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.25. Lands and Mineral Interests

(a) The board is vested with the sole and exclusive management and control of lands and mineral interests under its jurisdiction and that may be acquired by it.

(b) The board may grant, sell, lease, or otherwise dispose of the lands and mineral interests under its jurisdiction that do not comprise any portion of the original main campus of Texas A&M University to other units or agencies of government, or to any individual, group of individuals, corporation, or other entity under terms and conditions it deems best in the public interest.

(c) Except as authorized by existing law, any grant, sale, or lease of the surface estate of the original main campus property must be approved by Act of the legislature. The board is hereby authorized to grant unto The Former Students Association of Texas A&M University a lease of surface area not to exceed five acres on the original main campus for use by said association to construct and occupy a building for use consistent with the association's stated purposes.

(d) For the purposes of this section, the original main campus of Texas A&M University comprises that certain 748 acres, more or less, bounded by Texas Avenue, Jersey Street, Wellborn Road, and University Drive in College Station, Texas.

(e) Proceeds received from the grant, sale, lease, or other disposition of surface interests covered by this section may be retained in local funds subject to disposition by the board for any lawful purpose.

(f) This section is cumulative of existing statutes relating to the authority of the board to lease for oil, gas, sulphur, mineral ore, and other mineral developments, and otherwise to buy, sell, and lease certain lands under its jurisdiction and supervision.

(g) This section does not cover any lands or minerals held by the general land office.

[Acts 1971, 62nd Leg., p. 3194, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 851, ch. 198, § 1, eff. Aug. 29, 1983.]

§ 85.26. Leases and Easements; Rights-of-way for Electric Lines, Pipelines, Irrigation Canals, Etc.

(a) The board may execute leases and grant easements for rights-of-way for telephone, telegraph, electric transmission, and power lines, for oil pipelines, gas pipelines, sulphur pipelines, water pipelines and other electric lines and pipelines of any nature whatsoever, and for irrigation canals, and laterals, and may execute easements or leases for the erection and maintenance of electric substations, pumping stations, loading racks, tank farms, and other structures, and may execute easements for rights-of-way to the Texas Highway Department, to any county in the state, or to any corporation, group, organization, firm, or individual for highway or roadway purposes, on or across any lands belonging to the state and under the control of the board, if the board in its discretion deems it apparent that the interest of the state can best be served by the granting of the easements and leases.

(b) Each easement granted under this section shall be on forms approved by the attorney general and shall include a complete description of the land on which the easement is to be granted, the period of time covered by the easement, the amount of money to be paid by the grantee to the grantor, or other consideration for the granting of such easement. It shall also specify the terms and conditions, penalties for failure to comply with its provisions, and other pertinent information necessary and desirable to effect a complete understanding of the transaction.

(c) The grant of an easement for right-of-way, except an easement for right-of-way for highway or roadway purposes which may be for an indefinite term shall be limited to a term of not longer than 10 years, but any such easement may be renewed by the board.

(d) All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the part of the system to which the land from which the easement is granted is assigned.

(e) No person, firm, group, organization, agency, or corporation shall hereafter construct any telephone, telegraph, transmission, or electric line, pipeline, electric substation, tank farm, loading rack, pumping station, irrigation canal or lateral, highway, or roadway of the kind and character enumerated in Subsection (a) of this section, across or on any section or part of a section of land of the character described in Subsection (a) of this section, who has not obtained a proper easement as provided by this section; or continue in possession of any such land without obtaining from the board a grant of a right-of-way easement or other easement across or on such land where the telephone, telegraph, transmission, or electric lines, pipelines, or any other transmission or pipelines, electric substation, tank farm, loading rack, or pumping station, irrigation canal or lateral, highway, or roadway is to¹ constructed. Any person, firm, group, organization, agency, or corporation violating this subsection shall be liable for a penalty of \$100 for each day of the violation, to be recovered by the attorney general.

[Acts 1971, 62nd Leg., p. 3194, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Probably should read "is to be".

§ 85.27. Flood Control Easements

The board may convey flood control easements over land under its jurisdiction and control to water control and improvement districts of this state. No flood control easement shall be conveyed unless the board receives from the district reasonable consideration for the conveyance. The conveyance shall be under the terms and conditions that the board deems in the best interest of the university system.

[Acts 1971, 62nd Leg., p. 3195, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.28. Airports

(a) The board may construct or otherwise acquire an airport for any institution within the system. It may maintain and operate the airports in connection with the teaching of courses in aeronautical engineering and for purposes in cooperation with the national defense program and for other purposes which will not interfere with those uses.

(b) The board may acquire by purchase, lease, gift, condemnation, or otherwise, and may use, operate, and maintain any kind of property or property interest necessary or convenient to the exercise of powers under this section. The power of eminent domain shall be exercised in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925, as amended,¹ except that the board shall not be required to give bond for appeal or bond for costs.

[Acts 1971, 62nd Leg., p. 3195, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Civil Statutes, art. 3264 et seq. (generally repealed; see, now, Property Code, § 21.001 et seq.).

§ 85.29. Research and Experimentation for Highway Department

The state comptroller of public accounts may draw proper warrants in favor of any part of the university system based on vouchers or claims submitted by the system through the State Highway Department covering reasonable fees and charges for services rendered by members of the staff of the system to the State Highway Department and for equipment and materials necessary for research and experimentation in all phases of highway activity, economics, materials, specifications, design of roadways, construction, maintenance, pavement and structures, traffic control, safety, the economics of highway design and construction, and other fields of highway design, construction, maintenance, or operation, based on an agreement between the State Highway Department and the Texas Agricultural and Mechanical College System as passed by the State Highway Department on September 29, 1948, and recorded by the State Highway Department as Minute Order Number 25396; and the state treasurer shall pay warrants so issued against any funds appropriated by the legislature to the State Highway Department for the construction and maintenance of highways, roads, and bridges. The payments made to the system shall be credited and deposited to local institutional funds under its control.

[Acts 1971, 62nd Leg., p. 3195, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.30. Donations and Trusts

Text as added by Acts 1983, 68th Leg., p. 2053, ch. 377, § 2

(a) Donations of property may be made and accepted by the board for the purpose of establishing or assisting in the establishment of a professorship, chair, or scholarship in the university system or any of its component institutions or for creating in the university system or any of its component institutions any trust for any lawful, educational, or charitable purpose, either temporarily or permanently, and the donations or trusts thereby created will be governed by the rules prescribed by this section.

(b) The legal title to the property shall be vested in the board acting as an entity, or the State of Texas, to be held in trust for the purpose under any directions, limitations, and provisions that may be declared in the donation or trust agreement, not inconsistent with the objectives and proper management of the system or its component institutions.

(c) The donor may declare and direct the manner in which the title to the property shall thereafter be transmitted from the trustee in continued succession, to be held for and appropriated to the declared purposes.

(d) The donor may declare and direct the person or class of persons who shall receive the benefit of the donation and the manner of their selection.

(e) The declarations, directions, and limitations shall not be inconsistent with the objects and proper management of the system or its institutions.

(f) The title to the property donated shall be received, and the trust conferred in the donation shall be assumed, subject to laws that may be passed and carried into effect from time to time which may be necessary to prevent the loss of or damage to the property donated or an abuse or neglect of the trust so as to defeat, materially change, or prevent the objects of the donation.

(g) Copies of the donation shall be filed with the board.

[Acts 1983, 68th Leg., p. 2053, ch. 377, § 2, eff. June 17, 1983.]

For text as added by Acts 1983, 68th Leg., p. 5008, ch. 899, § 1, see § 85.30, post

§ 85.30. Student Center Complex Fees

Text as added by Acts 1983, 68th Leg., p. 5008, ch. 899, § 1

(a) The board may levy a regular, fixed student fee on each student enrolled in an educational institution within The Texas A&M University System for the purpose of producing revenue for operating, maintaining, improving, and equipping the institution's student center complex and acquiring or constructing additions to the complex. The board may set fees in amounts it considers just and necessary but not to exceed \$20 per student for each semester for the long session and not to exceed \$10 per student for each term of the summer session, or any fractional part of a session. The activities of the student center complex that may be financed in whole or in part by the student center complex fee are limited to those activities in which the entire student body is eligible to participate. The financed activities may not be held outside the territorial limits of any educational institution within The Texas A&M University System.

(b) The comptroller of each institution shall collect the fees levied under Subsection (a) of this section and shall credit the money received from the fees to an account known as the student center complex fee account.

(c) The money collected and placed in the student center complex fee account may be used only for the purposes provided by Subsection (a) of this section. A complete and itemized budget shall be submitted to the board annually and must be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident to the activities. The board shall make changes in the budget it considers necessary before approving the budget, and shall then levy the fees in amounts sufficient to meet the budgetary needs of the center, within the limits fixed by this section.

(d) The decision to levy a student center complex fee, the amount of the initial fee, and an increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose.

[Acts 1983, 68th Leg., p. 5008, ch. 899, § 1, eff. June 19, 1983.]

For text as added by Acts 1983, 68th Leg., p. 2053, ch. 377, § 2, see § 85.30 ante

§ 85.31. Funds Received for Trust Services

(a) The board may at its discretion charge administrative fees for services rendered in the management and administration of any trust estate under the control of the system or any component of the system.

(b) Funds received pursuant to such charges may be deposited in an appropriate system or university account and may be expended by the board for any purpose of the system.

[Acts 1983, 68th Leg., p. 2053, ch. 377, § 2, eff. June 17, 1983.]

[Sections 85.32 to 85.50 reserved for expansion]

SUBCHAPTER D. LEASE OF LANDS FOR OIL, GAS, AND OTHER MINERAL DEVELOPMENT

§ 85.51. Authority to Lease

The board may lease for oil, gas, sulphur, mineral ore, and other mineral developments to the highest bidder at public auction all lands used for experimental stations and all other lands under its exclusive control, or any part of those lands, owned or in the future acquired by the state for the use of the university system.

[Acts 1971, 62nd Leg., p. 3196, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.52. Sale of Mineral Ore in Place

Mineral ore located in and on the land may also be sold in place by the board at not less than the fair market value as determined by the same methods as are provided for leasing of lands under this subchapter for development of the minerals in the lands.

[Acts 1971, 62nd Leg., p. 3196, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.53. Tracts, Lots, Blocks

The board may cause the lands to be surveyed or subdivided into tracts, lots, or blocks that will, in its judgment, be most conducive and convenient to facilitate the advantageous sale of lease for oil, gas, sulphur, mineral ore, and other minerals, and may make maps and plats that may be thought necessary to carry out the purposes of this subchapter. The board may obtain authentic abstracts of title to all the lands as it deems necessary from time to time, and may take any steps necessary to perfect a

merchantable title to the lands in the State of Texas.

[Acts 1971, 62nd Leg., p. 3196, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.54. Placing Leases on Market; Advertising

(a) Whenever, in the opinion of the board, there is a demand for the purchase of oil, gas, sulphur, mineral ore, or other mineral leases on any tract or part of any tract of land that will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, mineral ore, or other mineral leases on the land on the market in any tract or tracts, or any part thereof, that the board may designate.

(b) The board shall cause to be advertised a brief description of the land from which the oil, gas, sulphur, mineral ore, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state; and in addition the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state, mail copies of the proposals to the county judge of the county where the lands are located, and mail copies of the proposals to other persons the board thinks would be interested.

[Acts 1971, 62nd Leg., p. 3196, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.55. Public Auction; Bids; Acceptance; Rejection; Payments

(a) The board may sell the lease or leases to the highest bidder at public auction, at Texas A & M University, in College Station, at any hour between 10 a. m. and 5 p. m.

(b) The board may reject all bids. However, the highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid to the board within 24 hours after notification that the bid has been accepted. Payments shall be in cash, certified check, or cashier's check, as the board may direct. Failure to pay the balance of the amount bid will forfeit to the board the 25 percent paid.

(c) A separate bid shall be made for each tract or subdivision thereof. No bids shall be accepted which offer less than the fair market price per ton for the mineral ore or a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board. Every bid shall carry the obligation to pay an amount not less than \$1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement and shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is re-leased by the lessee.

[Acts 1971, 62nd Leg., p. 3197, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.56. Subsequent Procedure if No Bids Accepted

If no bid is accepted by the board at the public auction, any subsequent procedure for the sale of oil, gas, sulphur, mineral ore, and other mineral leases shall be in the manner prescribed by this subchapter.

[Acts 1971, 62nd Leg., p. 3197, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.57. Withdrawal of Land Advertised

The board may withdraw any lands advertised for lease or for the sale of mineral ore in place.

[Acts 1971, 62nd Leg., p. 3197, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.58. Acceptance of Bids; Award of Lease

(a) If in the opinion of the board any one of the bidders has offered a reasonable and proper price for any tract and not less than the price fixed by the board, the lands advertised may be leased for oil, gas, sulphur, mineral ore, and other mineral purposes under the provisions of this subchapter and any regulations the board may prescribe which are not inconsistent with the provisions of this subchapter.

(b) On acceptance of a bid, the board shall prepare a lease contract. The bid and a copy of the lease contract shall be filed in the general land office.

[Acts 1971, 62nd Leg., p. 3197, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.59. Exploratory Term; Extension; Other Provisions of Lease

(a) The exploratory term of the lease as determined by the board prior to the promulgation of the advertisement shall in no case exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of members of the board the lease may be extended for a period of three years. The lease may be extended if the board finds that there is likelihood of oil, gas, sulphur, mineral ore, and other minerals being discovered by lessees, and that the lessees have proceeded with diligence to protect the interest of the state. However, if oil, gas, sulphur, mineral ore, and other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, mineral ore, and other minerals are being so produced. No extension under this subsection may be made by the board until the last 30 days of the original term of the lease.

(b) When, in the discretion of the board, it is deemed for the best interest of the state to extend a lease issued by the board, the board by unanimous vote may extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the

lease and any additional terms the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement.

(c) The lease shall include any additional provisions and regulations the board may prescribe to preserve the interest of the state, not inconsistent with the provisions of this subchapter.

[Acts 1971, 62nd Leg., p. 3197, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.60. Discontinuance of Yearly Payments; Termination for Nonproduction

When the royalties amount to as much as the yearly payments as fixed by the board, the yearly payments may be discontinued. If before the expiration of five years oil, gas, sulphur, mineral ore, and other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided by this subchapter.

[Acts 1971, 62nd Leg., p. 3198, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.61. Operations under Lease: Effect on Rental Payments, Term of Lease

If, during the term of any lease issued under the provisions of this subchapter, the lessee is engaged in actual drilling and mining operations for the discovery of oil, gas, sulphur, mineral ore, and other minerals on land covered by any such lease, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith; and if oil, gas, sulphur, mineral ore, and other minerals are discovered in paying quantities on any tract of land covered by any lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, mineral ore, and other minerals are produced in paying quantities from the tract.

[Acts 1971, 62nd Leg., p. 3198, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.62. Proration or Reduction of Production

When, in the discretion of the board, it is for the best interest of the state to prorate or reduce production of any land, the board may execute the necessary contract to carry out that purpose.

[Acts 1971, 62nd Leg., p. 3198, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.63. Interference with Surface Uses

No lease for oil, gas, sulphur, mineral ore, and other minerals shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, mineral ore, and other minerals within 300 feet of any building on the land without the consent of the board. A lease on any experimental station or farm shall provide that the operations for oil, gas, sulphur, mineral ore, and other minerals shall not in any way interfere with use of the land as an experimental station and shall not cause the abandonment of the property or its use for experimental

farm purposes; and the lessee shall drill, mine, and carry on his operations in such a way as not to cause the abandonment of the property for experimental farm purposes, and any such leased property shall be subject to the use by the State of Texas for all experimental purposes and the board shall continue to operate the experimental station.

[Acts 1971, 62nd Leg., p. 3198, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.64. Protection from Drainage

In every case where the area in which oil, gas, sulphur, mineral ore, and other minerals sold shall be contiguous or adjacent to lands which are not lands belonging to and held by the university system, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances. In cases where the area in which the oil, gas, sulphur, mineral ore, and other minerals are sold is contiguous to other lands belonging to and held by the university system which have been leased or sold at a lesser royalty, the owner shall likewise protect the land from drainage from the lands so leased or sold for a lesser royalty. On failure to protect the land from drainage as herein provided, the sale and all rights thereunder may be forfeited by the board in the manner provided in this subchapter for forfeitures.

[Acts 1971, 62nd Leg., p. 3199, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.65. Rights of Purchaser; Assignment; Relinquishment

(a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, mineral ore, and other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned; and if not so filed and payment made, the assignment shall not be effective.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated, and filed with the chairman of the board, accompanied by \$1 for each area assigned; but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon.

(d) The board shall authorize the laying of pipeline, telephone line, and the opening of roads as

deemed reasonably necessary for and incident to the purpose of this subchapter.

[Acts 1971, 62nd Leg., p. 3199, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.66. Royalty Payments; Inspection of Records; Report of Land Commissioner

(a) If oil or other minerals are developed on any of the lands leased by the board, the royalty or money as stipulated in the sale shall be paid to the general land office at Austin on or before the last day of each month for the preceding month during the life of the rights purchased, and shall be set aside in the state treasury as specified in Section 85.70 of this code. The royalty or money paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, mineral ore, and other minerals produced and saved since the last report, the amount of oil, gas, sulphur, mineral ore, and other minerals produced and sold off the premises, and the market value of the oil, gas, sulphur, mineral ore, and other minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts and other checks and memoranda of the amounts produced and put into pipelines, tanks, vats, or pool and gas lines, gas storage, other places of storage, and other means of transportation.

(b) The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of oil, gas, sulphur, mineral ore, and other minerals shall at all times be subject to inspection and examination of any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts from the lease or sale of oil, gas, sulphur, mineral ore, and other minerals turned into the special fund in the state treasury of the preceding month.

(d) Each lease shall contain a provision enabling the Board, at its discretion, to require that payment of royalty, as stipulated in the lease, be in kind. The Board shall have all powers necessary to negotiate and execute sales contracts or any other instruments necessary for the disposition of any royalty taken in kind. Such other reasonable provisions, not inconsistent with this subchapter, that will facilitate the efficient and equitable payment of royalty in kind may be included in the lease by the Board.

[Acts 1971, 62nd Leg., p. 3199, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 846, ch. 382, § 1, eff. Aug. 27, 1973.]

§ 85.67. Forfeiture; Other Remedies; Lien

(a) If the owner of the rights acquired under this subchapter fails or refuses to make the payment of any sum due thereon, either as rental, royalty on production, or other payment, within 30 days after same becomes due, or if the owner or his authorized agent makes any false return or false report concerning production, royalty, drilling, or mining, or if the owner fails or refuses to drill any offset well or wells in good faith, as required by his lease, or if the owner or his agent refuses the proper authority access to the records and other data pertaining to the operations under this subchapter, or if the owner or his authorized agent fails or refuses to give correct information to the proper authorities, or fails or refuses to furnish the log of any well within 30 days after production is found in paying quantities, or if any of the material terms of the lease are violated, the lease is subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default and declaring the forfeiture.

(b) The board may have suit instituted for forfeiture through the attorney general.

(c) On proper showing by the forfeiting owner, within 30 days after the declaration of forfeiture, the lease may, at the discretion of the board and on such terms as it may prescribe, be reinstated.

(d) In case of violation by the owner of the lease contract, the remedy of the state by forfeiture is not the exclusive remedy, but suit for damages or specific performance, or both, may be instituted.

(e) The state shall have a first lien upon all oil, gas, sulphur, mineral ore, and other minerals produced upon the leased area and upon all rigs, tanks, vats, pipeline, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, mineral ore, and other minerals produced thereon, to secure any amount due from the owner of the lease.

[Acts 1971, 62nd Leg., p. 3200, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.68. Filing of Records

All surveys, files, records, copies of sale and lease contracts, and all other records pertaining to the sales and leases hereby authorized, shall be filed in the general land office and constitute archives thereof.

[Acts 1971, 62nd Leg., p. 3201, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.69. Payments; Disposition

Payments under this subchapter shall be made to the commissioner of the general land office at Austin, who shall transmit to the state treasurer all royalties, lease fees, rentals for delay in drilling or mining, and all other payments, including all filing assignments and relinquishment fees, to be deposit-

ed in the special fund in the state treasury as provided by Section 85.70 of this Code.

[Acts 1971, 62nd Leg., p. 3201, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.70. Disposition of Money; Special Funds; Investment

(a) All money received under and by virtue of this subchapter shall be deposited in the state treasury to the credit of a special fund to be known as The Texas A & M University System Special Mineral Investment Fund. In the judgment of the board, this special fund may be invested so as to produce an income which may be expended under the direction of the board in erecting permanent improvements for the university system and in payment of expenses incurred in connection with the administration of this subchapter. The unexpended income likewise may be invested as herein provided.

(b) The income from the investment of the special mineral investment fund shall be deposited to the credit of a fund to be known as The Texas A & M University System Special Mineral Income Fund, and shall be appropriated by the legislature exclusively for the university system for the purposes herein provided.

[Acts 1971, 62nd Leg., p. 3201, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.71. Forms; Contracts; Regulations

The board shall adopt forms and contracts and shall promulgate rules and regulations that in its best judgment will protect the income from lands leased under this subchapter. A majority of the board may act in all cases, except where otherwise provided by this subchapter.

[Acts 1971, 62nd Leg., p. 3201, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 85.72. Expenses of Executing this Subchapter

The expenses of executing the provisions of this subchapter shall be paid by warrants drawn by the comptroller on the state treasury against the income from the special fund accumulated from leases, rentals, royalties, and other payments.

[Acts 1971, 62nd Leg., p. 3201, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

CHAPTER 86. TEXAS A & M UNIVERSITY

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SUBCHAPTER A. GENERAL PROVISIONS

§ 86.01. Definitions

In this chapter:

- (1) "University" means Texas A & M University.
- (2) "Board" means the board of directors of The Texas A & M University System.

[Acts 1971, 62nd Leg., p. 3202, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.02. Texas A & M University

Texas A & M University is an institution of higher education located in the city of College Station. It is under the management and control of the board of directors of The Texas A & M University System.

[Acts 1971, 62nd Leg., p. 3202, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.03. Leading Object

The leading object of the university shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts, in such manner as the legislature may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

[Acts 1971, 62nd Leg., p. 3202, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 86.04 to 86.10 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

§ 86.11. Appointment of President, Officers, Professors

The board shall appoint the president, the professors, and other officers it deems proper to keep the

university in successful operation. It may abolish any office it deems unnecessary.

[Acts 1971, 62nd Leg., p. 3203, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.12. Entomologist

The president and board shall employ an expert entomologist, one or more, as may be deemed necessary, whose duty it shall be to devise, if possible, means of destroying the Mexican boll weevil, boll worm, caterpillar, sharpshooter, chinch bug, peach bug, fly and worm and other insect pests and to perform the duties of professor of entomology in the university.

[Acts 1971, 62nd Leg., p. 3203, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.13. Civil Engineer; Soil Conservation Demonstrations

The board shall employ a graduate civil engineer of the university who has a practical and scientific knowledge of the conservation of moisture and soil fertility, who understands the practical art of terracing farmland to preserve the moisture and soil fertility and to prevent the washing away and the destruction of the properties of the soil, and who has had five years' actual experience in terracing farmlands in some southern state. He shall make his headquarters at the university, where he shall instruct the students by lecture and practical demonstration in the best method of such conservation and terracing so as to enable them to do the work successfully. He shall devote one-half of his time to such instruction, and the other half shall be spent in field work, giving practical demonstrations in terracing to farmers' institutes and other farmers' organizations; and the president of the university shall require him to go over the state on the application of farmers desiring expert instruction in terracing farmlands and in conserving the moisture and soil fertility. He shall be furnished with the necessary instruments and equipment for the demonstration and instruction.

[Acts 1971, 62nd Leg., p. 3203, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.14. Special Summer School

The board shall provide for a special summer school of at least two months each year for the training of special students who shall be admitted without an entrance examination, and may make provisions for the summer school, purchase the necessary equipment, and generally do and perform all acts necessary to establish and maintain the summer school.

[Acts 1971, 62nd Leg., p. 3203, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.15. Summer Sessions; Elementary Agriculture for Teachers

The board shall require the teaching of elementary agriculture for teachers in the summer sessions.

[Acts 1971, 62nd Leg., p. 3203, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.16. Firemen's Training School

(a) The university shall conduct and maintain a firemen's training school as a unit of the university in the manner deemed expedient and advisable by the board.

(b) The firemen's training school advisory board is composed of:

(1) three members of the teaching staff of the university appointed by the chairman of the board of directors; and

(2) four members or representatives of the State Firemen's Association of Texas or its successor, appointed by the president or other managing officer of that association.

(c) The advisory board shall confer with and advise the board of directors with reference to the organization of the school, the purchasing of equipment, the curriculum and program, and the conduct and management of the school.

(d) Expenditures for the per diem expenses of members of the advisory board and all other necessary expenses of the school shall be made only on the order of the board of directors, and no warrants shall be paid unless also approved in writing by the president of the university, who shall be advised with respect to the conduct of the school.

[Acts 1971, 62nd Leg., p. 3203, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.17. Adjunct in Kimble County

The board may establish in Kimble County an adjunct of the university to be located on land furnished without cost to the state. The board may provide at the adjunct any services which conform to the leading object of the university as prescribed by Section 86.03 of this code, including research, subject to the exception that not more than \$300,000 may be expended from available plant funds for buildings and improvements without the specific authorization of the legislature.

[Acts 1971, 62nd Leg., p. 3204, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.18. Graduate Programs; Contracts with Baylor University

The university may enter into contracts and agreements with Baylor University for joint participation in graduate programs that may be designed to benefit the state.

[Acts 1971, 62nd Leg., p. 3204, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.19. Eminent Domain

The board is vested with the power of eminent domain to acquire for the use of the university any land that may be necessary and proper for carrying out its purposes. The power of eminent domain shall be exercised in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended¹, except that the board shall not be required to deposit a bond or the amount equal to the award of the commissioners.

[Acts 1971, 62nd Leg., p. 3204, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Civil Statutes, art. 3264 et seq. (generally repealed; see, now, Property Code, § 21.001 et seq.).

§ 86.20. Airport

The university may own and operate an airport, may accept federal aid and money for those purposes, and may enter into sponsor's assurance agreements with the federal government. It may operate the airport separately or in cooperation with a city, a county, the state, or the federal government, with the approval of the appropriate governing body, but without any expense to or liability against the state in any manner.

[Acts 1971, 62nd Leg., p. 3204, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 86.21. Perpetual Fund

The money arising from the sale of the 180,000 acres of land donated to this state by the United States under the provisions of an Act of Congress passed on the second day of July, 1862,¹ and an amended Act of Congress of July 23, 1866,² shall constitute a perpetual fund, under the conditions and restrictions imposed by the above recited Acts, for the benefit of Texas A & M University; and the investment of the money, heretofore made in the bonds of the state, when those bonds are redeemed, may be made by the board in United States government securities in furtherance of the interests of the university and in accordance with the terms on which it was received.

[Acts 1971, 62nd Leg., p. 3204, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ 12 U.S.Stat., p. 503.

² 14 U.S.Stat., p. 208.

§ 86.22. Accrued Interest

The interest heretofore collected by the State Board of Education in accordance with the provisions of the act of August 21, 1876,¹ due at the end of the fiscal year of 1876, on the bonds belonging to the Agricultural and Mechanical College and invested in six percent state bonds, shall also constitute a part of the perpetual fund of the university until the legislature shall otherwise provide. The state board shall collect the semiannual interest on the bonds as it becomes due, and place the money in the state treasury to the credit of the fund. The interest on all such bonds is set apart exclusively for the use of

the university and shall be drawn from the treasury by the board of directors on vouchers audited by the board, or approved by the governor and attested by the secretary of the board. On the vouchers being filed with the comptroller, he shall draw his warrant on the state treasurer as necessary to pay the directors, professors and officers of the university.

[Acts 1971, 62nd Leg., p. 3205, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Acts 1876, p. 283, §§ 1, 2.

§ 86.23. Repealed by Acts 1983, 68th Leg., p. 5009, ch. 899, § 2, eff. June 19, 1983

See, now, § 85.30.

§ 86.24. Group Hospital Fees

The Board of Directors of the Texas A & M University System may levy and collect from each student at Texas A & M University a compulsory group hospital fee of not to exceed \$15 for each regular semester and not to exceed \$7.50 for each term of each summer session.

[Acts 1973, 63rd Leg., p. 546, ch. 232, § 1, eff. Aug. 27, 1973.]

[Sections 86.25 to 86.50 reserved for expansion]

SUBCHAPTER C. REAL ESTATE RESEARCH CENTER

§ 86.51. Real Estate Research Center

There is established at Texas A & M University in the College of Agriculture, a Real Estate Research Center, hereinafter referred to as the center. The operating budget, staffing, and activities of the center shall be approved by the board of directors of The Texas A & M University System.

[Acts 1971, 62nd Leg., p. 3342, ch. 1024, art. 2, § 12, eff. Sept. 1, 1971.]

§ 86.511. Application of Sunset Act

The Real Estate Research Center is subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes); and unless continued in existence as provided by that Act, the center is abolished, and this subchapter expires effective September 1, 1993.

[Acts 1977, 65th Leg., p. 1837, ch. 735, § 2.035, eff. Aug. 29, 1977. Amended by Acts 1981, 67th Leg., p. 3252, ch. 856, § 3, eff. June 18, 1981.]

For provisions as to conflict of 1981 amendatory act with other laws and severability of 1981 amendatory act, see note under § 86.52.

§ 86.52. Real Estate Research Advisory Committee

(a) The Real Estate Research Advisory Committee is created.

(b) The advisory committee is composed of nine persons appointed by the governor, without regard to the race, creed, sex, religion, or national origin of

the appointee and with the advice and consent of the senate, with the following representation:

(1) six members shall be real estate brokers, licensed as such for at least five years preceding the date of their appointment, who are representative of each of the following real estate specialties:

(A) one member shall be principally engaged in real estate brokerage;

(B) one member shall be principally engaged in real estate financing;

(C) one member shall be principally engaged in the ownership or construction of real estate improvements;

(D) one member shall be principally engaged in the ownership, development or management of residential properties;

(E) one member shall be principally engaged in the ownership, development or management of commercial properties; and

(F) one member shall be principally engaged in the ownership, development or management of industrial properties;

(2) three members shall be representatives of the general public;

(3) members representative of the general public who are appointed after the effective date of this Act shall not be licensed real estate brokers or salesmen and shall not have, other than as consumers, a financial interest in the practice of a licensed real estate broker or salesman; and

(4) it is grounds for removal from the advisory committee if:

(A) a broker member of the committee ceases to be a licensed real estate broker; or

(B) a public member of the committee appointed after the effective date of this Act or a person related to the member within the second degree by consanguinity or within the second degree by affinity acquires a real estate license or a financial interest in the practice of a licensed real estate broker or salesman.

(c) Except for the initial appointees, members of the advisory committee hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate three members, including two representatives of the real estate industry and one representative of the general public, for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977. Any vacancy shall be filled by appointment for the unexpired portion of the term. Each member shall serve until his successor is qualified.

(d) The chairman of the Texas Real Estate Commission, or a member of the commission designated by him, shall serve as an ex officio, nonvoting member of the advisory committee.

(e) The committee shall elect a chairman from its membership, and he shall serve for an annual term.

(f) The first meeting of the advisory committee shall be called by the president of Texas A & M University or his designated representative. The committee shall meet not less than semiannually, and in addition on call of its chairman, or on petition of any six of its members, or on call of the president of Texas A & M University or his designated representative.

(g) The advisory committee shall review and approve proposals to be submitted to the board of directors of The Texas A & M University System relating to staffing and general policies including priority ranking of research studies and educational and other studies.

(h) The president of Texas A & M University or his designated representative shall submit to the advisory committee in advance of each fiscal year a budget for expenditures of all funds provided for the center in a form that is related to the proposed schedule of activities for the review and approval of the advisory committee. The proposed budget approved by the advisory committee shall be forwarded with the comments of the committee to the board of directors of The Texas A & M University System prior to its action on the proposed budget, and the board of directors of The Texas A & M University System shall not authorize any expenditure that has not had the prior approval of the advisory committee.

(i) The president of Texas A & M University or his designated representative shall submit to the advisory committee for its review and approval a research agenda at the beginning of each fiscal year and shall continuously inform the advisory committee of changes in its substance and scheduling.

(j) Each member of the board is entitled to a per diem as set by legislative appropriation for each day that the member engages in the business of the board. A member may not receive any compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to compensation for transportation expenses as prescribed by the General Appropriations Act.

(k) The advisory committee is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), and the provisions of Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9b, Vernon's Texas Civil Statutes).

(l) The state auditor shall audit the financial transactions of the center in each fiscal year.

(m) On or before January 1 of each year, the center shall file with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds

received and disbursed by the center during the preceding year.

[Acts 1971, 62nd Leg., p. 3342, ch. 1024, art. 2, § 12, eff. Sept. 1, 1971. Amended by Acts 1981, 67th Leg., p. 3251, ch. 856, §§ 1, 2, eff. June 18, 1981.]

Sections 6 and 7 of the 1981 amendatory act provide:

"Sec. 6. All laws and parts of laws in conflict with this Act are repealed.

"Sec. 7. If any word, phrase, clause, paragraph, sentence, part, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid, and the legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, or provision."

§ 86.53. Purposes, Objectives, and Duties of the Center

The purposes, objectives, and duties of the center are as follows:

- (1) to conduct studies in all areas that relate directly or indirectly to real estate and/or urban or rural economics and to publish and disseminate the findings and result of the studies;
- (2) to assist the teaching program in real estate offered by the colleges and universities in the State of Texas when requested to do so, and to award scholarships and establish real estate chairs when funds are available;
- (3) to supply material to the Texas Real Estate Commission for the preparation of the examinations for real estate salesmen and brokers, if requested to do so by the commission;
- (4) to develop and from time to time revise and update materials for use in the extension courses in real estate offered by the universities and colleges in the State of Texas when requested to do so;
- (5) to assist the Texas Real Estate Commission in developing standards for the accreditation of vocational schools and other teaching agencies giving courses in the field of real estate, and standards for the approval of courses in the field of real estate, as and when requested to do so by the commission;
- (6) to make studies of and recommend changes in state statutes and municipal ordinances, providing however that no staff member of the center shall directly contact legislators or locally elected officials concerning the recommendations except to provide a factual response to an inquiry as to the method of research or nature of the findings;
- (7) provided and except, however, that those conducting such research and studies shall periodically review their progress with the advisory committee or its designated representative, and the results of any research project, or study, shall not be published or disseminated until it has been reviewed and approved in writing by the advisory committee or its designated representative; and
- (8) to prepare information of consumer interest describing the functions of the center and to

make the information available to the general public and appropriate state agencies.

[Acts 1971, 62nd Leg., p. 3342, ch. 1024, art. 2, § 12, eff. Sept. 1, 1971. Amended by Acts 1981, 67th Leg., p. 3252, ch. 856, § 4, eff. June 18, 1981.]

For provisions as to conflict of 1981 amendatory act with other laws as severability of 1981 amendatory act, see note under § 86.52.

§ 86.54. Publication Charges; Gifts and Grants

The center may make a charge for its publications and may receive gifts and grants from foundations, individuals, and other sources for the benefit of the research center.

[Acts 1971, 62nd Leg., p. 3342, ch. 1024, art. 2, § 12, eff. Sept. 1, 1971.]

§ 86.55. Annual Report

A report of the activities and accomplishments of the center shall be published annually.

[Acts 1971, 62nd Leg., p. 3342, ch. 1024, art. 2, § 12, eff. Sept. 1, 1971.]

CHAPTER 87. OTHER ACADEMIC INSTITUTIONS IN THE TEXAS A & M UNIVERSITY SYSTEM

SUBCHAPTER A. TARLETON STATE UNIVERSITY

- Sec.
- 87.001. Tarleton State University.
- 87.002. Student Loan Fund.
- 87.003. Eminent Domain.
- 87.004. Repealed.

SUBCHAPTER B. PRAIRIE VIEW A & M UNIVERSITY

- 87.101. Prairie View A & M University.
- 87.102. Governing Board.
- 87.103. Certain Land in Waller County Under Control of Board.
- 87.104. Purpose of the University.

SUBCHAPTER C. TEXAS A & M UNIVERSITY AT GALVESTON

- 87.201. Texas A & M University at Galveston.
- 87.202. General Powers and Duties.
- 87.203. Admission, Discipline, Instruction.
- 87.204. Funds, Properties, Agreements.
- 87.205. Fees and Charges.
- 87.206. Instruction in Field of Marine Resources

SUBCHAPTER A. TARLETON STATE UNIVERSITY

§ 87.001. Tarleton State University

Tarleton State University is a coeducational institution of higher education located in the city of Stephenville. It is under the management and con-

trol of the board of regents of The Texas A&M University System.

[Acts 1971, 62nd Leg., p. 3206, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 800, ch. 360, § 2, eff. June 12, 1973; Acts 1983, 68th Leg., p. 2152, ch. 394, § 1, eff. June 17, 1983.]

§ 87.002. Student Loan Fund

The sum of \$75,000 donated by the citizenship of Stephenville and Erath County shall be administered by the board of regents for the benefit of the students of Tarleton State University in such manner as the board may deem advisable.

[Acts 1971, 62nd Leg., p. 3206, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 800, ch. 360, § 2, eff. June 12, 1973; Acts 1983, 68th Leg., p. 2152, ch. 394, § 2, eff. June 17, 1983.]

§ 87.003. Eminent Domain

The board has the power of eminent domain to acquire for the use of the university any land that may be necessary or proper for carrying out its purposes.

[Acts 1971, 62nd Leg., p. 3206, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 800, ch. 360, § 2, eff. June 12, 1973.]

§ 87.004. Repealed by Acts 1983, 68th Leg., p. 5009, ch. 899, § 2, eff. June 19, 1983

See, now, § 85.30.

[Sections 87.005 to 87.100 reserved for expansion]

SUBCHAPTER B. PRAIRIE VIEW A & M UNIVERSITY

§ 87.101. Prairie View A & M University

Prairie View A & M University is a coeducational institution of higher education located at Prairie View, in Waller County.

[Acts 1971, 62nd Leg., p. 3206, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 580, ch. 249, § 2, eff. Aug. 27, 1973.]

§ 87.102. Governing Board

The university is under the control and supervision of the board of directors of The Texas A & M University System. The board has the same powers and duties with respect to this university as are conferred on it by statute with respect to Texas A & M University.

[Acts 1971, 62nd Leg., p. 3206, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 580, ch. 249, § 2, eff. Aug. 27, 1973.]

§ 87.103. Certain Land in Waller County Under Control of Board

(a) The 110 acres, more or less, of land in Waller County near Prairie View A & M University, but not adjoining its campus, conveyed as a gift to the Governor of the State of Texas when the site for then Prairie View Normal and Industrial College was purchased, is placed under the control and

supervision of the Board of Directors of The Texas A & M University System for the use and benefit of Prairie View A & M University.

(b) The land is described in the deed of record in Record Book 3, pages 496, 497, and 498 of the records of the County Clerk of Waller County as being 110 acres of land off a 320-acre survey patented to the heirs of Solomon Smith No. 276, Vol. 11, the said 110 acres lying on the south side of said 320-acre survey and adjoining the Law Survey and is described by metes and bounds in Decree of Partition in District Court of Austin County in Matters Probate between Helen M. Kirby and the estate of Jared E. Kirby, deceased.

(c) The board of directors is authorized to lease the land for oil, gas, sulphur, and other mineral development under existing law applicable to other lands under its control and supervision and to apply the proceeds from such lease to the use and benefit of Prairie View A & M University.

[Acts 1975, 64th Leg., p. 570, ch. 229, § 1, eff. May 20, 1975.]

§ 87.104. Purpose of the University

In addition to its designation as a statewide general purpose institution of higher education and its designation as a land-grant institution, Prairie View A&M University is designated as a statewide special purpose institution of higher education for instruction, research, and public service programs which are dedicated to: (1) enabling students with latent aptitudes, talents, and abilities and of diverse economic, ethnic, and cultural backgrounds to realize their full potential; (2) assisting small and medium-sized communities to achieve their optimal growth and development; and (3) assisting small and medium-sized agricultural, business, and industrial enterprises to manage their growth and development effectively.

[Acts 1981, 67th Leg., p. 3040, ch. 795, § 1, eff. June 17, 1981.]

[Sections 87.105 to 87.200 reserved for expansion]

SUBCHAPTER C. TEXAS A & M UNIVERSITY AT GALVESTON

§ 87.201. Texas A & M University at Galveston

Texas A & M University at Galveston is a special purpose school for undergraduate instruction in the practice of seamanship, ship construction, naval architecture, wireless telegraph, engineering, the science of navigation, and undergraduate educational programs related to the general field of marine resources. Courses and programs are subject to prior approval by the Coordinating Board, Texas College and University System. The school is under the management and control of the board of regents of The Texas A & M University System, with de-

grees offered under the name and authority of Texas A & M University at College Station.

[Acts 1971, 62nd Leg., p. 3206, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1981, 67th Leg., p. 3051, ch. 799, § 1, eff. June 17, 1981.]

Section 4 of the 1981 amendatory act provides:

"All references to and appropriations for the Texas Maritime Academy and Moody College of Marine Sciences and Maritime Resources, sometimes referred to as Moody College, apply to Texas A & M University at Galveston."

§ 87.202. General Powers and Duties

The board shall:

- (1) employ a superintendent of the university, who shall also be commander;
- (2) employ instructors and the necessary employees and determine their number, duties, and compensation;
- (3) fix the terms and conditions under which pupils shall be received, instructed, and graduated;
- (4) arrange cruises to and from the harbors of Houston, Galveston, Beaumont, Port Arthur, and Corpus Christi; and
- (5) establish rules and regulations for the proper management of the university.

[Acts 1971, 62nd Leg., p. 3207, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1981, 67th Leg., p. 3051, ch. 799, § 1, eff. June 17, 1981.]

§ 87.203. Admission, Discipline, Instruction

The board shall prescribe the standards of admission and admit the applicants who meet the requirements. Students shall be subject to the regulations of conduct and discipline prescribed by the board. The board shall make provision for the proper instruction, for courses of study, and for the care, supervision, and management of the school; and the board is vested with all powers necessary for the proper discharge of these duties.

[Acts 1971, 62nd Leg., p. 3207, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 87.204. Funds, Properties, Agreements

The board may receive any funds or property that may be subscribed, loaned, or bequeathed for the organization or maintenance of the university and shall execute all necessary agreements for the faithful application of the funds or property.

[Acts 1971, 62nd Leg., p. 3207, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1981, 67th Leg., p. 3051, ch. 799, § 1, eff. June 17, 1981.]

§ 87.205. Fees and Charges

The fact that provision for the establishment of this university is for the primary purpose of giving students practical and technical instruction in the arts and sciences relating to the foregoing subjects, and the further fact that training in these fields will lead to immediate and remunerative employment for those who have finished the prescribed courses, make it necessary that larger fees be charged those

students who enter the university than is now paid by students enrolled in state-supported institutions of higher education. Therefore, the provisions of Subchapter E, Chapter 54 of this code,¹ do not apply to the students enrolled in the university. The board is specifically charged with the duty of assessing such fees and charges against the students who enter the university as may be necessary to provide for the maintenance and support of the university.

[Acts 1971, 62nd Leg., p. 3207, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1981, 67th Leg., p. 3051, ch. 799, § 1, eff. June 17, 1981.]

¹ Section 54.501 et seq.

§ 87.206. Instruction in Field of Marine Resources

In addition to the instruction authorized in Section 87.201 of this code, the school or any other school created under this subchapter may provide instruction for all students in educational programs related to the general field of marine resources. Such courses must have the prior approval of the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 22, eff. Sept. 1, 1971.]

CHAPTER 88. AGENCIES AND SERVICES OF THE TEXAS A & M UNIVERSITY SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

- Sec.**
- 88.001. Agencies and Services.
 - 88.002 to 88.004. Repealed.
- SUBCHAPTER B. THE TEXAS FOREST SERVICE**
- 88.101. State Forester: Appointment, Qualifications.
 - 88.1011. Application of Sunset Act.
 - 88.102. General Duties.
 - 88.103. Enforcement; Appointment of Peace Officers.
 - 88.104. Authority to Enter Private Land.
 - 88.105. Cooperation with Persons and Agencies.
 - 88.106. Cooperation with Federal Agencies; Rural Fire Protection Plans; Fire Training; Disposition of Obsolete Equipment.
 - 88.107. Forest Land: Acquisition by Gift or Purchase.
 - 88.108. Acquisition of Land for Forestry Purposes; Disposition.
 - 88.109. Use of Certain Department of Corrections Land for Reforestation.
 - 88.110. Purchase of Land for Seedling Nursery.
 - 88.1101. Expired.
 - 88.111. Forest Land Acquired by State under Tax Sale.
 - 88.112. South Central Interstate Forest Fire Protection Compact.
 - 88.113. Compact Administrator.
 - 88.1131. Repealed.
 - 88.114. Advisory Committee.
 - 88.115. Legislative Intent.
 - 88.116. Text of Compact.

SUBCHAPTER C. THE TEXAS AGRICULTURAL EXPERIMENT STATION

- 88.201. Purposes.
- 88.202. Main State Experiment Station.

- Sec.
 88.203. Substations.
 88.2031. Repealed.
 88.204. Sale of Stations.
 88.205. Sale of Crops.
 88.206. Donations; Leases.
 88.207. Expenses; Per Diem.
 88.208. Inspections.
 88.209. Director.
 88.210. Reports.
 88.211. Bulletin.
 88.212. Disbursements.

SUBCHAPTER D. INSTITUTE FOR VENTURES
 IN NEW TECHNOLOGY

- 88.300. Institute for Ventures in New Technology.
 88.301. Public Purpose of the Center.
 88.302. Objectives and Duties of the Institute.
 88.303. Ownership Interests.

SUBCHAPTER A. GENERAL PROVISIONS

§ 88.001. **Agencies and Services**

The agencies and services of the Texas A & M University System are:

- (1) the Texas Forest Service (see Subchapter B of this chapter);
- (2) the Texas Agricultural Experiment Station (see Subchapter C of this chapter);
- (3) the Texas Agricultural Extension Service, established by action of the board of directors;
- (4) the Texas Engineering Experiment Station, established by action of the board of directors;
- (5) the Texas Engineering Extension Service, established by action of the board of directors; and
- (6) other agencies and services that may be established by law or by action of the board of directors.

[Acts 1971, 62nd Leg., p. 3209, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.002. Repealed by Acts 1983, 68th Leg., p. 2125, ch. 386, § 1(1), eff. Aug. 29, 1983

§ 88.003. Repealed by Acts 1983, 68th Leg., p. 2125, ch. 386, § 1(2), eff. Aug. 29, 1983

§ 88.004. Repealed by Acts 1983, 68th Leg., p. 2126, ch. 386, § 1(3), eff. Aug. 29, 1983

[Sections 88.005 to 88.100 reserved for expansion]

SUBCHAPTER B. THE TEXAS
 FOREST SERVICE

§ 88.101. **State Forester: Appointment, Qualifications**

The board of directors shall appoint a state forester, who shall be a technically trained forester with not less than two years of experience in profession-

al forestry work. The state forester is the director of the Texas Forest Service.

[Acts 1971, 62nd Leg., p. 3209, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.1011. **Application of Sunset Act**

The office of State Forester is subject to the Texas Sunset Act,¹ and unless continued in existence as provided by that Act the office is abolished effective September 1, 1985.

[Acts 1977, 65th Leg., p. 1844, ch. 735, § 2.088, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 88.102. **General Duties**

Under the general supervision of the board, the state forester shall:

- (1) assume direction of all forest interests and all matters pertaining to forestry within the jurisdiction of this state;
- (2) subject to the approval and confirmation of the board, appoint the assistants and employees necessary in executing the duties of his office and the purposes of the board, their compensation to be fixed by the board;
- (3) take any action deemed necessary by the board to prevent and extinguish forest fires;
- (4) enforce all laws pertaining to the protection of forests and woodlands and prosecute violations of those laws;
- (5) collect data relating to forest conditions; and
- (6) prepare for the board an annual report stating the progress and condition of state forestry work and recommending plans for improving the state system of forest protection, management, and replacement.

[Acts 1971, 62nd Leg., p. 3209, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.103. **Enforcement; Appointment of Peace Officers**

The state forester may appoint not to exceed 12 employees of the Texas Forest Service who are certified by the Commission on Law Enforcement Officer Standards and Education as qualified to be peace officers to serve as peace officers under his direction in executing the enforcement duties of that agency. The appointments must be approved by the board which shall commission the appointees as peace officers. Any officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers in the performance of his duties. The officer shall take the oath required of peace officers and shall execute a good and sufficient bond in the sum of \$5,000, payable to the governor and his successors in office, with two or more good and sufficient personal sureties or with one corporate surety authorized to do business in Texas, conditioned that he will fairly, impartially, and faithfully perform all the duties that may be

required of him by law. The bond may be sued on in the name of any person injured until the whole amount of the bond is recovered.

[Acts 1971, 62nd Leg., p. 3209, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1840, ch. 570, § 1, eff. June 19, 1975.]

§ 88.104. Authority to Enter Private Land

Authority is hereby granted to every employee of the Texas Forest Service and any outside labor or assistance the employee deems necessary to enter upon any privately-owned land in the performance of fire suppression duties which are by state law under the direction of the state forester. These entries on privately-owned land may be made whenever it is necessary to investigate forest and grass fires and to ascertain whether they are burning uncontrolled, and whenever it is necessary to suppress forest and grass fires that are known to be burning uncontrolled.

[Acts 1971, 62nd Leg., p. 3210, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.105. Cooperation with Persons and Agencies

On request, under the sanction of the board, and whenever he deems it essential to the best interests of the people of the state, the state forester shall cooperate with counties, towns, corporations, or individuals in preparing plans for the protection, management, and replacement of trees, woodlots, and timber tracts, under an agreement that the parties obtaining the assistance pay at least the field expenses of the men employed in preparing the plans. The board may cooperate with the National Forest Service under terms it deems desirable.

[Acts 1971, 62nd Leg., p. 3210, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.106. Cooperation with Federal Agencies; Rural Fire Protection Plans; Fire Training; Disposition of Obsolete Equipment

The state forester, under the supervision of the board, may cooperate on forestry projects with the National Forest Service and other federal agencies; and, subject to the authorization of the board, he may execute agreements relating to forest protection projects in cooperation with federal agencies and timberland owners and may also execute agreements with timberland owners involving supervision of forest protection and forest development projects when the projects are developed with the aid of loans from a federal agency and when the supervision by the state is required by federal statute or is deemed necessary by the federal agency. Under the supervision of the board, the state forester is further authorized to cooperate in the development of rural fire protection plans, to provide training in suppression of fires, and to sell, lend, or otherwise make available to organized fire fighting groups obsolete fire control equipment available to the Tex-

as Forest Service, including federal excess or surplus property.

[Acts 1971, 62nd Leg., p. 3210, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 240, ch. 115, § 1, eff. May 18, 1973.]

§ 88.107. Forest Land: Acquisition by Gift or Purchase

(a) On the recommendation of the board, the governor may accept gifts of land to the state to be held, protected, and administered by the board as state forests and to be used to demonstrate the practical utility of timber culture and water conservation and for game preserves. The gifts may be on terms and conditions agreed upon between the grantors of the property and the board.

(b) The board may purchase lands in the name of the state suitable chiefly for the production of timber as state forests, using for that purpose any special appropriation.

(c) All conveyances of property, by gift or otherwise, shall be submitted to the attorney general for approval as to form.

[Acts 1971, 62nd Leg., p. 3210, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.108. Acquisition of Land for Forestry Purposes; Disposition

(a) The board may accept gifts, donations, or contributions of land suitable for forestry purposes and may enter into agreements with the federal government or other agencies for acquiring by lease, purchase, or otherwise any land that in the judgment of the board is desirable for state forests.

(b) When land is acquired or leased under this section, the board may make expenditures, from any funds not otherwise obligated, for its management, development, and utilization. The board may sell or otherwise dispose of products from the land and may make rules and regulations that may be necessary to carry out the purposes of this section.

(c) All revenue derived from land now owned or later acquired under the provisions of this section shall be segregated by the board for use in the acquisition, management, development, and use of the land until all obligations incurred have been paid in full. Thereafter, net profits accruing from the administration of the land shall be applicable for the purposes that the legislature may prescribe.

(d) Obligations for the acquisition of land incurred by the board under the authority of this section shall be paid solely and exclusively from revenue derived from the land and shall not impose any liability on the general credit and taxing power of the state.

(e) The board may sell, exchange, or lease state forest land under its jurisdiction when in its judgment it is advantageous to the state to do so in the highest orderly development and management of state forests. However, no sale or exchange of any

such land belonging to the state or the university shall be made until the sale or exchange is authorized by the legislature. The sale, lease or exchange shall not be contrary to the terms of any contract into which it has entered.

[Acts 1971, 62nd Leg., p. 3211, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.109. Use of Certain Department of Corrections Land for Reforestation

The several tracts of land in Cherokee County near Maydelle, consisting of approximately 2,150 acres, owned by the Texas Department of Corrections, is set aside for reforestation purposes to be used by Texas A & M University to demonstrate reforestation work.

[Acts 1971, 62nd Leg., p. 3211, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.110. Purchase of Land for Seedling Nursery

The board may acquire by purchase in the name of the State of Texas for the use and benefit of the Texas Forest Service, and may improve, a sufficient quantity of land suitable for the operation of a forest tree seedling nursery in the reforestation program of the Texas Forest Service and for the production of other forest products. However, not more than 400 acres of land may be purchased under this section; and the selling price of seedlings produced on the land, as far as practical, shall represent the cost of production plus at least 10 percent.

[Acts 1971, 62nd Leg., p. 3211, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.1101. Expired

Former § 88.1101, added by Acts 1977, 65th Leg., p. 904, ch. 338, § 1, and relating to acquisition by eminent domain and development of land for the Texas Forest Service for use as a forest tree seedling nursery, expired by the terms of § 2 of the 1977 Act on December 31, 1979.

§ 88.111. Forest Land Acquired by State under Tax Sale

When pine forest land is sold to the state for the payment of taxes, interest, penalty, and costs adjudged against the land, as provided in Article 7328, Revised Civil Statutes of Texas, 1925, as amended, and not redeemed or resold as provided in Article 7328, the land shall be withdrawn from the market and shall be held, protected, and administered by the board as state forest; and the board may manage, use, and improve the pine forest land as fully and to the same extent as in the case of other forest land held by it in accordance with the law. Forest land, as used in this section, includes all land on which is growing pine timber of any material value and all cutover pine timberland which may reasonably be expected to produce, by reason of natural or

other methods of reforestation, another growth of pine timber of any material value.

[Acts 1971, 62nd Leg., p. 3211, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.112. South Central Interstate Forest Fire Protection Compact

The South Central Interstate Forest Fire Protection Compact has been ratified by the states of Texas, Arkansas, Louisiana, Mississippi, and Oklahoma. The text of the compact is set out in Section 88.116 of this code, and an authenticated copy is on file in the office of the secretary of state.

[Acts 1971, 62nd Leg., p. 3212, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.113. Compact Administrator

The director of the Texas Forest Service shall act as compact administrator for the State of Texas and represent Texas in the South Central Interstate Forest Fire Protection Compact.

[Acts 1971, 62nd Leg., p. 3212, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.1131. Repealed by Acts 1983, 68th Leg., p. 2126, ch. 386, § 1(4), eff. Aug. 29, 1983

§ 88.114. Advisory Committee

The advisory committee referred to in Article III of the compact shall be composed of four members selected as follows: One member shall be named from the membership of the Senate of the State of Texas by the Lieutenant Governor; one member shall be named from the membership of the House of Representatives of the State of Texas by the Speaker; and two members shall be appointed by the governor, one of whom shall be selected from among the persons who comprise the board of directors of The Texas A & M University System, and one of whom shall be a person associated with forestry or a forest products industry.

[Acts 1971, 62nd Leg., p. 3212, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.115. Legislative Intent

It is the intent of the Legislature of the State of Texas, in ratifying the South Central Interstate Forest Fire Protection Compact, that this compact is and shall be a joint program of the member states and that representatives of the United States government shall participate in compact meetings or in other activities under the compact only in the manner and to the extent authorized by the representatives of the member states, appointed pursuant to the terms of this compact.

[Acts 1971, 62nd Leg., p. 3212, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.116. Text of Compact

The South Central Interstate Forest Fire Protection Compact reads as follows:

SOUTH CENTRAL INTERSTATE FOREST FIRE
PROTECTION COMPACT

ARTICLE I.

The purpose of this compact is to promote effective prevention and control of forest fires in the South Central region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member States, by providing for mutual aid in fighting forest fires among the compacting States of the region and with States which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest development.

ARTICLE II.

This compact shall become operative immediately as to those States ratifying it whenever any two or more of the States of Arkansas, Louisiana, Mississippi, Oklahoma, and Texas which are contiguous have ratified it and Congress has given consent thereto. Any State not mentioned in this article which is contiguous with any member State may become a party to this compact, subject to approval by the legislature of each of the member States.

ARTICLE III.

In each State, the State Forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that State and shall consult with like officials of the other member States and shall implement cooperation between such States in forest fire prevention and control.

The compact administrators of the member States shall organize to coordinate the services of the member States and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, representatives of the Board of Directors of the Texas Agricultural and Mechanical College System, and forestry or forest products industries representatives, which shall meet from time to time with the compact administrators. Each member State shall name one member of the Senate and one member of the House of Representatives, and the Governor of each member State shall appoint one representative who shall be associated with forestry or forest products industries, and a member of the Board of Directors of the Texas Agricultural and Mechanical College System, to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting States, and each State shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member States.

It shall be the duty of each member State to formulate and put in effect a forest fire plan for

that State and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

ARTICLE IV.

Whenever the State forest fire control agency of a member State requests aid from the State forest fire control agency of any other member State in combating, controlling or preventing forest fires, it shall be the duty of the State forest fire control agency of that State to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

ARTICLE V.

Whenever the forces of any member State are rendering outside aid pursuant to the request of another member State under this compact, the employees of such State shall, under the direction of the officers of the State to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the State to which they are rendering aid.

No member State or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith; provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any State.

All liability, except as otherwise provided herein, that may arise either under the laws of the requesting State or under the laws of the aiding State or under the laws of a third State on account of or in connection with a request for aid, shall be assumed and borne by the requesting State.

Any member State rendering outside aid pursuant to this compact shall be reimbursed by the member State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of employees and equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any assisting member State from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member State without charge or cost.

Each member State shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as

if the injury or death were sustained within such State.

For the purposes of this compact the term "employee" shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding State under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member States.

ARTICLE VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member State.

Nothing in this compact shall be construed to limit or restrict the powers of any State ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of State laws, rules or regulations intended to aid in such prevention, control and extinguishment in such State.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member State or States.

ARTICLE VII.

The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the South Central Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each State, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

ARTICLE VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any State party to this compact and any other State which is party to a regional forest fire protection compact in another region; provided, that the Legislature of such other State shall have given its assent to such mutual aid provisions of this compact.

ARTICLE IX.

This compact shall continue in force and remain binding on each State ratifying it until the legislature or the Governor of such State takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the State desiring to

withdraw to the chief executives of all States then parties to the compact.

[Acts 1971, 62nd Leg., p. 3213, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 88.117 to 88.200 reserved for expansion]

SUBCHAPTER C. THE TEXAS AGRICULTURAL EXPERIMENT STATION

§ 88.201. Purposes

There shall be established, at places in the state the board of directors deems proper, experiment stations for the purpose of making experiments and conducting investigations in the planting and growing of agricultural and horticultural crops and soils, and the breeding, feeding and fattening of livestock for slaughter.

[Acts 1971, 62nd Leg., p. 3215, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.202. Main State Experiment Station

The experiment station located at College Station, which is in part supported by the federal government, shall remain there as a permanent institution. It shall be known as the Main State Experiment Station and shall be under the supervision of the board of directors. The board may accept from the federal government any aid in its support that may be provided by Congress.

[Acts 1971, 62nd Leg., p. 3216, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.203. Substations

(a) The board may:

(1) establish experiment substations at places in this state it deems proper;

(2) abandon or discontinue any substation which may become undesirable for experiment purposes, and if deemed necessary establish others in their stead at places it deems advisable; and

(3) sell any land or other state property used in the operation of an experiment station when abandoned and apply the proceeds of the sale to the purchase of other land and property for the establishment of experiment stations.

(b) The board shall exercise a general supervision and direction over substations established under this subchapter.

[Acts 1971, 62nd Leg., p. 3216, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.2031. Repealed by Acts 1983, 68th Leg., p. 2126, ch. 386, § 1(5), eff. Aug. 29, 1983

§ 88.204. Sale of Stations

If property used in the operation of a station is sold, the title to the property shall not pass from this state until a deed of conveyance is made to the purchaser, duly signed by the governor and attested

by the secretary of state under his official seal. All funds received from the sale of station lands or property shall be deposited in the state treasury and shall be paid out in accordance with the provisions of this subchapter.

[Acts 1971, 62nd Leg., p. 3216, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.205. Sale of Crops

Proceeds from the sale, barter, or exchange of crops raised on any experiment station shall be applied to defray the expenses of operating the station.

[Acts 1971, 62nd Leg., p. 3216, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.206. Donations; Leases

(a) The board may accept and receive donations of money and property when given to be used in connection with any experiment work authorized by this subchapter.

(b) In the location of any experiment station, the board may take into consideration and receive any donation of money, land, or other property to be used in the operation, equipment, or management of the station; and for experiment work may lease any land that in its judgment may be necessary for any of the purposes named in this subchapter.

[Acts 1971, 62nd Leg., p. 3216, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.207. Expenses; Per Diem

The necessary traveling expenses of the members of the board and those of the director and his assistants shall be paid out of the funds appropriated by this state for the maintenance and support of the experiment stations. In addition to actual traveling expenses, each member of the board, when traveling on the official business of the stations, shall be paid \$5 per day while actually engaged in the discharge of his duties.

[Acts 1971, 62nd Leg., p. 3216, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.208. Inspections

The board shall visit the stations once a year and shall make criticisms to the director and his assistants that it deems expedient and necessary.

[Acts 1971, 62nd Leg., p. 3217, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.209. Director

(a) The main station and the substations are under the supervision, control, management, and direction of the director of the Texas Agricultural Experiment Station at College Station. The director shall reside at College Station.

(b) The board may pay a part of the director's salary from money appropriated by the Legislature for the maintenance and support of the experiment

stations in the proportion that in its judgment is just and proper, taking into consideration the division of his time between the main station and the substations and the sum appropriated for the purpose by the federal government.

(c) The director may employ the assistants and labor and may purchase the livestock, farming implements, tools, seed, and other materials and supplies that he deems necessary for the successful management of any or all of the experiment stations, subject to the approval of the board.

[Acts 1971, 62nd Leg., p. 3217, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.210. Reports

On the first day of each month, the director shall make a complete report to the board showing receipts and disbursements, the source of the receipts, and for what purpose they were disbursed; and on or before January 1, of each year, he shall make a full and detailed report to the board of the operation of the stations, including a statement of receipts and expenditures for the entire year. The annual report shall be transmitted to the governor with any additional report that the board deems proper.

[Acts 1971, 62nd Leg., p. 3217, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.211. Bulletin

The director shall periodically issue and circulate among the farmers and livestock raisers of Texas printed bulletins showing the results of the experiments and the results accomplished and the progress made in the improvement of the agricultural and livestock interests of this state. The bulletins shall be mailed to all persons who desire them. The director shall invite the cooperation of persons engaged in those industries and shall give them advice when requested with reference to the management and cultivation of their farms and the care, management, and feeding of their stock.

[Acts 1971, 62nd Leg., p. 3217, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 88.212. Disbursements

Before warrants are issued by the comptroller in payment of state experiment station accounts, vouchers covering them shall be audited and signed by the director or an assistant designated by him, in writing, for that purpose, and also by a member of the board.

[Acts 1971, 62nd Leg., p. 3217, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

SUBCHAPTER D. INSTITUTE FOR VENTURES IN NEW TECHNOLOGY

§ 88.300. Institute for Ventures in New Technology

There is established at the Texas Engineering Experiment Station an Institute for Ventures in

New Technology, hereinafter referred to as INVENT. The operating budget, staffing, and activities of INVENT shall be approved by the board of regents of The Texas A&M University System.

[Acts 1983, 68th Leg., p. 2033, ch. 370, § 1, eff. June 17, 1983.]

§ 88.301. Public Purpose of the Center

The legislature finds that an indispensable element of the American economic system is free and vigorous competition and that the preservation and expansion of economic competition is essential to the economic well-being of this state and of the United States. The resources and potential contributions of small business enterprises and individual entrepreneurs are essential to economic competition, and it is the policy of this state to ensure economic competition by assisting small business enterprises and individual entrepreneurs to the greatest extent possible. It is the purpose of INVENT to provide technical assistance in the evaluation and development of new products and processes for small business enterprises and individual entrepreneurs. Such purpose is declared to be a public purpose which will promote economic competition to the benefit of all persons in the state.

[Acts 1983, 68th Leg., p. 2033, ch. 370, § 1, eff. June 17, 1983.]

§ 88.302. Objectives and Duties of the Institute

The objectives and duties of the institute are as follows:

- (1) to participate in the creation of a new diversified high-technology tax base for the state;
- (2) to make the intellectual resources inherent in the state's higher education faculty available to enhance competitive industrialization of the state;
- (3) to provide opportunities for the business and engineering communities of higher education to participate in and study actual cases in new product development;
- (4) to solicit ideas and innovations for new products and processes from small businesses and individual entrepreneurs;
- (5) to select those ideas and innovations which indicate the greatest potential for technological innovation and commercial development;
- (6) to research and develop such ideas and innovations so that recommendations necessary to use them effectively and to acquire necessary resources for their use on the open market may be made.

[Acts 1983, 68th Leg., p. 2033, ch. 370, § 1, eff. June 17, 1983.]

§ 88.303. Ownership Interests

The institute may enter into agreements establishing equitable interests, royalties, and patent rights relating to activities carried on under the authority of this subchapter. The institute may receive, hold, sell, and transfer shares of corporate

stock in any corporation formed for the purpose of marketing, producing, manufacturing, or promoting any idea or innovation for which it has provided technical assistance as provided by this subchapter.

[Acts 1983, 68th Leg., p. 2033, ch. 370, § 1, eff. June 17, 1983.]

SUBTITLE E. THE TEXAS STATE UNIVERSITY SYSTEM

CHAPTER 95. ADMINISTRATION OF THE TEXAS STATE UNIVERSITY SYSTEM

SUBCHAPTER A. ADMINISTRATIVE PROVISIONS

Sec.

- 95.01. Board of Regents.
- 95.02. Board Members: Appointment, Qualifications, Terms.
- 95.03. Board Meetings.
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SUBCHAPTER A. ADMINISTRATIVE PROVISIONS

§ 95.01. Board of Regents

The organization, control, and management of the state university system is vested in the Board of Regents, Texas State University System.

[Acts 1971, 62nd Leg., p. 3218, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

§ 95.02. Board Members: Appointment, Qualifications, Terms

The board is composed of nine members appointed by the governor with the advice and consent of the senate. The members hold office for terms of six years, with the terms of three members expiring February 1 of odd-numbered years. Each member of the board shall be a qualified voter; and the

members shall be selected from different portions of the state.

[Acts 1971, 62nd Leg., p. 3218, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 2837, ch. 484, art. III, § 3, eff. June 19, 1983.]

Section 5 of art. III of the 1983 amendatory act provides: "A member of the board of regents of The University of Texas System, The Texas A&M University System, The Texas State University System, or Texas Woman's University who was appointed under prior law for a term expiring in 1985, 1987, or 1989 serves for a term expiring February 1 of the applicable year or until a successor is appointed and has qualified."

§ 95.03. Board Meetings

The board shall provide for regular meetings for the transaction of business pertaining to the affairs of the state university system. The chairman or a majority of the members of the board by petition may at any time call a special meeting of the board and fix the time and place thereof.

[Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.]

§ 95.04. Per Diem; Expenses

Members of the board shall receive a per diem payment as provided by the legislature and shall in addition be reimbursed for the actual expenses incurred by them in the performance of their duties. Payment shall be made out of the appropriation for the support and maintenance of the state university system as the board may direct.

[Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.]

§ 95.05. Quorum

Five members of the board shall be a quorum for the transaction of business at any meeting and, unless a greater number is required by the board's rules, the act of a majority of the members present at any meeting shall be the act of the board.

[Acts 1983, 68th Leg., p. 3053, ch. 524, § 2, eff. Sept. 1, 1983.]

[Sections 95.06 to 95.20 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

§ 95.21. General Responsibilities of Board

(a) The board is responsible for the general control and management of the universities in the system and may erect, equip, and repair buildings; purchase libraries, furniture, apparatus, fuel, and other necessary supplies; employ and discharge presidents or principals, teachers, treasurers, and other employees; fix the salaries of the persons employed; and perform such other acts as in the judgment of the board contribute to the develop-

ment of the universities in the system or the welfare of their students.

(b) The board has authority to promulgate and enforce such rules, regulations, and orders for the operation, control, and management of the university system and its institutions as the board may deem either necessary or desirable. When a power is vested in the board, the board may adopt a rule, regulation, or order delegating such power to any officer, employee, or committee as the board may designate.

[Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.]

§ 95.22. Inspection of Universities

The board as a whole or by committee shall visit each university under its control and management at least once during each scholastic year, inspect its work, and gather information which will enable the board to perform its duties intelligently and effectively.

[Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.]

§ 95.23. Local Committees of Board

At least once a year each local committee of the board shall meet on the campus of the institution for which the local committee is responsible for reporting to the board. At the meeting, the local committee shall confer with the institution's officials and carefully examine all phases of the operations of the institution.

[Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 95.24. Admission; Diplomas and Certificates

The board may determine the conditions on which students may be admitted to the universities, the grades of certificates issued, the conditions for the award of certificates and diplomas, and the authority by which certificates and diplomas are signed.

[Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

§ 95.25. Teaching Certificates

Diplomas and teachers certificates of each of the system universities authorize the holders to teach in the public schools.

[Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

§ 95.26. Incidental Fees

The board may fix the rate of incidental fees to be paid by students attending the universities and may

make rules for the collection of the fees and for the disbursement of the funds collected.

[Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

§ 95.27. Annual Report to Governor

The board shall make an annual report to the governor showing the general condition of the affairs of each university in the system and making recommendations for its future management and welfare.

[Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

§ 95.28. Disbursement of Funds

All appropriations made by the legislature for the support and maintenance of the system universities, for the purchase of land or buildings for the universities, for the erection or repair of buildings, for the purchase of apparatus, libraries, or equipment of any kind, or for any other improvement of any kind shall be disbursed under the direction and authority of the board. The board may formulate rules for the general control and management of the universities, for the auditing and approving of accounts, and for the issuance of vouchers and warrants which are necessary for the efficient administration of the universities.

[Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

§ 95.29. Financial Statements and Recommendations

The board shall file in each house of the legislature at each of its regular biennial sessions a statement of the receipts and expenditures of each of the system universities, showing the amount of salaries paid to the various teachers, contingent expenses, expenditures for improvements, and other items of expense. The board shall also file its recommendations for appropriations for the universities.

[Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

§ 95.30. Eminent Domain

The board has the power of eminent domain to acquire for the use of the system universities the lands necessary and proper for carrying out their purposes, in the manner prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended.¹ The taking of the land is for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Paragraph 2, Article

3268, Revised Civil Statutes of Texas, 1925, as amended.²

[Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

¹ Civil Statutes, art. 3264 et seq. (generally repealed; see, now, Property Code, § 21.001 et seq.).

² Repealed; see, now, Property Code, § 21.021.

§ 95.31. Acquisition of Land; Procedures

(a) The board may acquire land, including the improvements thereupon, needed for the proper operation of a system university. The acquisition may be by grant, purchase, lease, exchange, gift, devise, or by condemnation.

(b) If the board and the landowner cannot agree on the sale and purchase of the land, the board may request the attorney general to proceed to condemn the land as provided by law. In lieu of a suit, the parties may select by agreement three persons to ascertain the value of the land under their oaths and the direction of the court. The finding and decision of the jury, court, or persons selected is in all cases final, except that the parties may appeal as in other civil cases.

(c) When the value of the land has been ascertained and the court is satisfied with the valuation, the court shall enter a decree vesting the title of the land in the state for the use and benefit of the university for whose benefit the land is needed. No decree shall be entered until the value of the land as ascertained, together with all reasonable cost and expense of the owner in attending the proceeding, is paid to him or into court for his benefit and subject to his order. The costs and expenses, including reasonable attorneys' fees, shall be ascertained by the court in which the proceeding is held.

[Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1161, ch. 434, § 4, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.]

§ 95.32. Dormitories

(a) The board may enter into contracts with persons, firms, or corporations for the erection of dormitories at a university, and may purchase or lease lands and other appurtenances for the construction of the dormitories, provided that the state incurs no liability for the buildings or the sites.

(b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings.

(c) The board may adopt rules and regulations it deems reasonable requiring any class or classes of students to reside in the dormitories or other buildings. Absolute management and control of the dormitories constructed is vested in the board.

[Acts 1971, 62nd Leg., p. 3221, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1162, ch. 434, § 5, eff. June 19, 1975.]

§ 95.33. Management of Property

The board of regents of the Texas State University System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, the Texas State University System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the Texas State University System, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years.

[Acts 1979, 66th Leg., p. 1447, ch. 636, § 1, eff. June 13, 1979. Amended by Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.]

§ 95.34. Donations, Gifts, Grants, and Endowments

(a) The board may accept donations, gifts, grants, and endowments for the universities under its control to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, grant, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the universities. All money accepted under the authority of this section shall be deposited to the credit of one or more special funds created by the board for the university system or universities in the system. The board shall designate one or more depositories for the money received and shall accord money deposited in them the same protection by the pledging of assets of a depository as is required for the protection of public funds.

(b) The board may deposit in one or more appropriate accounts created by the board all funds received as administrative fees or charges for services rendered in the management and administration of any trust estate under the control of the board. The funds so received as administrative fees or charges may be expended by the board for any educational purpose of the university system or universities in the system.

[Acts 1979, 66th Leg., p. 1447, ch. 636, § 1, eff. June 13, 1979. Amended by Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.]

§ 95.35. Student Center Fees

(a) To the extent approved by the students under Subsection (b) of this section, the board may charge each student enrolled in a university under its authority a student center fee not to exceed \$20 per semester or \$10 per six-week summer term to be used to construct, operate, maintain, improve, and program a student center at the university at which the student is enrolled.

(b) The decision to levy a student center fee, the amount of the initial fee, and an increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose; provided that this requirement shall not apply to the decision to levy a student center fee or the amount of the initial fee approved by the board prior to the effective date of this section.

(c) The chief fiscal officer of each university operating a student center shall collect the student center fee and shall deposit the money received into an account known as the student center account.

(d) The university shall hold in reserve any fee revenue that exceeds the amount necessary to meet the operating expenses of the student center and may apply that revenue only to future operating expenses of the student center.

(e) No state appropriated funds may be used to construct, operate, maintain, improve, or program the student center.

[Acts 1981, 67th Leg., p. 1812, ch. 401, § 1, eff. June 11, 1981.]

§ 95.36. Management and Lease of Land

(a) The board may lease for oil, gas, sulphur, ore, and other mineral development all land under its control. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land. All leases, pooling agreements, division orders, or other contracts entered into shall be on terms which the board deems in the best interest of the system and the system universities. No lease shall be sold for less than the royalty and rental terms demanded at that time by the General Land Office in the sale of oil, gas, and other mineral leases of the public lands of the State of Texas.

(b) Except as provided in Subsection (c) of this section, any money received by virtue of this section and the income from the investment of such money shall be deposited in the State Treasury to the credit of a special fund to be known as the Texas State University System special mineral fund, to be used exclusively for the university system and the universities in the system. However, no money shall ever be expended from this fund except as authorized by the General Appropriations Act.

(c) All money received by virtue of the lease of land given to the board by a will, instrument in writing, or other means shall be deposited to the credit of one or more special funds created by the board for the university system or universities in the system. The board shall designate one or more depositories for the money received and shall accord money deposited in them the same protection by the pledging of assets of a depository as is required for the protection of public funds. Money deposited in a special fund may be used by the board for payment of principal and interest on revenue bonds or notes issued by the board and for any other use or purpose which in the judgment of the board may be

for the good of the university system or the universities in the system.

[Acts 1983, 68th Leg., p. 3053, ch. 524, § 2, eff. Sept. 1, 1983.]

CHAPTER 96. INSTITUTIONS OF THE TEXAS STATE UNIVERSITY SYSTEM

SUBCHAPTER A. SUL ROSS STATE UNIVERSITY

Sec.

96.01. Sul Ross State University.

SUBCHAPTER B. ANGELO STATE UNIVERSITY

- 96.21. Angelo State University.
 96.22. Donations, Gifts, Endowments.
 96.23. Management and Control of Lands; Conveyances and Leases.
 96.24. Military Training.
 96.25. Obligations and Benefits of General Laws.

SUBCHAPTER C. SOUTHWEST TEXAS STATE UNIVERSITY

- 96.41. Southwest Texas State University.
 96.42. Student Fees for Bus Service.
 96.43. Repealed.

SUBCHAPTER D. SAM HOUSTON STATE UNIVERSITY

- 96.61. Sam Houston State University.
 96.62. University Airport.
 96.63. Josey School of Vocational Education.

SUBCHAPTER A. SUL ROSS STATE UNIVERSITY

§ 96.01. Sul Ross State University

Sul Ross State University is a coeducational institution of higher education located in the city of Alpine. It is under the management and control of the Board of Regents, Texas State University System.

[Acts 1971, 62nd Leg., p. 3222, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

[Sections 96.02 to 96.20 reserved for expansion]

SUBCHAPTER B. ANGELO STATE UNIVERSITY

§ 96.21. Angelo State University

Angelo State University is a coeducational institution of higher education located in the city of San Angelo. It is under the management and control of the Board of Regents, Texas State University System.

[Acts 1971, 62nd Leg., p. 3222, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

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§§ 96.22, 96.23. Repealed by Acts 1983, 68th Leg., p. 3054, ch. 524, § 3, eff. Sept. 1, 1983

§ 96.24. Military Training

No student shall ever be required to take any military training as a condition for entrance into or graduation from the university.

[Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 96.25. Obligations and Benefits of General Laws

The university is subject to the obligations and entitled to the benefits of all general laws of Texas applicable to all other state institutions of higher education, except that where the general laws are in conflict with this subchapter, the provisions of this subchapter prevail to the extent of the conflict.

[Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 96.26 to 96.40 reserved for expansion]

SUBCHAPTER C. SOUTHWEST TEXAS STATE UNIVERSITY

§ 96.41. Southwest Texas State University

Southwest Texas State University is a coeducational institution of higher education located in the city of San Marcos. It is under the management and control of the Board of Regents, Texas State University System.

[Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

§ 96.42. Student Fees for Bus Service

(a) The board of regents may charge each student enrolled at the university a fee initially set at \$10 per semester or \$5 per six-week summer term to be used to finance bus service for students attending the institution.

(b) Not more than once in an academic year, the board may increase the fee authorized in Subsection (a) of this section for the purpose of covering increased operating costs of the bus service. The increase may not exceed \$2 per semester or \$1 per six-week summer term. Any increase in the initial fee must be approved by a majority vote of those students participating in a general election called for that purpose.

(c) The fee for student bus service shall not be counted in determining the maximum student service fees which may be charged pursuant to the provisions of Section 54.503 of this code.

(d) The university shall hold in reserve any fee revenue that exceeds the amount necessary to meet the operating expenses of the bus service and shall

apply that revenue only to future operating expenses of the bus service.

[Acts 1975, 64th Leg., p. 1233, ch. 458, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg. p. 82 ch. 43, § 1.]

Section 2 of the 1981 amendatory act provided:

"This Act takes effect beginning with the first semester or six-week summer term following its enactment."

§ 96.43. Repealed by Acts 1981, 67th Leg., p. 1812, ch. 401, § 2, eff. June 11, 1981

See, now, § 95.35.

[Sections 96.44 to 96.60 reserved for expansion]

SUBCHAPTER D. SAM HOUSTON STATE UNIVERSITY

§ 96.61. Sam Houston State University

Sam Houston State University is a coeducational institution of higher education located in the city of Huntsville. It is under the management and control of the Board of Regents, Texas State University System.

[Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.]

§ 96.62. University Airport

(a) The board may construct or otherwise acquire without costs to the state or the university an airport for purposes of cooperation with the national defense program and for instruction in aeronautics.

(b) The board may acquire by purchase, lease, gift, or by any other means, and may maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest in property, necessary or convenient to the exercise of the powers conferred by this section. The board has the power of eminent domain for the purpose of acquiring by condemnation any real property, or any interest in real property, necessary or convenient to the exercise of the powers conferred by this section. The board shall exercise the power of eminent domain in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925,¹ except that it shall not be required to give bond for appeal or bond for costs.

[Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Civil Statutes, art. 3264 et seq.

§ 96.63. Josey School of Vocational Education

(a) The Josey School of Vocational Education is a division of Sam Houston State University and is under the direction and control of the Board of Regents, State Senior Colleges.

(b) The administration of the school is under the direction of the president of Sam Houston State University.

(c) The school shall provide vocational training for individuals over the age of 18 who cannot qualify scholastically for college entrance and for other persons who desire to avail themselves of short intensive courses in vocational education in the following fields: agriculture, home management, distributive education, photography, plumbing, sheet metal work, machine shop, auto mechanics, furniture, electrical appliances, air conditioning and refrigeration, printing, radio, garment making, interior decorating, light construction contracting, photoengraving, watchmaking, and other trades of like nature. The training in these subjects shall be organized so that the courses may be completed in from 9 to 24 months. Courses may also be offered in English and mathematics and other subjects which will contribute to the vocational training of the student. Vocational courses in government, designed to prepare workers in various county, city, and state offices, may also be offered.

(d) The rate of tuition charged students shall be the actual cost of teaching service, not to exceed \$500 per scholastic year of nine months. Scholarships may be awarded by the board to worthy indigent students who might greatly benefit from the training offered. The amount of the scholarships may vary according to the needs of the individuals, but in no case may it reduce the tuition payment by the student to a point less than the tuition fee regularly charged students at the state senior colleges.

[Acts 1971, 62nd Leg., p. 3224, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Chapters 97 to 99 reserved for expansion]

SUBTITLE F. OTHER COLLEGES AND UNIVERSITIES

CHAPTER 100. EAST TEXAS STATE UNIVERSITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

100.01. East Texas State University.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 100.11. Board of Regents.
- 100.12. Repealed.
- 100.13. Removal.
- 100.14. Oath.
- 100.15, 100.16. Repealed.

SUBCHAPTER C. POWERS AND DUTIES

- 100.31. Repealed.
- 100.32. Degrees.
- 100.33. Donations, Gifts, Grants, Endowments.
- 100.34. Lease of University Property.
- 100.35. Contracts for Water and Sewage.
- 100.36. Management of Lands.
- 100.37. Student Union Fees.

SUBCHAPTER A. GENERAL PROVISIONS

§ 100.01. East Texas State University

East Texas State University is a coeducational institution of higher education with its main campus located in the city of Commerce.

[Acts 1971, 62nd Leg., p. 3225, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 617, ch. 226, § 1, eff. Aug. 29, 1977.]

Section 2 of the 1977 amendatory act provided:

"No provision of this Act shall be construed to authorize any new or additional college, university, other institution of higher education, branch, or center thereof."

[Sections 100.02 to 100.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 100.11. Board of Regents

The organization, control, and management of the university is vested in a board of nine regents appointed by the governor with the advice and consent of the senate. The Texarkana campus may not offer freshman or sophomore programs, and the metroplex commuter program may offer only those programs approved by the Coordinating Board, Texas College and University System and which are nonduplicative of programs offered in the Dallas educational area. The board of regents may establish different rules for the operation of the facilities and programs in each location. The members hold office for staggered terms of six years, with the terms of three regents expiring on February 15 of each odd-numbered year. The board shall elect a chairman and any other officers from its members to serve at the will of the board. The board has the powers and duties incident to its position and to the same extent as is conferred on the Board of Regents of Texas Woman's University.

[Acts 1971, 62nd Leg., p. 3225, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 617, ch. 226, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 955, ch. 224, § 1, eff. May 24, 1983.]

§ 100.12. Repealed by Acts 1977, 65th Leg., p. 617, ch. 226, § 3, eff. Aug. 29, 1977

See, now, § 100.11.

§ 100.13. Removal

The members of the board are removable by the governor for inefficiency or malfeasance of office.

[Acts 1971, 62nd Leg., p. 3226, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 100.14. Oath

Each member of the board shall take the constitutional oath of office before assuming the duties of his office.

[Acts 1971, 62nd Leg., p. 3226, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§§ 100.15, 100.16. Repealed by Acts 1977, 65th Leg., p. 617, ch. 226, § 3, eff. Aug. 29, 1977

See, now, § 100.11.

[Sections 100.17 to 100.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 100.31. Repealed by Acts 1977, 65th Leg., p. 617, ch. 226, § 3, eff. Aug. 29, 1977

See, now, § 100.11.

§ 100.32. Degrees

The board may award bachelor's, master's, and doctor's degrees and their equivalents, but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3226, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 100.33. Donations, Gifts, Grants, Endowments

The board may accept donations, gifts, grants, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, grant, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the university.

[Acts 1971, 62nd Leg., p. 3226, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 100.34. Lease of University Property

The board may lease any part of the university's property to any person, partnership, special partnership, business association, or institution, including governmental entities, for the purpose of permitting the university to develop its resources to the greatest extent feasible while realizing a maximum economic benefit.

[Acts 1971, 62nd Leg., p. 3227, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 100.35. Contracts for Water and Sewage

The board shall contract with the city of Commerce for the furnishing of water and sewage to the university. The rates to be charged the university shall be those regularly established, published, and declared for similar users or customers, or if there are no similar users or customers, the rates to be charged shall be those established by the city for commercial users. The city may make any special adjustments, discounts, and rates that the governing body of the city may see fit to provide for the university.

[Acts 1971, 62nd Leg., p. 3227, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 100.36. Management of Lands

The board has the sole and exclusive management and control of lands set aside and appropriated to or acquired by the university. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the university. Land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years.

[Acts 1973, 63rd Leg., p. 424, ch. 189, § 1, eff. Aug. 27, 1973.]

§ 100.37. Student Union Fees

(a) The board may levy a regular fixed student fee not to exceed \$15 per student for each semester of the long session and not to exceed \$7.50 per student for each term of the summer school, or any fractional part thereof, as may in their discretion be just and necessary for the sole purpose of financing, constructing, operating, maintaining, and improving the Union Center Building. The amount of the fee may be changed at any time within the limits specified in order that sufficient funds to support the Union Center Building may be raised, but any increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose. The fees herein authorized to be levied should be in addition to any use fee and service fee now or hereafter levied in accordance with law. No state funds may be expended for use of the Union Center Building.

(b) The business manager of East Texas State University shall collect the fees provided for in this section and shall credit the money received from the fees to an account known as the Union Center Building Account.

(c) The money collected and placed in the Union Center Building Account shall be used for the purpose of financing, constructing, operating, maintaining, and improving the Union Center Building and shall be placed under the control of and subject to the order of the board of directors of the Union Center Building, which board of directors shall annually submit a complete itemized budget to be accompanied by a full and complete report of all activities conducted during the year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving it, and shall then levy the student fees under the provisions of this section in such amount as will be sufficient to meet the budgetary needs of the Union Center Building, within the statutory limits herein fixed.

[Acts 1975, 64th Leg., p. 1916, ch. 619, § 1, eff. Sept. 1, 1975.]

CHAPTER 101. STEPHEN F. AUSTIN STATE UNIVERSITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

101.01. Stephen F. Austin State University.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 101.11. Board of Regents.
- 101.12. Term of Office.
- 101.13. Qualifications; Oath.
- 101.14. Officers.
- 101.15. Bylaws, Rules, Regulations.
- 101.16. University President.
- 101.17. Minutes.
- 101.18. Repealed.
- 101.19. Expenses.
- 101.20. Meetings.
- 101.21. Reports.

SUBCHAPTER C. POWERS AND DUTIES

- 101.41. Extent of Powers.
- 101.42. University Center Student Fee.

SUBCHAPTER A. GENERAL PROVISIONS

§ 101.01. Stephen F. Austin State University

Stephen F. Austin State University is a coeducational institution of higher education located in the city of Nacogdoches.

[Acts 1971, 62nd Leg., p. 3228, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 101.02 to 101.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 101.11. Board of Regents

The control and management of the university is vested in a board of nine regents appointed by the governor with the advice and consent of the senate.

[Acts 1971, 62nd Leg., p. 3228, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.12. Term of Office

Members of the board hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. Any vacancy shall be filled by appointment for the unexpired portion of the term.

[Acts 1971, 62nd Leg., p. 3228, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.13. Qualifications; Oath

Each member of the board must be a citizen of the State of Texas and shall take the constitutional oath of office.

[Acts 1971, 62nd Leg., p. 3228, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.14. Officers

The board shall elect a chairman and any other officer deemed necessary.

[Acts 1971, 62nd Leg., p. 3228, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.15. Bylaws, Rules, Regulations

The board shall enact bylaws, rules, and regulations necessary for the successful management and operation of the university.

[Acts 1971, 62nd Leg., p. 3228, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.16. University President

The board shall select the president of the university.

[Acts 1971, 62nd Leg., p. 3228, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.17. Minutes

The board shall cause accurate and complete minutes of its meetings to be maintained. The minutes are open to the public for inspection at the university during regular business hours, and certified copies of the minutes shall be furnished to anyone on payment of a fee set by the board.

[Acts 1971, 62nd Leg., p. 3228, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.18. Repealed by Acts 1977, 65th Leg., p. 67, ch. 34, § 1, eff. March 29, 1977**§ 101.19. Expenses**

Members of the board shall serve without pay but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman of the board.

[Acts 1971, 62nd Leg., p. 3229, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.20. Meetings

The board shall hold an annual meeting on the campus of the university during the month of April, and at other times and places as scheduled by the board or designated by its chairman.

[Acts 1971, 62nd Leg., p. 3229, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.21. Reports

The board shall make reports to the coordinating board as required in Section 61.066 of this code.

[Acts 1971, 62nd Leg., p. 3229, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 101.22 to 101.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES**§ 101.41. Extent of Powers**

With respect to the management and control of the university, the board has the same powers and

duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system.

[Acts 1971, 62nd Leg., p. 3229, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 101.42. University Center Student Fee

(a) To the extent approved by the students under Subsection (b) of this section, the board may charge each student enrolled in one or more courses conducted on the main campus of the university a regular, fixed fee, not to exceed \$15 per student for each semester of the long session and not to exceed \$7.50 per student for all or part of each six-week term of the summer session, for the purpose of operating, maintaining, improving, equipping, and financing the university center and acquiring or constructing additions to the center. The amount of the fee may be changed at any time within the limits specified in order to provide sufficient funds to support the university center. The fees authorized in this section supplement any other use or service fee authorized by law.

(b) The decision to levy such a fee, the amount of the initial fee, and any increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose.

(c) The chief fiscal officer of the university shall collect the fees provided for in this section and shall credit the money received from the fees to an account known as the university center administration and program fund.

[Acts 1979, 66th Leg., p. 734, ch. 326, § 1, eff. June 6, 1979.]

CHAPTER 102. WEST TEXAS STATE UNIVERSITY**SUBCHAPTER A. GENERAL PROVISIONS****Sec.**

102.01. West Texas State University.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 102.11. Board of Regents.
- 102.12. Terms; Vacancies.
- 102.13. Oath.
- 102.14. Removal.
- 102.15. Officers.
- 102.16. Meetings.

SUBCHAPTER C. POWERS AND DUTIES

- 102.31. Extent of Powers.
- 102.32. Lease of Lands to Fraternities and Sororities.
- 102.33. Airport.
- 102.34. University Center Student Fee.
- 102.35. Donation and Construction of Building for Museum Purposes.

SUBCHAPTER D. KILLGORE RESEARCH CENTER

- 102.51. Gifts and Donations; Location of Center.
- 102.52. Transfer of Money; Disbursements.

Sec.

102.53. Maintenance and Administration.
102.54. Permanent Research Program.

SUBCHAPTER A. GENERAL PROVISIONS

§ 102.01. West Texas State University

West Texas State University is a coeducational institution of higher education located in the city of Canyon.

[Acts 1971, 62nd Leg., p. 3230, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 102.02 to 102.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 102.11. Board of Regents

The organization, control, and management of the university is vested in a board of nine regents appointed by the governor and confirmed by the senate. The members of the board shall be selected from different portions of the state.

[Acts 1971, 62nd Leg., p. 3230, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 756, ch. 331, § 1, eff. June 12, 1973.]

§ 102.12. Terms; Vacancies

The members of the board hold office for staggered terms of six years, with the terms of three members expiring each two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor.

[Acts 1971, 62nd Leg., p. 3231, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.13. Oath

Each member of the board shall take the constitutional oath of office before assuming the duties of his office.

[Acts 1971, 62nd Leg., p. 3231, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.14. Removal

The members of the board are removable by the governor for inefficiency or malfeasance of office.

[Acts 1971, 62nd Leg., p. 3231, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.15. Officers

The board shall elect a chairman and any other officers it deems necessary.

[Acts 1971, 62nd Leg., p. 3231, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.16. Meetings

The chairman of the board may convene the board to consider any business connected with the university whenever he deems it expedient.

[Acts 1971, 62nd Leg., p. 3231, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 102.17 to 102.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 102.31. Extent of Powers

With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system.

[Acts 1971, 62nd Leg., p. 3231, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.32. Lease of Lands to Fraternities and Sororities

(a) The board may lease portions of the state-owned land held for the use and benefit of the university in the city of Canyon to fraternities and sororities for the purpose of constructing chapter houses.

(b) A lease may be for any term of years less than 100, and the consideration and terms may be determined by the board, consistent with the best interests of the university. The chairman of the board, with approval of a majority of the board, may execute all documents necessary to consummate the leasing.

[Acts 1971, 62nd Leg., p. 3231, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.33. Airport

The university may own and operate an airport, may accept federal aid and money for those purposes, and may enter into sponsor's assurance agreements with the federal government. It may operate the airport separately or in cooperation with a city, a county, the state, or the federal government, with the approval of the appropriate governing body, but without any expense to or liability against the state in any manner.

[Acts 1971, 62nd Leg., p. 3231, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.34. University Center Student Fee

(a) To the extent approved by the students under Subsection (b) of this section, the board may charge each student enrolled in one or more courses conducted on the main campus of the university a regular, fixed fee not to exceed \$15 per student for each semester of the long session and not to exceed \$7.50 per student for all or part of each six-week term of the summer session for the purpose of operating, maintaining, improving, equipping, and financing the university center and acquiring or

constructing additions to the center. The amount of the fee may be changed at any time within the limits specified in order to provide sufficient funds to support the university center. The fees authorized in this section supplement any other use or service fee authorized by law.

(b) The decision to levy such a fee, the amount of the initial fee, and any increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose.

(c) The chief fiscal officer of the university shall collect the fees provided for in this section and shall credit the money received from the fees to an account known as the University Center Administration and Program Fund.

[Acts 1979, 66th Leg., p. 734, ch. 326, § 2, eff. June 6, 1979.]

§ 102.35. Donation and Construction of Building for Museum Purposes

The board may accept the donation from the Panhandle-Plains Historical Society of a building to be constructed for the benefit of the Panhandle-Plains Historical Museum. The building may be constructed, and existing buildings may be modified to connect with the new structure.

[Acts 1981, 67th Leg., p. 111, ch. 53, § 1, eff. April 15, 1981.]

[Sections 102.36 to 102.50 reserved for expansion]

SUBCHAPTER D. KILLGORE RESEARCH CENTER

§ 102.51. Gifts and Donations; Location of Center

The board may accept gifts and donations of money and other personal property from the Killgore Foundation and from any other private organization or individual to establish, construct, maintain, and operate a regional center to be known as the Killgore Research Center, on any land held by the board for the use of the university.

[Acts 1971, 62nd Leg., p. 3232, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.52. Transfer of Money; Disbursements

All money so received shall be transferred as soon as available to the West Texas State University Foundation or to any other fund or foundation chosen by agreement between the donors and the administration of the university. The disbursement of all this money is under the supervision of the business manager of the university, subject to accounting procedures approved by the state auditor.

[Acts 1971, 62nd Leg., p. 3232, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.53. Maintenance and Administration

The maintenance and administration of the research center is the responsibility of the State of Texas acting through the administration of the university, with the advice and assistance of an advisory council on research selected by the administration and the donors.

[Acts 1971, 62nd Leg., p. 3232, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 102.54. Permanent Research Program

In order to provide for a permanent research program, the administration of the university may:

- (1) establish formalized working relationships with established research programs similar to the relationship already developed between the university and The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston;
- (2) integrate the research program being developed in the graduate school of the university with the research program at the research center;
- (3) employ project directors who are recognized researchers and who have had experience in applying for and using research grants from governmental agencies and private foundations;
- (4) assign a person from the administrative staff of the university as administrator of the research center; and
- (5) perform any other acts and make any agreements which will implement and further the research programs of the research center and the university, consistent with the purposes of this subchapter.

[Acts 1971, 62nd Leg., p. 3232, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

CHAPTER 103. MIDWESTERN STATE UNIVERSITY

Sec.

- 103.01. *Midwestern University.*
- 103.02. *Board of Regents.*
- 103.03. *Board Members: Appointment, Terms, Oath.*
- 103.04. *Reimbursement of Board Members.*
- 103.05. *Board Officers.*
- 103.06. *President of University: Selection; Duties.*
- 103.07. *General Responsibilities.*
- 103.08. *Donations, Gifts, and Endowments.*
- 103.09. *Lease of Lands.*
- 103.10. *Joint Programs.*
- 103.11. *University Center Fee.*

§ 103.01. *Midwestern State University*

Midwestern State University is a coeducational institution of higher learning located in the city of Wichita Falls.

[Acts 1971, 62nd Leg., p. 3233, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1841, ch. 571, § 3, eff. Sept. 1, 1975.]

Section 1 of the 1975 Act provided:

"The name of *Midwestern University* is hereby changed to *Midwestern State University*. All references to *Midwestern Uni-*

versity in any law shall hereafter refer to Midwestern State University."

Section 2 thereof changed the title of Chapter 103 from "Midwestern University".

§ 103.02. Board of Regents

The organization, control, and management of the university is vested in a board of nine regents.

[Acts 1971, 62nd Leg., p. 3233, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 103.03. Board Members: Appointment, Terms, Oath

Members of the board shall be appointed by the governor and confirmed by the senate. Members hold office for staggered terms of six years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor. Each member of the board shall take the constitutional oath of office.

[Acts 1971, 62nd Leg., p. 3233, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 103.04. Reimbursement of Board Members

The board shall receive reimbursement only for the actual cost of attendance at board meetings.

[Acts 1971, 62nd Leg., p. 3233, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 103.05. Board Officers

The board shall organize by electing a chairman and other officers they desire.

[Acts 1971, 62nd Leg., p. 3233, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 103.06. President of University: Selection; Duties

The board shall select a president for the university and shall fix his term of office, name his salary, and define his duties. The president shall be the executive officer for the board and shall work under its directions. He shall recommend a plan of organization and the appointment of employees of the university. He shall have the cooperation of the board and shall be responsible to the board for the general management and success of the university.

[Acts 1971, 62nd Leg., p. 3233, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 103.07. General Responsibilities

The board shall build and operate a state college of the first rank that will compare favorably with the other splendid colleges in Texas in the preparation of youth for the varied interests and industries in the section in which the university is located, and this college shall be equipped adequately to do its work as well as other state colleges.

[Acts 1971, 62nd Leg., p. 3233, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 103.08. Donations, Gifts, and Endowments

The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, not inconsistent with the objects and proper management of the university.

[Acts 1971, 62nd Leg., p. 3234, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 103.09. Lease of Lands

The board may lease the surface rights of land under its control and management for any term of years less than 100.

[Acts 1971, 62nd Leg., p. 3234, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 103.10. Joint Programs

(a) Both civilian and military student personnel shall be eligible to enroll in joint programs. All joint program students shall register at the university and shall receive appropriate credit from the university.

(b) Students enrolled at the university in joint programs shall pay the regular tuition fees as provided by law. The university shall collect an initial administrative fee in the amount of \$25 from military student personnel who receive all their instruction at the air force base solely by air force personnel in lieu of such regular tuition fees. No state appropriations shall be made for instructional costs for semester credit hours taught at the air force base by air force personnel. Civilian students shall be subject to the general tuition provisions set forth in this code for all credit hours taught.

(c) (1) No training may be given to students in any of the following areas:

(A) the prescribing of ophthalmic lenses for the human eye or the prescribing of contact lenses for the human eye, or the fitting or adaptation of contact lenses to the human eye;

(B) the prescribing, whether written or oral, of the use of any optical device in connection with ocular exercises, visual training, vision training, or orthoptics; or

(C) optometric technology or ophthalmological technology other than those courses of training being offered to military trainees at Sheppard Air Force Base on May 17, 1973; provided, however, training in the use of screening devices or orthoptic training devices may be given to the students.

(2) It is the intent of the above restrictions that training may not be given to students on subjects of visual care involving the exercise of professional judgment required of licensed physicians or optometrists.

(d) Military students who receive all of their instruction on the military base shall be exempt from all student service fees and building use fees.

[Acts 1973, 63rd Leg., p. 522, ch. 225, § 1, eff. Aug. 27, 1973.]

§ 103.11. University Center Fee

(a) To the extent approved by the students under Subsection (b) of this section, the Board of Regents of Midwestern State University is hereby authorized to levy a regular, fixed student fee not to exceed \$15 per student for each semester of the long session and not to exceed \$7.50 per student for all or part of each term of the summer session for the purpose of operating, maintaining, improving, equipping, and financing the university center and acquiring or constructing additions to the center. The amount of the fee may be changed at any time within the limits specified in order to provide sufficient funds to support the university center. The fees authorized in this section supplement any other use or service fee authorized by law.

(b) The decision to levy such a fee, the amount of the initial fee, and any increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose.

(c) The chief fiscal officer of the university shall collect the fees provided for in this section and shall credit the money received from the fees to an account known as the University Center Administration and Program Fund.

[Acts 1979, 66th Leg., p. 793, ch. 354, § 1, eff. June 6, 1979.]

CHAPTER 104. THE UNIVERSITY SYSTEM OF SOUTH TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

104.01. The University System of South Texas

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 104.11. Board of Directors.
- 104.12. Term of Office; Vacancy; Oath; Removal.
- 104.13. Board Officers.
- 104.14. Executive Officer of University System.
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SUBCHAPTER C. TEXAS A & I UNIVERSITY

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- 104.78. Acceptance and Filing of Bids; Yearly Payments; Termination of Lease.
- 104.79. Award and Filing of Lease.
- 104.80. Exploratory Term of Lease; Extension; Other Provisions.
- 104.81. Extension of Leases.
- 104.82. Control of Drilling and Production.
- 104.83. Drilling Operations: Suspension of Rent; Continuance of Lease; Duty to Prevent Drainage.
- 104.84. Title to Rights Purchased; Assignment; Relinquishment.
- 104.85. Payment of Royalties; Records; Report of Receipts.
- 104.86. Protection from Drainage; Forfeiture of Rights.
- 104.87. Forfeiture and Other Remedies; Liens.
- 104.88. Filing of Documents and Payment of Royalties, Fees, and Rentals.
- 104.89. Forms, Regulations, Rules, and Contracts.

SUBCHAPTER G. CORPUS CHRISTI STATE UNIVERSITY

- 104.91. Establishment; Scope.
- 104.92. Degrees; Rules; Joint Appointments.
- 104.93. Gifts and Grants.

SUBCHAPTER A. GENERAL PROVISIONS

§ 104.01. The University System of South Texas

The University System of South Texas is established and is composed of:

- (1) Texas A & I University;
- (2) Laredo State University;
- (3) Corpus Christi State University; and
- (4) other institutions and entities assigned to the system from time to time by specific legislative act.

[Acts 1971, 62nd Leg., p. 3236, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 759, ch. 288, § 4, eff. Sept. 1, 1977.]

Sections 1, 2, and 5 of the 1977 amendatory act provided: "Sec. 1. The purpose of this Act creating the University System of South Texas is to provide an administrative structure which will implement and supervise the policies and long-range plans of the governing board and which will determine the higher education

needs of the system, marshal existing resources for appropriate response to those needs, assure the delivery of educational services in an economical and efficient manner, and establish a high level of quality in the conduct of the total educational enterprise.

"Sec. 2. The name of Texas A & I University at Laredo is changed to Laredo State University, and the name of Texas A & I University at Corpus Christi is changed to Corpus Christi State University."

"Sec. 5. The name of the Board of Directors of Texas A & I University is changed to the Board of Directors of the University System of South Texas. Members of the Board on the effective date of this Act continue to serve on the board for the terms to which they were appointed."

[Sections 104.02 to 104.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 104.11. Board of Directors

The university system is under the management and control of a board of nine directors appointed by the governor with the advice and consent of the senate.

[Acts 1971, 62nd Leg., p. 3236, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 759, ch. 288, § 6, eff. Sept. 1, 1977.]

§ 104.12. Term of Office; Vacancy; Oath; Removal

(a) The members of the board of directors hold office for staggered terms of six years, with the terms of three expiring every two years.

(b) Any vacancy on the board shall be filled for the unexpired portion of the term by appointment of the governor.

(c) Each member of the board shall take the constitutional oath of office.

(d) Each member of the board is removable by the governor for inefficiency or inattention to the duties of his office.

[Acts 1971, 62nd Leg., p. 3236, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.13. Board Officers

(a) The board shall elect a president of the board and any other officers it may desire.

(b) The board may select from its members a secretary-treasurer and compensate him in an amount not to exceed \$50 a month from the institutional funds normally expended under its authority.

[Acts 1971, 62nd Leg., p. 3236, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.14. Executive Officer of University System

The board shall appoint an executive officer of the university system, fix his term of office, set his salary, and define his duties. He shall recommend a plan for the organization of the university system and the appointment of presidents for the system's component institutions. He is responsible to the board for the general management and success of

the university system; and he shall have the cooperation of the board.

[Acts 1971, 62nd Leg., p. 3236, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 759, ch. 288, § 7, eff. Sept. 1, 1977.]

§ 104.15. General Powers and Duties

With respect to the management and control of the university system, the board has the same powers and duties that are conferred on the Board of Regents, Texas State University System, with respect to institutions in that system, except as otherwise provided by this chapter.

[Acts 1977, 65th Leg., p. 759, ch. 288, § 8, eff. Sept. 1, 1977.]

§ 104.16. Student Center Fees

(a) To the extent approved by the students under Subsection (b) of this section, the board may charge each student enrolled in a university under its authority a student center fee not to exceed \$20 per semester or \$10 per six-week summer term to be used to construct, operate, maintain, improve, and program a student center at the university at which the student is enrolled.

(b) The decision to levy a student center fee, the amount of the initial fee, and an increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose.

(c) The chief fiscal officer of each university operating a student center shall collect the student center fee and shall deposit the money received into an account known as the student center account.

(d) The university shall hold in reserve any fee revenue that exceeds the amount necessary to meet the operating expenses of the student center and may apply that revenue only to future operating expenses of the student center.

[Acts 1983, 68th Leg., p. 4327, ch. 690, § 1, eff. Aug. 29, 1983.]

[Sections 104.17 to 104.20 reserved for expansion]

SUBCHAPTER C. TEXAS A & I UNIVERSITY

§ 104.21. Texas A & I University

Texas A & I University is a coeducational institution of higher education located in the city of Kingsville.

[Acts 1971, 62nd Leg., p. 3237, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 760, ch. 288, § 10, eff. Sept. 1, 1977.]

§ 104.22. Eminent Domain

The board has the power of eminent domain to acquire land needed for the accomplishment of the purposes of the university. In this regard it may

operate under condemnation procedures applicable to railroad companies under the laws of this state.

[Acts 1971, 62nd Leg., p. 3237, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.23. Acquisition of Land for Field Classrooms

(a) The board may acquire land in Hidalgo County, without cost to the State of Texas, to provide field classrooms to further the work of the university in agriculture and animal husbandry.

(b) The board may pledge any future revenue from any land acquired under this section to secure any lien given and retained to secure the purchase price of the land.

(c) The board may pledge collaterally and additionally any unencumbered future net revenue from the bookstore of the university to secure any lien given and retained to secure the purchase price of any land acquired under this section. The board may direct that any revenue from the land acquired under this section remaining after payment of the monthly or yearly installments or after discharge of the lien retained on the land shall be used to reimburse the bookstore to the extent that any of its revenue has been expended in payment of the purchase price of the land.

[Acts 1971, 62nd Leg., p. 3237, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.24. Dormitories

(a) The board may enter into contracts with persons, firms, or corporations for the construction of dormitories at the university and may purchase or lease land and appurtenances for the construction. However, the state incurs no liability for the buildings or the sites.

(b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings.

(c) The board may adopt rules and regulations it deems desirable requiring any class or classes of students to reside in the dormitories or other buildings. The board has absolute management and control of the dormitories constructed under the provisions of this section.

[Acts 1971, 62nd Leg., p. 3237, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 104.25 to 104.40 reserved for expansion]

SUBCHAPTER D. LAREDO STATE UNIVERSITY

§ 104.41. Establishment; Scope; Discontinuation

The board may establish an upper-level educational center in the city of Laredo, to be known as Laredo State University, to accept junior, senior, and master's level students only. This upper-level

educational center may be discontinued by the Coordinating Board, Texas College and University System, at its discretion and shall never be converted to a free-standing, fully state-supported coeducational institution of higher learning until it has complied with all requirements imposed by the coordinating board and until the site for such institution, consisting of at least 200 acres of land, shall have been provided at no cost to the state.

[Acts 1971, 62nd Leg., p. 3238, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 372, ch. 167, § 1, eff. May 25, 1973; Acts 1977, 65th Leg., p. 760, ch. 288, § 12, eff. Sept. 1, 1977.]

§ 104.42. Facilities; Gifts and Grants

The board shall make provision for adequate physical facilities for use by the university at Laredo, and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property which are tendered by any person for the use and benefit of the school.

[Acts 1971, 62nd Leg., p. 3238, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.43. Courses and Degrees; Rules and Regulations

The board, with approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to customary degrees, and make other rules and regulations for the operation, control, and management of the university at Laredo as necessary for the school to be a first-class upper division institution of higher learning. It is the intent of the legislature that degrees offered include only bachelor's and master's degrees and their equivalents. In prescribing the courses, the board shall give special emphasis to those courses leading to baccalaureate and master's degrees in teacher education and business administration.

[Acts 1971, 62nd Leg., p. 3238, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 372, ch. 167, § 1, eff. May 25, 1973.]

§ 104.44. Effect of Subchapter

Nothing in this subchapter shall be construed to limit the powers of the board as conferred by law.

[Acts 1971, 62nd Leg., p. 3238, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 104.45 to 104.50 reserved for expansion]

SUBCHAPTER E. PURCHASE OF FARM- LAND, EQUIPMENT, CROPS, ETC.

§ 104.51. Authorization

The board for the benefit of Texas A & I University may purchase, use, lease as lessor, and operate farmland, may purchase crops and other horticultural and agricultural products growing on or produced or to be produced and harvested from the land, and may purchase any farming machinery, apparatus, and equipment used or useful in connection with it,

from any person, firm, or corporation and for the price or prices the board considers reasonable and proper.

[Acts 1971, 62nd Leg., p. 3238, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 760, ch. 288, § 13, eff. Sept. 1, 1977.]

§ 104.52. Revenue Bonds

For the purpose of purchasing the items permitted to be purchased under Section 104.51 of this code, the board may issue its negotiable revenue bonds from time to time in the amounts it considers necessary or appropriate for the purpose of paying the purchase price or prices. The bonds may be made redeemable before maturity, at the option of the board, at the price or prices and under the terms and conditions that may be fixed by the board prior to the issuance of the bonds. The bonds shall be sold for not less than par and accrued interest.

[Acts 1971, 62nd Leg., p. 3238, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.53. Pledge of Revenue; Mortgages

The board may pledge to the payment of the interest on and the principal of the bonds all or any part of the revenue derived or anticipated to be derived in any manner from the land, including any revenue received from rendering scientific or experimental services on the land purchased and all or any part of the revenue of the university derived or anticipated to be derived from the sale, handling, or disposal of the crops, agricultural and horticultural products acquired or to be grown and harvested from the land; and the board may enter into any agreements regarding the pledging thereof that it may deem appropriate. The board may also mortgage the farming equipment, machinery, apparatus, and land thus purchased and any growing fruits, products, and crops, or those to be grown, on any terms the board may determine to be appropriate.

[Acts 1971, 62nd Leg., p. 3239, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.54. Bonds as Special Obligations

The bonds authorized to be issued under this subchapter are special obligations of the board, payable only from the revenue pledged, and none of the bonds shall ever be an indebtedness of the State of Texas.

[Acts 1971, 62nd Leg., p. 3239, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.55. Bonds as Authorized Investments, Security for Deposits

The bonds are declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies. The bonds are eligible to secure the deposit of public funds of the State of Texas and of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of

Texas; and the bonds are lawful and sufficient security for those deposits to the extent of the principal amount, or their value on the market, whichever is less, when accompanied by all unmatured coupons appurtenant to them.

[Acts 1971, 62nd Leg., p. 3239, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.56. Prior Liens, Pledges, Mortgages

Any pledge of revenue or mortgage of property made under the terms of this subchapter shall be subject to any prior lien, pledge, or mortgage thereof, but the existence of any such prior lien, pledge, or mortgage shall not prevent (a) the making of a subsequent and inferior lien, pledge, or mortgage, unless that action is prohibited under the resolution, order, or indenture authorizing the prior obligations, or (b) the issuing of additional parity lien revenue bonds which are hereby authorized, if and to the extent permitted by the order or indenture authorizing the prior obligations.

[Acts 1971, 62nd Leg., p. 3239, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.57. Form, Conditions, Details, Refinancing

Subject to the restrictions contained in this subchapter, the board is given complete discretion in fixing the form, conditions, and details of the bonds, pledge, and mortgage, and the bonds may be refunded or otherwise refinanced whenever the board deems that action to be appropriate or necessary.

[Acts 1971, 62nd Leg., p. 3239, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.58. Approval and Registration

Prior to delivery, all bonds authorized to be issued under this subchapter and the records relating to their issuance shall be submitted to the attorney general for examination; and if he finds that they have been issued in accordance with the constitution and this subchapter and that they will be binding special obligations of the board, he shall approve them. They shall then be registered by the comptroller of public accounts. After the approval and registration, the bonds shall be incontestable.

[Acts 1971, 62nd Leg., p. 3240, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.59. Cumulative Effect

This subchapter does not repeal any statute now in effect, but is cumulative of all other statutes pertaining to the university, and does not modify or abridge any powers held by the university to control or pledge its funds. However, to the extent that the provisions of this subchapter may be in conflict with the provisions of any other law, the provisions of this subchapter take precedence and prevail.

[Acts 1971, 62nd Leg., p. 3240, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 104.60 to 104.70 reserved for expansion]

SUBCHAPTER F. MINERAL DEVELOPMENT
IN UNIVERSITY LAND

§ 104.71. Mineral Leases; Disposition of Proceeds

(a) The board may lease for oil, gas, sulphur, or other mineral development to the highest bidder at public auction all or part of the lands under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas A & I University and its divisions.

(b) Any money received by virtue of this section shall be deposited in the state treasury to the credit of a special fund to be known as the Texas A & I University special mineral fund, to be used exclusively for the university and its branches and divisions. However, no money shall ever be expended from this fund except as authorized by the general appropriations act.

[Acts 1971, 62nd Leg., p. 3240, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.72. Majority of Board to Act

A majority of the board has power to act in all cases under this subchapter except as otherwise provided in this subchapter.

[Acts 1971, 62nd Leg., p. 3240, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.73. Subdivision of Land; Titles

(a) The board may have the lands surveyed or subdivided into tracts, lots, or blocks which, in their judgment, will be most conducive and convenient to an advantageous sale or lease of oil, gas, sulphur, or other minerals in the lands; and the board may make maps and plats which it deems necessary to carry out the purposes of this subchapter.

(b) The board may obtain authentic abstracts of title to the lands from time to time as it deems necessary and may take necessary steps to perfect a merchantable title to the lands.

[Acts 1971, 62nd Leg., p. 3240, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.74. Sale of Leases; Advertisements; Payments

(a) Whenever in the opinion of the board there is a demand for the purchase of oil, gas, sulphur, or other mineral leases on any tract or part of any tract of land which will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, or other mineral leases on the land on the market in a tract or tracts, or any part of a tract, which the board may designate.

(b) The board shall have advertised a brief description of the land from which the oil, gas, sulphur, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two

or more papers of general circulation in this state, and in addition, the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state. The board may also mail copies of the proposals to the county judge of the county where the lands are located and to other persons the board believes would be interested.

(c) The board may sell the lease or leases to the highest bidder at public auction at the university in Kingsville at any hour between 10 a. m. and 5 p. m.

(d) The highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and the balance of the bid shall be paid within 24 hours after the bidder is notified that the bid has been accepted. Payments shall be made in cash, certified check, or cashier's check, as the board directs. The failure of the bidder to pay the balance of the amount bid will forfeit to the board the 25 percent paid.

[Acts 1971, 62nd Leg., p. 3241, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.75. Separate Bids; Minimum Royalty; Delay Rental

(a) A separate bid shall be made for each tract or subdivision of a tract.

(b) No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board.

(c) Every bid shall carry the obligation to pay an amount not less than \$1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement. The amount fixed shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is released by the lessee.

[Acts 1971, 62nd Leg., p. 3241, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.76. Rejection of Bids; Withdrawal of Land

The board may reject any and all bids and may withdraw any land advertised for lease.

[Acts 1971, 62nd Leg., p. 3241, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.77. Acceptance; Conditions and Provisions of Lease

(a) If, in the opinion of the board, any one of the bidders has offered a reasonable and proper price for any tract, which is not less than the price set by the board, the lands advertised may be leased for oil, gas, sulphur, and other mineral purposes under the terms of this section and subject to regulations prescribed by the board which are not inconsistent with the provisions of this section. In the event no bid is accepted by the board at public auction, any

subsequent procedure for the sale of the leases shall be in the manner prescribed in the preceding sections.

(b) No lease shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, or other minerals within 300 feet of any building on the land without the consent of the board. In making any lease on any experimental station or farm, the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with use of the land for university purposes and shall not cause the abandonment of the property or its use for experimental farm purposes. The lease shall also provide that the lessee operating the property shall drill and carry on his operations in such a way as not to cause the abandonment of the property for university purposes, and the leased property shall be subject to the use by the state for all university purposes, and the board shall continue to operate the university.

[Acts 1971, 62nd Leg., p. 3241, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.78. Acceptance and Filing of Bids; Yearly Payments; Termination of Lease

(a) If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other mineral lands, it shall accept the bid and reject all others and shall file the accepted bid in the general land office.

(b) Whenever the royalties shall amount to as much as the yearly payments fixed by the board, the yearly payments may be discontinued.

(c) If before the expiration of five years oil, gas, sulphur, or other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided in Sections 104.80 and 104.81 of this code.

[Acts 1971, 62nd Leg., p. 3242, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.79. Award and Filing of Lease

If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other minerals, it shall make an award to the bidder offering the highest price, and a lease shall be filed in the general land office.

[Acts 1971, 62nd Leg., p. 3242, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.80. Exploratory Term of Lease; Extension; Other Provisions

(a) The exploratory term of a lease as determined by the board prior to the promulgation of the advertisement shall not exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of the board the lease is extended for a period of three years.

(b) The lease may be extended if the board finds that there is a likelihood of oil, gas, sulphur, or other minerals being discovered by the lessees, and that the lessees have proceeded with diligence to protect the interest of the state. If oil, gas, sulphur, or other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, or other minerals are being so produced. No extension may be made by the board until the last 30 days of the original term of the lease.

(c) The lease shall include additional provisions and regulations prescribed by the board to preserve the interest of the state, not inconsistent with the provisions of this subchapter.

[Acts 1971, 62nd Leg., p. 3242, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.81. Extension of Leases

When in the discretion of the board it is deemed for the best interest of the state to extend a lease issued by the board, the board may by unanimous vote extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and shall comply with any additional terms which the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement.

[Acts 1971, 62nd Leg., p. 3243, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.82. Control of Drilling and Production

The drilling for and the production of oil, gas, and other minerals from the lands shall be governed and controlled by the Railroad Commission of Texas and other regulatory bodies which govern and control other fields in this state.

[Acts 1971, 62nd Leg., p. 3243, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.83. Drilling Operations: Suspension of Rent; Continuance of Lease; Duty to Prevent Drainage

(a) If during the term of a lease issued under the provisions of this subchapter the lessee is engaged in actual drilling operations for the discovery of oil, gas, sulphur, or other minerals, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith.

(b) In the event oil, gas, sulphur, or other minerals are discovered in paying quantities on any tract of land covered by a lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, or other minerals are produced in paying quantities from the tract.

(c) In the event of the discovery of oil, gas, sulphur, or other minerals on any tract covered by a lease or on any land adjoining the tract, the lessee shall conduct such operations as may be necessary

to prevent drainage from the tract covered by the lease to properly develop the same to the extent that a reasonably prudent man would do under the same and similar circumstances.

[Acts 1971, 62nd Leg., p. 3243, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.84. Title to Rights Purchased; Assignment; Relinquishment

(a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, or other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned. The assignment shall not be effective unless it is filed and the payment made.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area is situated. The instrument of relinquishment shall be filed with the chairman of the board, accompanied by \$1 for each area assigned. The assignment shall not relieve the owner of any past-due obligations accrued on the lease.

(d) The board shall authorize the laying of pipeline and telephone line and the opening of roads deemed reasonably necessary in carrying out the purposes of this subchapter.

[Acts 1971, 62nd Leg., p. 3243, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.85. Payment of Royalties; Records; Report of Receipts

(a) If oil or other minerals are developed on any of the lands leased by the board, the royalty as stipulated in the sale shall be paid to the general land office in Austin on or before the last day of each month for the preceding month during the life of the rights purchased. The royalty payments shall be set aside in the state treasury as specified in Section 104.71 of this code and used as provided in that section.

(b) The royalty paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, or other minerals produced and sold off the premises and the market value of the minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, vats, tanks, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, and pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil, gas, sulphur, or other minerals shall at all times be subject to

inspection and examination by any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts from the lease or sale of oil, gas, sulphur, or other minerals turned into the special fund in the state treasury during the preceding month.

[Acts 1971, 62nd Leg., p. 3244, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.86. Protection from Drainage; Forfeiture of Rights

(a) In every case where the area in which oil, gas, sulphur, or other minerals sold is contiguous or adjacent to lands which are not lands belonging to and held by the university, the acceptance of the bid and the sale made thereby shall constitute an obligation of the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances.

(b) In cases where the area in which the oil, gas, sulphur, or other minerals sold is contiguous to other lands belonging to and held by the university which have been leased or sold at a lesser royalty, the owner shall protect the land from drainage from the lands leased or sold for a lesser royalty.

(c) On failure to protect the land from drainage as provided in this section, the sale and all rights acquired may be forfeited by the board in the manner provided in Section 104.87 of this code for forfeitures.

[Acts 1971, 62nd Leg., p. 3244, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.87. Forfeiture and Other Remedies; Liens

(a) Leases granted under the provisions of this chapter are subject to forfeiture by the board by an order entered in the minutes of the board reciting the acts or omissions constituting a default and declaring a forfeiture.

(b) Any of the following acts or omissions constitutes a default:

(1) the failure or refusal by the owner of the rights acquired under this chapter to make a payment of a sum due, either as rental or royalty on production, within 30 days after the payment becomes due;

(2) the making of a false return or false report concerning production, royalty, drilling, or mining by the owner or his authorized agent;

(3) the failure or refusal of the owner or his agent to drill an offset well or wells in good faith, as required by the lease;

(4) the refusal of the owner or his agent to allow the proper authorities access to the records and other data pertaining to the operations authorized in this subchapter;

(5) the failure or refusal of the owner or his authorized agent to give correct information to the proper authorities, or to furnish the log of any well within 30 days after production is found in paying quantities; or

(6) the violation by the owner of any material term of the lease.

(c) The board may, if it so desires, have suit for forfeiture instituted through the attorney general.

(d) On proper showing by the forfeiting owner within 30 days after the declaration of forfeiture, the lease may be reinstated at the discretion of the board and upon terms prescribed by the board.

(e) In case of violation by the owner of the lease contract, the remedy of forfeiture shall not be the exclusive remedy, and the state may institute suit for damages or specific performance or both.

(f) The state shall have a first lien on oil, gas, sulphur, or other minerals produced in the leased area, and on all rigs, tanks, vats, pipelines, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, or other minerals produced, to secure the amount due from the owner of the lease.

[Acts 1971, 62nd Leg., p. 3244, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.88. Filing of Documents and Payment of Royalties, Fees, and Rentals

(a) All surveys, files, copies of sale and lease contracts, and other records pertaining to the sales and leases authorized in this subchapter shall be filed in the general land office and shall constitute archives.

(b) Payment of all royalties, lease fees, rentals for delay in drilling or mining, filing fees for assignments and relinquishments, and all other payments shall be made to the commissioner of the general land office at Austin. The commissioner shall transmit all payments received to the state treasurer for deposit to the credit of the Texas A & I University special mineral fund.

[Acts 1971, 62nd Leg., p. 3245, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 104.89. Forms, Regulations, Rules, and Contracts

The board shall adopt proper forms, regulations, rules, and contracts which, in its judgment, will protect the income from lands leased pursuant to this subchapter.

[Acts 1971, 62nd Leg., p. 3245, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Section 104.90 reserved for expansion]

SUBCHAPTER G. CORPUS CHRISTI STATE UNIVERSITY

§ 104.91. Establishment; Scope

(a) The board is authorized and directed to establish and maintain a fully state-supported coeduca-

tional institution of higher learning to be known as Corpus Christi State University. The site for the institution shall consist of at least 200 acres of land and shall be provided for the institution at no cost to the state.

(b) The institution shall be organized to accept only junior, senior, and graduate-level students, with at least 60 semester hours of accredited college or university study.

[Acts 1971, 62nd Leg., p. 3349, ch. 1024, art. 2, § 24, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 760, ch. 288, § 15, eff. Sept. 1, 1977.]

§ 104.92. Degrees; Rules; Joint Appointments

(a) The board may prescribe courses leading to such customary degrees as are offered at leading American universities of this concept and to award such degrees. It is the intent of the legislature that such degrees shall include baccalaureate and master's degrees and their equivalents, and that there be established a standard program for such type institution, but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System.

(b) The board shall make such other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class.

(c) The board is specifically authorized to make joint appointments in the university and in other institutions under its governance, the salary of any such person who receives a joint appointment to be apportioned to the appointing institution on the basis of services rendered.

[Acts 1971, 62nd Leg., p. 3349, ch. 1024, art. 2, § 24, eff. Sept. 1, 1971.]

§ 104.93. Gifts and Grants

(a) The board may accept and administer upon terms and conditions satisfactory to it grants or gifts of property, including real estate and/or money that may be tendered to it in aid of the planning, establishment, conduct, and operation of Corpus Christi State University, and in aid of research and teaching at the university.

(b) The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university.

[Acts 1971, 62nd Leg., p. 3349, ch. 1024, art. 2, § 24, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 761, ch. 288, § 16, eff. Sept. 1, 1977.]

**CHAPTER 105. NORTH TEXAS
STATE UNIVERSITY**

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SUBCHAPTER A. GENERAL PROVISIONS

§ 105.01. North Texas State University

North Texas State University is a coeducational institution of higher education located in the city of Denton.

[Acts 1971, 62nd Leg., p. 3246, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 105.02 to 105.10 reserved for expansion]

**SUBCHAPTER B. ADMINISTRATIVE
PROVISIONS**

§ 105.11. Board of Regents

The organization, control, and management of the university is vested in a board of nine regents

appointed by the governor and confirmed by the senate.

[Acts 1971, 62nd Leg., p. 3246, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 105.12. Term of Office; Removal; Vacancy

The term of office of each regent is six years, with the term of three regents expiring every two years. Members of the board may be removed from office for inefficiency or malfeasance of office. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term.

[Acts 1971, 62nd Leg., p. 3247, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 105.13. Repealed by Acts 1983, 68th Leg., p. 1067, ch. 239, § 1, eff. May 27, 1983

§ 105.14. Oath

Each member of the board shall take the constitutional oath of office before assuming the duties of his office.

[Acts 1971, 62nd Leg., p. 3247, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 105.15. Officers; Meetings

The board shall elect a chairman and any other officers it deems necessary. The chairman may convene the board when he deems it expedient to consider any business related to the university.

[Acts 1971, 62nd Leg., p. 3247, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 105.16 to 105.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 105.41. Extent of Powers

With respect to the management and control of the university, the board has the same powers and duties that are conferred on the Board of Regents, State Senior Colleges, with respect to institutions in that system.

[Acts 1971, 62nd Leg., p. 3247, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 105.42. Contracts with City for Utility Services

The board may contract with the city of Denton for the furnishing of water and other utility services to the university. The rates to be charged the university shall not exceed those regularly established, published, and declared rates for similar customers; and if there are no similar customers, the rates to be charged shall be those established by the city of Denton for commercial users. The city may make any adjustments, discounts, and special rates that the governing authorities of the city may see fit to provide for the university.

[Acts 1971, 62nd Leg., p. 3247, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 105.43. Student Union Fee

(a) The board may levy a regular, fixed student fee not to exceed \$10 per student for each semester of the long session and not to exceed \$5 per student for each semester of the summer session, or any fractional part thereof, against each student enrolled in that institution, as may in their discretion be just and necessary for the purpose of operating, maintaining, improving, and equipping the student union and acquiring or constructing additions thereto; provided, however, that the student body must approve each increase of said fee in excess of \$1 per student for each semester of the long session and 50 cents per student for each term of the summer school, at an election called for that purpose by the board. Notice of an election shall be given by publication of a substantial copy of the resolution or order of the board calling the election and showing the amount of the increased fee and the purpose for which it is to be used. The notice shall be published in The North Texas Daily or in any other student newspaper having general circulation among the students for three consecutive days of the week immediately preceding the date set for the election. The board shall canvass the returns and declare the results of the election, and if a majority of the students voting in the election vote in favor of the increase, then the board may levy the fee in an amount not in excess of the amount authorized at the election.

(b) The activities of the student union financed in whole or in part by the student union fee shall be limited to those activities in which the entire student body is eligible to participate and in no event may any of the activities so financed be held outside of the territorial limits of the campus of North Texas State University.

(c) The fiscal officer of North Texas State University shall collect the fees provided for in Subsection (a) of this section and shall credit the money received from those fees to an account known as the student union fee account.

(d) The money thus collected and placed in the student union fee account shall be used for the purpose of operating and maintaining and improving the student union and shall be placed under the control of and subject to the order of the board of directors of the student union, which board of directors shall annually submit a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving it, and shall then levy the student fees under the provisions of Subsection (a) of this section in such amounts as will be sufficient to meet the budgetary needs of the student union, within the statutory limits fixed in this section.

(e) This fee is collectible beginning September 1, 1971.

[Acts 1971, 62nd Leg., p. 3336, ch. 1024, art. 2, § 3, eff. Sept. 1, 1971.]

§ 105.44. Eminent Domain: Restriction

The board may not use the power of eminent domain to acquire land that is dedicated to a public use by another governmental entity.

[Acts 1977, 65th Leg., p. 42, ch. 26, § 1, eff. March 24, 1977.]

§ 105.45. Donations, Gifts, Grants, and Endowments

The board may accept donations, gifts, grants, and endowments of money or property, real or personal, for the university to be held in trust and administered by the board for the purposes and under the direction, limitations, and provisions declared in writing in the donation, gift, grant, or endowment. The donation, gift, grant, or endowment must be consistent with the laws of this state and with the objectives and proper management of the university.

[Acts 1983, 68th Leg., p. 2811, ch. 480, § 1, eff. Sept. 1, 1983.]

[Sections 105.46 to 105.60 reserved for expansion]

SUBCHAPTER D. STATE HISTORICAL COLLECTION

§ 105.61. Designation

The historical collection of the university, consisting of books, documents, stamps, coins, firearms, implements of warfare, relics, heirlooms, and other items of historical importance, is designated a State Historical Collection, to be known as "The State Historical Collection of North Texas State University."

[Acts 1971, 62nd Leg., p. 3247, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 105.62. Gifts and Donations

The board may accept and receive gifts, donations, and collections of books, documents, stamps, coins, firearms, implements of warfare, relics, heirlooms, and collections of all kinds having historical importance and value, to be used in teaching the youth of this state.

[Acts 1971, 62nd Leg., p. 3248, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 105.63. Rules and Regulations

The board may make any rules and regulations regarding the receiving and holding of these gifts, donations, and collections, that it considers necessary and advisable.

[Acts 1971, 62nd Leg., p. 3248, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

SUBCHAPTER E. TEXAS COLLEGE OF
OSTEOPATHIC MEDICINE

§ 105.71. **Establishment of College of Osteopathic
Medicine**

(a) There is hereby created a college of osteopathic medicine in the city of Fort Worth to be known as the Texas College of Osteopathic Medicine, a separate institution and not a department, school, or branch of North Texas State University, but under the direction, management, and control of the Board of Regents of North Texas State University.

(b) The board shall have the same powers of direction, management, and control over the college of osteopathic medicine that it exercises over the North Texas State University, but the board shall act separately and independently on all matters affecting the college of osteopathic medicine as a separate institution.

[Acts 1975, 64th Leg., p. 685, ch. 285, § 1, eff. May 22, 1975.]

§ 105.72. **Location**

The board shall select a site for the college in Tarrant County.

[Acts 1975, 64th Leg., p. 685, ch. 285, § 1, eff. May 22, 1975. Amended by Acts 1977, 65th Leg., p. 2071, ch. 822, § 2, eff. Aug. 29, 1977.]

§ 105.73. **Rules and Regulations; Courses**

(a) The board may make rules and regulations for the direction, control, and management of the medical school which are necessary for it to be a medical school of the highest quality.

(b) The board, with the approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to the customary degrees and certificates granted by osteopathic medical schools.

[Acts 1975, 64th Leg., p. 685, ch. 285, § 1, eff. May 22, 1975.]

§ 105.74. **Chief Executive Officer**

The board of regents of North Texas State University may appoint a chancellor who shall serve as chief executive officer of North Texas State University and the Texas College of Osteopathic Medicine. The board of regents shall appoint a president of North Texas State University and a president of the Texas College of Osteopathic Medicine who shall serve as chief operating officers of each institution, respectively. The president of the Texas College of Osteopathic Medicine shall be a licensed physician who possesses a doctor of osteopathy degree from an accredited osteopathic school and licensed to practice medicine in some state of the United States for a minimum of five years.

[Acts 1975, 64th Leg., p. 685, ch. 285, § 1, eff. May 22, 1975. Amended by Acts 1983, 68th Leg., p. 809, ch. 193, § 1, eff. Aug. 29, 1983.]

§ 105.75. **Teaching Hospital; Facilities**

(a) A complete teaching hospital for the medical school shall be furnished at no cost or expense to the state.

(b) The board shall make provision for adequate physical facilities for use by the medical school in its teaching and research programs.

[Acts 1975, 64th Leg., p. 685, ch. 285, § 1, eff. May 22, 1975.]

§ 105.76. **Joint Appointments**

The board of regents is specifically authorized to make joint appointments in the university and the Texas College of Osteopathic Medicine under its governance; the salary of any such person who receives such joint appointment to be apportioned to the appointing institution on the basis of services rendered.

[Acts 1975, 64th Leg., p. 685, ch. 285, § 1, eff. May 22, 1975.]

§ 105.77. **Agreements with Other Entities**

The board of regents may execute and carry out affiliation or coordinating agreements with any other entity, school, or institution in Texas to provide clinical, postgraduate, including internship and residency, or other levels of medical educational work for the medical school.

[Acts 1975, 64th Leg., p. 685, ch. 285, § 1, eff. May 22, 1975. Amended by Acts 1983, 68th Leg., p. 2811, ch. 480, § 2, eff. Sept. 1, 1983.]

§ 105.78. **Gifts and Grants**

The board may accept and administer grants and gifts from the federal government, and from any foundation, trust fund, corporation, or any individual or organization for the use and benefit of the medical school.

[Acts 1975, 64th Leg., p. 685, ch. 285, § 1, eff. May 22, 1975.]

§ 105.79. **Supervision by Coordinating Board**

The medical school is subject to the continuing supervision of and to the rules and regulations of the Coordinating Board, Texas College and University System, in accordance with the provisions of Chapter 61 of this code.¹

[Acts 1975, 64th Leg., p. 685, ch. 285, § 1, eff. May 22, 1975.]

¹ Section 61.001 et seq.

§ 105.80. **Medical School Admission Policies**

The Board of Regents shall promulgate appropriate rules and regulations pertaining to the admission of students to the medical school which will provide for admission of those students to its entering class each year who are equally or as well qualified as all other students and who have entered a contract with or received a commitment for a stipend, grant, loan or scholarship from the State

Rural Medical Education Board. The State Rural Medical Education Board may contract with medical students providing for such students to engage in a general or family practice of medicine for not less than four years after licensing and a period of medical residency, as determined by the rules and regulations established by the State Rural Medical Education Board, in cities of Texas which have a population of less than 5,000 or in rural areas, as that term may be defined by the State Rural Medical Education Board, and said Board is hereby given the authority to define and from time to time redefine the term rural area, at the time the medical practice is commenced. This contract shall provide for a monthly stipend of at least \$100 to be granted by the State Rural Medical Education Board to each person under contract with the state while enrolled as a medical school student.

[Acts 1975, 64th Leg., p. 2408, ch. 740, § 2, eff. Sept. 1, 1975.]

§ 105.81. Acquisition and Disposition of Land

The board may acquire by purchase, donation, or otherwise for the use of the school any land or other real property necessary or convenient for carrying out its purposes as a state-supported institution of higher education, and may sell, exchange, lease, or otherwise dispose of any land or other real property owned by or acquired for the school. The power of acquisition and disposition is restricted to area within Tarrant County. The proceeds from any sale of land or other real property shall be added to the capital funds of the school.

[Acts 1977, 65th Leg., p. 2071, ch. 822, § 1, eff. Aug. 29, 1977.]

SUBCHAPTER G. CAMPUS SECURITY PERSONNEL

§ 105.91. Concurrent Jurisdiction With City Police

(a) Campus security personnel commissioned under Section 51.203 of this code have concurrent jurisdiction with police officers of the City of Denton to enforce all criminal laws, including traffic laws, of the state and all ordinances of the city regulating traffic on any public street running through the property of the university and on any public street immediately adjacent to property owned or occupied and controlled by the university.

(b) The form and content of traffic citations issued for violations of law shall be similar to the type used by the State Highway Patrol and shall be filed in the municipal court or any justice of the peace court with jurisdiction of the offense.

[Acts 1981, 67th Leg., p. 891, ch. 317, § 1, eff. Aug. 31, 1981.]

§ 105.92. Assistance to City Police

(a) The board of regents and the city council of Denton may enter into written agreements, autho-

rized by resolution of each governing body, to authorize the regular employed peace officers of the university to assist the peace officers of the city in enforcing the laws of the state and the ordinances of the city at any location in the city.

(b) To be valid, an agreement under Subsection (a) of this section must be approved by the attorney general.

(c) While acting pursuant to the agreement in Subsection (a) above and when such act is outside the property of the university or outside any public street running through, adjacent to, or within property owned or occupied and controlled by the university, the peace officers of the university are under the jurisdiction and command of the chief of police of Denton.

(d) Neither the state nor the university is liable for actions of a campus police officer acting under the jurisdiction and command of the chief of police of Denton.

[Acts 1981, 67th Leg., p. 891, ch. 317, § 1, eff. Aug. 31, 1981.]

§ 105.93. City Delegation of Parking Regulation Authority

(a) By contract between the city and the university, the city council of Denton may delegate to the university the authority to regulate the parking of vehicles on any public street running through or immediately adjacent to property owned or occupied and controlled by the university.

(b) The contract may authorize the university to assign and regulate parking spaces for its use, to charge and collect a fee from its personnel and students for parking, to prohibit parking, and to charge and collect a fee for removing vehicles parked in violation of law or ordinance or in violation of a rule governing the parking of vehicles adopted by the board. All parking violations shall be filed in the Municipal Court of Denton or the justice of the peace court having jurisdiction over the offense.

(c) Before the contract is considered by the city council or the board, the attorney general and the city attorney of Denton shall review and either approve the contract or file written legal objections to the contract with the chief executive officer of both the board and the council. The contract must be approved by resolution of the board and the city council.

(d) The university shall have jurisdiction over its personnel and students upon property owned by the university to the extent that it may (1) assign and regulate parking spaces for its use and charge and collect appropriate fees for parking and improper parking; (2) prohibit parking where it deems necessary; (3) set and collect fees for and remove vehi-

cles parked in violation of its rules and regulations or the laws of the State of Texas.

[Acts 1981, 67th Leg., p. 891, ch. 317, § 1, eff. Aug. 31, 1981.]

§ 105.94. Construction of Subchapter

This subchapter does not:

- (1) limit the police powers of the city or its law enforcement jurisdiction;
- (2) render a campus peace officer an employee of the city or entitle a campus peace officer to compensation from the city; or
- (3) restrict the power of the university under other law to enforce laws, ordinances, or rules regulating traffic or parking.

[Acts 1981, 67th Leg., p. 891, ch. 317, § 1, eff. Aug. 31, 1981.]

CHAPTER 106. TEXAS SOUTHERN UNIVERSITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 106.01. Texas Southern University.
106.02. Purpose of the University.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 106.11. Board of Regents.
106.12. Terms of Office.
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SUBCHAPTER C. POWERS AND DUTIES

- 106.31. Administrative Powers.
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- 106.51. Control of Money Collected.
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SUBCHAPTER A. GENERAL PROVISIONS

§ 106.01. Texas Southern University

Texas Southern University is a coeducational institution of higher education located in the city of Houston.

[Acts 1971, 62nd Leg., p. 3249, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.02. Purpose of the University

In addition to providing other general academic and related programs, Texas Southern University is

designated as a special purpose institution of higher education for urban programming and shall provide instruction, research, programs, and services as are appropriate to this designation.

[Acts 1973, 63rd Leg., p. 1594, ch. 575, § 1, eff. June 15, 1973.]

[Sections 106.03 to 106.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 106.11. Board of Regents

The government of the university is vested in a board of nine regents appointed by the governor with the advice and consent of the Senate.

[Acts 1971, 62nd Leg., p. 3249, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1247, ch. 450, § 2, eff. June 14, 1973.]

§ 106.12. Terms of Office

Members of the board hold office for staggered terms of six years, with the terms of three directors expiring on February 1 of odd-numbered years.

[Acts 1971, 62nd Leg., p. 3249, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.13. Qualifications; Oath

Each member of the board shall be a qualified voter of the state. The members shall be selected from different portions of the state. Each member shall take the constitutional oath of office.

[Acts 1971, 62nd Leg., p. 3249, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.14. Officers

The board shall elect a chairman and a vice chairman from its members to serve at the will of the board. The board shall appoint a secretary. The state treasurer shall be the treasurer of the university.

[Acts 1971, 62nd Leg., p. 3249, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.15. Expenses

The reasonable expenses incurred by members of the board in the discharge of their duties shall be paid from any available funds of the university.

[Acts 1971, 62nd Leg., p. 3249, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.16. Seal

The board may make, use, and alter a common seal.

[Acts 1971, 62nd Leg., p. 3249, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 106.17 to 106.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 106.31. Administrative Powers

The board shall establish the several departments in the university, determine the offices, professorships, and other positions at the institution, appoint a president, appoint the professors and other officers and employees and prescribe their duties, and fix their respective salaries. The board shall enact bylaws, rules, and regulations deemed necessary for the successful management and government of the institution. The board may remove any professor, instructor, tutor, or other officer or employee connected with the institution when, in its judgment, the best interests and proper operation of the institution requires it.

[Acts 1971, 62nd Leg., p. 3250, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.32. Expenditures

All expenditures shall be made by order of the board and shall be paid on warrants issued by the comptroller based on vouchers approved by the chairman of the board or some other officer of the university designated by him in writing to the comptroller, and countersigned by the secretary of the board or some other officer of the university designated by the secretary in writing to the comptroller.

[Acts 1971, 62nd Leg., p. 3250, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.33. Contracts with Other Institutions

The board may make proper arrangements by contract with other educational institutions, hospitals, and clinics in Houston for the use of any facilities and services it considers necessary and expedient for the proper training and education of students in professional courses.

[Acts 1971, 62nd Leg., p. 3250, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.34. Gifts, Grants

The board may accept from other than state sources gifts and grants of money and property for the benefit of the university.

[Acts 1971, 62nd Leg., p. 3250, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.35. Acquisition and Disposition of Land

(a) The board on behalf of the university may acquire by purchase, exchange, or otherwise any tract or parcel of land in Harris County that is contiguous or adjacent to the campus of the university when the board deems the land necessary for campus expansion, and may sell, exchange, or lease one or more of the following tracts of land:

(1) Tract No. 1

All that certain lot, tract or parcel of land lying, situated and being in the City of Houston, Harris County, Texas;

Parts of Lots Six (6) and Seven (7) in Block Sixty-three (63), Riverside Terrace, Seventeenth Section, an addition to the City of Houston, Harris County, Texas, according to plat thereof recorded in Volume 16, page 26 of the Map Records of Harris County, Texas, said property being more particularly described as follows, to-wit:

BEGINNING at a stake in the south line of Roseneath Drive, the same being the front line of Lot Six (6) in Block Sixty-three (63), Riverside Terrace, Seventeenth Section, located in a westerly direction a distance of sixty-four (64) feet measured along the front line of said Lot Six (6) from the northeast corner of Lot 6;

THENCE, in an easterly direction along the front lines of Lots six (6) and Seven (7) in Block 63 with a curve the radius of which is 424.97 feet, a distance of 87 feet to stake for corner in the front line of said Lot Seven (7) located in an easterly direction a distance of Twenty-three (23) feet from the northwest corner of said Lot Seven (7);

THENCE in a southerly direction a distance of 211.82 feet to a stake in the rear line of Lot Seven (7) located in an easterly direction measured along the rear line of said Lot 7, a distance of 41.37 feet from the southwest corner of said lot;

THENCE in a southwesterly direction along the rear lines of Lots six (6) and seven (7) with a curve, the radius of which is 513.5 feet, a distance of 120.43 feet, to stake for corner in the rear line of said Lot six (6), located in an easterly direction measured along the rear line of said Lot six (6), a distance of 69.88 feet from the southwest corner of said Lot 6;

THENCE in a northerly direction, a distance of 224.08 feet to the Place of Beginning, and being the same property conveyed to Oscar M. Pearce by McGregor Drive Development Company by deed dated January 28, 1946 recorded in Volume 1427, page 417 of the Deed Records of Harris County, Texas, to which reference is hereby made for all purposes.

(2) Tract No. 2

Two tracts composed of all of Lot 8 in Block 78 of Riverside Terrace, 17th Section, as per map or plat recorded in Volume 16, Page 26 Harris County Map Records, described as follows:

Tract 1: A strip 20 feet wide in front and 5 ft. wide in the rear, off of the east side of said Lot 8, as described in Deed filed in Harris County Clerk's File # 535740; and,

Tract 2: The westerly part of Lot 8 in Block 78 of Riverside Terrace, 17th Section and being a tract 80 ft. wide in front and 60

ft. wide in rear, described in Deed under Harris County Clerk's File No. 535740; and,

Tract 3: 16,019 sq. ft. known as Lot 9 in Block 78 of Riverside Terrace 17th Section, lying partly in 24.073 acre tract deeded to McGregor Drive Development Company in Vol. 667, Page 362 Deed Records and partly in 17 ac. tr. deeded to D. L. Anderson in Vol. 1045, Page 716 Deed Records, all out of Lots 9 and 16 of the west ½ of the Luke Moore Survey; tract hereby conveyed being described as follows: BEGINNING at iron stake on west property line of St. Bernard Street, in southerly direction a distance of 212.95 ft. from the southeast corner of Lot 12 in Block 64 of Riverside Terrace 12th Section and said distance being measured along arc of curve whose radius is 532.07 ft.; THENCE continuing in southerly direction along the west line of St. Bernard Street, with curve to right whose radius is 532.07 ft., a distance of 160.35 feet to the end of said curve; THENCE south 19 deg. 54' west, continuing along the west line of St. Bernard Street, 25.96 ft. to iron stake for corner; THENCE south 70 deg. 52' west, a distance of 60 feet to iron stake for corner; THENCE east with curve to right whose radius is 2,017.05 feet a distance of 95.24 feet to the end of said curve; THENCE north 74 deg. 36' E a distance of 24.76 feet to the beginning. Recorded in Map Records Volume 16, page 26 of Harris County, Texas, and in Deed Records of Harris County, Volume 1125, Page 11, and subject to restrictions, reservations and easements of records in Harris County Deed Records.

(3) Tract No. 3

Tract and parcel of real property located and situated in Hearne, Robertson County, Texas, and being described as follows:

Being Lots Numbered Six (6), Seven (7) and Eight (8) in Block Numbered Four Hundred Twenty One (421) in the City of Hearne, Texas, according to the Map of the said City as the same appears on record in Vol. 1, page 5 of the Map Records of Robertson County, Texas, together with all improvements located and situated thereon, the same being a tract of land 75 feet in width fronting on Second Street and 115 feet in depth, reference being made to the said Map for all purposes.

(b) The proceeds from any sale or lease of land or other real property shall be added to the general funds of the university.

(c) The board has the power of eminent domain for land acquisitions permitted by Subsection (a) of this section.

[Acts 1971, 62nd Leg., p. 3250, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 2204, ch. 869, § 1, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 1059, ch. 489, § 1, eff. Aug. 27, 1979.]

§ 106.36. Military Training

No student shall ever be required to take any military training as a condition for entrance into or graduation from the university.

[Acts 1971, 62nd Leg., p. 3250, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.37. Student Center Fees

(a) The board may levy and collect a student fee not to exceed \$15 per student for each semester of the long session and not to exceed \$7.50 per student for each term of the summer session, as may in its discretion be necessary and desirable for the purpose of operating, maintaining, and improving the student center and acquiring or constructing additions to the student center. Provided, however, that a student center fee shall be levied only after a student referendum has been called on the issue of an increase in the fee, within the prescribed limits of this section, and that the issue of an increase has been approved by a majority of the students voting in the election. Provided, further, that in its levy and assessment of such fee, the board shall adopt a proportionate fee schedule which takes into consideration the number of semester credit hours for which a student registers.

(b) All fees collected pursuant to Subsection (a) hereof shall be reserved and accounted for in an account or accounts kept separate and apart from educational and general funds of the university. The fees collected shall be placed in a depository bank or banks designated by the board and shall be secured by law.

(c) Expenditures from the accounts provided for in Subsection (b) of this section shall be limited to those purposes specified in Subsection (a) of this section and pursuant to a budget approved by the board.

(d) The fee authorized to be collected pursuant to Subsection (a) of this section shall be in addition to any other fees or charges heretofore authorized by law.

[Acts 1977, 65th Leg., p. 2206, ch. 869, § 2, eff. Aug. 29, 1977.]

[Sections 106.38 to 106.50 reserved for expansion]

SUBCHAPTER D. CONTROL OF UNIVERSITY FUNDS

§ 106.51. Control of Money Collected

The board may retain control of:

- (1) money derived from student fees of all kinds;
- (2) charges for use of rooms and dormitories;
- (3) receipts from meals, cafes, and cafeterias;
- (4) fees on deposit refundable to students under certain conditions;
- (5) receipts from school athletic activities;

(6) income from student publications and other student activities;

(7) receipts from the sale of publication products and miscellaneous supplies and equipment;

(8) students' voluntary deposits of money for safekeeping;

(9) funds, revenue, and accounts received from the University of Houston and other institutions;

(10) gifts and grants to the university; and

(11) all other fees and local institutional income of a strictly local nature arising out of, or incident to, the university's educational activities.

[Acts 1971, 62nd Leg., p. 3251, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.52. Depositories

The board may select depository banks as places of deposit of all funds of the kind and character named in Section 106.51 of this code, which are collected by the university, and the board shall require adequate surety bonds or securities to be posted to secure the deposits and may require additional security at any time the board deems any deposit inadequately secured. All funds of the character named in Section 106.51 of this code, which are so collected, shall be deposited in the depository bank or banks within five days from the date of collection. Depository banks so selected are authorized to pledge their securities to protect the funds. Any surety bond furnished under the provisions of this section shall be payable to the governor and his successors in office; and venue of suit to recover any amount claimed by the state to be due on any of these bonds is fixed in Travis County.

[Acts 1971, 62nd Leg., p. 3251, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.53. Accounts; Trust Funds

Separate accounts shall be kept on the books of the university, showing the sources of all sums collected and the purposes for which expended. All trust funds handled by the board shall be deposited in separate accounts and shall not be commingled with the general income from student fees or other local institutional income, and all trust funds shall be secured by separate bonds or securities.

[Acts 1971, 62nd Leg., p. 3251, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.54. Biennial Report

True and full accounts shall be kept by the board and by the employees of the university of all funds collected from all sources by the university, all the sums paid out by it, and the persons to whom and the purposes for which the sums are paid. The board shall print biennially a complete report of all sums collected, all expenditures, and the sums remaining on hand. The report shall be printed in even-numbered years between September 1 and January 1. It shall show the true condition of all funds as of the preceding August 1, and shall show all

collections and expenditures for the preceding two years. The board shall furnish copies of the report to the governor, state treasurer, comptroller, state auditor, and attorney general, and not less than three copies to the State Board of Control. The board shall furnish a copy to each member of the House Appropriations Committee, the Senate Finance Committee, and the House and Senate committees on education of each regular session of the legislature within one week after the committees are appointed.

[Acts 1971, 62nd Leg., p. 3251, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 106.55. Legislative Intent

The authority granted the board under this subchapter is intended to be the same as the authority granted to the governing boards of The University of Texas System, Texas A & M University System, and similar institutions with regard to the control and use of local funds.

[Acts 1971, 62nd Leg., p. 3252, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

CHAPTER 107. TEXAS WOMAN'S UNIVERSITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

107.01. Location and Purpose of University.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 107.21. Board of Regents.
- 107.22. Officers.
- 107.23. Board Meetings; Minutes.
- 107.24. Compensation of Board.

SUBCHAPTER C. POWERS AND DUTIES

- 107.41. Extent of Powers.
- 107.42. Staff.
- 107.43. Departments.
- 107.44. Rules and Regulations.
- 107.45. Eminent Domain: Restriction.
- 107.46. Gifts, Grants, and Donations.

SUBCHAPTER D. DORMITORIES AND IMPROVEMENTS

- 107.61. Construction of Dormitories and Improvements.
- 107.62. Obligations; Pledge of Revenue.
- 107.63. Sale of Real Estate.
- 107.64. Required Dormitory Residence.
- 107.65. Management of Dormitories.
- 107.66. Requisition of Furnishings, Equipment, Etc.
- 107.67. Limitation on Obligations.
- 107.68. General Powers.
- 107.69. State Historical Collection.

SUBCHAPTER E. CAMPUS SECURITY PERSONNEL

- 107.81. Concurrent Jurisdiction With City Police.
- 107.82. Assistance to City Police.
- 107.83. City Delegation of Parking Regulation Authority.
- 107.84. Construction of Subchapter.

SUBCHAPTER A. GENERAL PROVISIONS

§ 107.01. Location and Purpose of University

Texas Woman's University is an institution of higher education for women with its main campus at Denton.

[Acts 1971, 62nd Leg., p. 3253, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 107.02 to 107.20 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 107.21. Board of Regents

The board of regents of the university is composed of nine persons, four of whom shall be women, appointed by the governor with the advice and consent of the senate. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. The members hold office for staggered terms of six years, with the terms of three expiring February 1 of odd-numbered years.

[Acts 1971, 62nd Leg., p. 3253, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 2838, ch. 484, art. III, § 4, eff. June 19, 1983.]

Section 5 of art. III of the 1983 amendatory act provides:

"A member of the board of regents of The University of Texas System, The Texas A&M University System, The Texas State University System, or Texas Woman's University who was appointed under prior law for a term expiring in 1985, 1987, or 1989 serves for a term expiring February 1 of the applicable year or until a successor is appointed and has qualified."

§ 107.22. Officers

The board shall biennially elect a chairman, a vice chairman, and other officers it deems necessary from among its members.

[Acts 1971, 62nd Leg., p. 3253, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.23. Board Meetings; Minutes

The chairman shall convene the board to consider any business connected with the university whenever he deems it expedient. A full record shall be kept of all the board's proceedings.

[Acts 1971, 62nd Leg., p. 3253, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.24. Compensation of Board

Members of the board shall receive the same compensation conferred by law on the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3253, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 107.25 to 107.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 107.41. Extent of Powers

The board has the power incident to its position and to the same extent, as far as applicable, as is conferred on the board of regents of The University of Texas System.

[Acts 1971, 62nd Leg., p. 3253, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.42. Staff

The board shall appoint a president of the university and other officers and employees it deems proper and shall fix their salaries. The board shall make rules and regulations for the government of the university's staff as it deems advisable.

[Acts 1971, 62nd Leg., p. 3253, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.43. Departments

The board shall divide the course of instruction into departments and shall select careful and efficient professors in each department, in order to secure the best possible instruction in all areas of study.

[Acts 1971, 62nd Leg., p. 3254, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.44. Rules and Regulations

The board shall adopt rules and regulations it deems necessary to carry out the purposes of the institution and to enforce the faithful discharge of the duties of all officers, professors, and students.

[Acts 1971, 62nd Leg., p. 3254, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.45. Eminent Domain: Restriction

The board may not use the power of eminent domain to acquire land that is dedicated to a public use by another governmental entity.

[Acts 1977, 65th Leg., p. 42, ch. 26, § 2, eff. March 24, 1977.]

§ 107.46. Gifts, Grants, and Donations

The board is specifically authorized, upon terms and conditions acceptable to it, to accept, retain, and administer gifts, grants, or donations of any kind, including real estate or money, from any source, for use by the university, and to carry out the directions, limitations, and provisions declared in writing in the gifts, grants or donations.

[Acts 1983, 68th Leg., p. 1251, ch. 271, § 1, eff. Sept. 1, 1983.]

[Sections 107.47 to 107.60 reserved for expansion]

SUBCHAPTER D. DORMITORIES AND IMPROVEMENTS

§ 107.61. Construction of Dormitories and Improvements

The board may erect and equip, or may contract with any person, firm, or corporation for the erecting and equipping of dormitories and other improvements, which shall be located either on the campus or on land purchased or leased for the purpose by the board. The board may purchase or lease additional real estate for the purpose, or exchange or sell real estate for the purpose.

[Acts 1971, 62nd Leg., p. 3254, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.62. Obligations; Pledge of Revenue

In payment for the erecting and equipping of dormitories and improvements, the board may issue its obligations in the amount and on the terms deemed advisable by the board. As security the board may pledge the income from the dormitories and improvements erected or from other dormitories owned by the university, as well as all other revenue derived by the university from other sources, except revenue derived by means of appropriations made for a specific purpose by the legislature.

[Acts 1971, 62nd Leg., p. 3254, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.63. Sale of Real Estate

The board may sell or encumber any part of the campus or real estate owned by the university for the purpose of obtaining funds with which to erect and equip these improvements or for the purpose of securing the payment of its obligations issued to any person, firm, or corporation for the erecting or equipping of these improvements.

[Acts 1971, 62nd Leg., p. 3254, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.64. Required Dormitory Residence

The board may adopt regulations it deems reasonable requiring any class or classes of students to reside in university dormitories or other buildings.

[Acts 1971, 62nd Leg., p. 3254, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.65. Management of Dormitories

The board has absolute and sole management and control of university dormitories and other improvements.

[Acts 1971, 62nd Leg., p. 3254, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.66. Requisition of Furnishings, Equipment, Etc.

The board may make requisition to the State Board of Control for furniture, furnishings, equipment, and appointments required for the proper use and enjoyment of improvements erected by the board, and the State Board of Control may purchase and pay for the furnishings, equipment, and appointments.

[Acts 1971, 62nd Leg., p. 3255, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.67. Limitation on Obligations

In the erecting, or in contracts for the erecting, of dormitories and improvements, the board may not in any manner incur any indebtedness against the university except as provided in Sections 107.62 and 107.63 of this code. The obligations incurred in the erecting of dormitories and improvements may never be personal obligations of the university but shall be discharged solely from the revenue or property authorized to be pledged for that purpose.

[Acts 1971, 62nd Leg., p. 3255, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.68. General Powers

The board may do any and all things necessary or convenient to carry out the purpose and intent of this subchapter.

[Acts 1971, 62nd Leg., p. 3255, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 107.69. State Historical Collection

(a) The board may establish an historical collection of items illustrating the history of women in Texas. The historical collection is to be housed in a building belonging to the university and is to be known as "The History of Texas Women." When established, the historical collection may be designated a state historical collection and shall be for the use and enjoyment of all citizens of Texas.

(b) The board may accept donations, gifts, and collections of historical value for the use of the historical collection and shall adopt rules for the receipt, care, custody, and control of items in the collection.

[Acts 1979, 66th Leg., p. 1145, ch. 551, § 1, eff. June 11, 1979.]

SUBCHAPTER E. CAMPUS SECURITY PERSONNEL

§ 107.81. Concurrent Jurisdiction With City Police

(a) Campus security personnel commissioned under Section 51.203 of this code have concurrent jurisdiction with police officers of the City of Denton to enforce all criminal laws, including traffic laws, of the state and all ordinances of the city regulating traffic on any public street running

through the property of the university and on any public street immediately adjacent to property owned or occupied and controlled by the university.

(b) The form and content of traffic citations issued for violations of law shall be similar to the type used by the State Highway Patrol and shall be filed in the municipal court or any justice of the peace court with jurisdiction of the offense.

[Acts 1981, 67th Leg., p. 892, ch. 317, § 2, eff. Aug. 31, 1981.]

§ 107.82. Assistance to City Police

(a) The board of regents and the city council of Denton may enter into written agreements, authorized by resolution of each governing body, to authorize the regular employed peace officers of the university to assist the peace officers of the city in enforcing the laws of the state and the ordinances of the city at any location in the city.

(b) To be valid, an agreement under Subsection (a) of this section must be approved by the attorney general.

(c) While acting pursuant to the agreement in Subsection (a) above and when such act is outside the property of the university or outside any public street running through, adjacent to, or within property owned or occupied and controlled by the university, the peace officers of the university are under the jurisdiction and command of the chief of police of Denton.

(d) Neither the state nor the university is liable for actions of a campus police officer acting under the jurisdiction and command of the chief of police of Denton.

(e) The university shall have jurisdiction over its personnel and students upon property owned by the university to the extent that it may (1) assign and regulate parking spaces for its use and charge and collect appropriate fees for parking and improper parking; (2) prohibit parking where it deems necessary; (3) set and collect fees for and remove vehicles parked in violation of its rules and regulations or the laws of the State of Texas.

[Acts 1981, 67th Leg., p. 892, ch. 317, § 2, eff. Aug. 31, 1981.]

§ 107.83. City Delegation of Parking Regulation Authority

(a) By contract between the city and the university, the city council of Denton may delegate to the university the authority to regulate the parking of vehicles on any public street running through or immediately adjacent to property owned or occupied and controlled by the university.

(b) The contract may authorize the university to assign and regulate parking spaces for its use, to charge and collect a fee from its personnel and students for parking, to prohibit parking, and to charge and collect a fee for removing vehicles parked in violation of law or ordinance or in viola-

tion of a rule governing the parking of vehicles adopted by the board. All parking violations shall be filed in the Municipal Court of Denton or the justice of the peace court having jurisdiction over the offense.

(c) Before the contract is considered by the city council or the board, the attorney general and the city attorney of Denton shall review and either approve the contract or file written legal objections to the contract with the chief executive officer of both the board and the council. The contract must be approved by resolution of the board and the city council.

[Acts 1981, 67th Leg., p. 892, ch. 317, § 2, eff. Aug. 31, 1981.]

§ 107.84. Construction of Subchapter

This subchapter does not:

- (1) limit the police powers of the city or its law enforcement jurisdiction;
- (2) render a campus peace officer an employee of the city or entitle a campus peace officer to compensation from the city; or
- (3) restrict the power of the university under other law to enforce laws, ordinances, or rules regulating traffic or parking.

[Acts 1981, 67th Leg., p. 892, ch. 317, § 2, eff. Aug. 31, 1981.]

CHAPTER 108. LAMAR UNIVERSITY SYSTEM

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108.361. Student Centers at Educational Centers.

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SUBCHAPTER A. GENERAL PROVISIONS

§ 108.01. Lamar University System

The Lamar University System is established and is composed of Lamar University, a coeducational institution of higher education located in the city of Beaumont, and any other institution or entity as-

signed to or established as part of the system under law.

[Acts 1971, 62nd Leg., p. 3256, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 3186, ch. 546, § 2, eff. Aug. 29, 1983.]

Section 10 of the 1983 amendatory act provides:

"For the biennium beginning September 1, 1983, the legislature may appropriate funds to Lamar University and to the educational centers of Lamar University as those institutions existed before creation of the Lamar University System as provided by this Act. For each biennium thereafter, appropriations to Lamar University and to the educational centers of Lamar University shall be through appropriations to the Lamar University System."

[Sections 108.02 to 108.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 108.11. Board of Regents

The organization, control, and management of the Lamar University System is vested in a board of nine regents, who shall be appointed by the governor and confirmed by the senate. The term of office of each regent shall be six years. Any vacancy that occurs on the board shall be filled by the governor for the unexpired term. The members of the board are removable by the governor for inefficiency or inattention to the duties of the office. Each member of the board shall take the constitutional oath of office.

[Acts 1971, 62nd Leg., p. 3256, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 3186, ch. 546, § 3, eff. Aug. 29, 1983.]

Section 9 of the 1983 amendatory act provides:

"Persons serving as members of the board of regents of Lamar University on the effective date of this Act continue in office as members of the Lamar University System board of regents and serve until the terms for which they were appointed expire."

§ 108.12. Officers

The board shall elect a chairman and any other officers they consider necessary.

[Acts 1971, 62nd Leg., p. 3256, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 108.13. Compensation of Board

The members of the board shall serve without compensation, but shall receive actual expenses incurred in attending the meetings of the board, or in the transaction of any business of the system imposed by the board.

[Acts 1971, 62nd Leg., p. 3256, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 3187, ch. 546, § 4, eff. Aug. 29, 1983.]

§ 108.14. Officers

The board shall appoint executive officers for the system and component institutions and shall fix the term of office, set the salary, and define the duties. The president of Lamar University shall recommend the plan of organization and the appointment of employees of the university, and shall have the cooperation of the board and shall be responsible to

the board for the general management and success of the university.

[Acts 1971, 62nd Leg., p. 3256, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 3187, ch. 546, § 5, eff. Aug. 29, 1983.]

§ 108.15. Seal

The board may adopt an official seal.

[Acts 1971, 62nd Leg., p. 3256, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 108.16 to 108.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 108.31. General Responsibilities

The board shall build and operate a state university of the first rank that compares favorably with the splendid colleges of Texas in the preparation of its youth for the varied interests and industries possible in the section of the state in which the university is located. The university shall be equipped adequately to do its work as well as other state colleges perform their functions.

[Acts 1971, 62nd Leg., p. 3257, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 108.32. Scope of Powers

The system and the board have all the powers and authority conferred by law on the Texas State University System and the Board of Regents, Texas State University System, to the extent that that law is applicable.

[Acts 1971, 62nd Leg., p. 3257, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 3187, ch. 546, § 6, eff. Aug. 29, 1983.]

§ 108.33. Eminent Domain

The system has the power of eminent domain and shall proceed under condemnation proceedings applicable to railroad companies under the laws of the state.

[Acts 1971, 62nd Leg., p. 3257, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 3187, ch. 546, § 7, eff. Aug. 29, 1983.]

§ 108.34. Donations, Gifts, Endowments

The board may accept donations, gifts, and endowments for the system or component institutions to be held in trust and administered by the board for the purposes and under any directions, limitations, and provisions declared in writing in the donation, gift, or endowment, to the extent that the directions, limitations, and provisions are not inconsistent with the objects and proper management of the system.

[Acts 1971, 62nd Leg., p. 3257, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 3188, ch. 546, § 8, eff. Aug. 29, 1983.]

§ 108.35. Spindletop Memorial Museum

The board may create the Spindletop Memorial Museum and may administer it in accordance with the rules and regulations of the university.

[Acts 1971, 62nd Leg., p. 3257, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 108.36. Educational Centers

(a) The Board may establish educational centers of Lamar University in the counties of Jefferson and Orange, to be known as Lamar University at Port Arthur and Lamar University at Orange, to accept freshman and sophomore level students only. These educational centers may be discontinued by the Coordinating Board, Texas College and University System, at its discretion.

(b) The board may acquire, construct, or otherwise make provision for adequate physical facilities for use by the Lamar University at Port Arthur and Lamar University at Orange and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property which are tendered by any reason for the use and benefit of the school; provided, however, that any expenditure of funds, other than local funds or any such grants or gifts, for teaching classes not held on the Beaumont Campus, shall be only as specifically authorized in the General Appropriations Act.

(c) The board with approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to customary degrees, and make other rules and regulations for the operation, control, and management of the Lamar University at Port Arthur and Lamar University at Orange as necessary for the school to be a first-class institution for freshman and sophomore students.

(d) Nothing in this section shall be construed to limit the powers of the board of regents of Lamar University as conferred by law.

[Acts 1971, 62nd Leg., p. 3340, ch. 1024, art. 2, § 9, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 199, ch. 99, § 1, eff. May 3, 1977; Acts 1983, 68th Leg., p. 3042, ch. 521, § 1, eff. Aug. 29, 1983.]

§ 108.361. Student Centers at Educational Centers

(a) The board may issue general revenue bonds in accordance with Chapter 55 of this code for the purpose of constructing a student center for each of the educational centers of Lamar University authorized by Section 108.36 of this chapter.

(b) The board may levy a regular fixed student fee of \$25 per student for each semester of the long session and \$12.50 per student for each term of the summer session, against each student enrolled in each center. The board may pledge all or part of the fees collected to the payment of principal of and interest on bonds issued under Subsection (a) of this section.

(c) The decision to levy a student center fee, the amount of the initial fee, and an increase in the fee must be approved by a majority vote of those students participating in a general election called for that purpose.

[Acts 1983, 68th Leg., p. 3043, ch. 522, § 1, eff. Aug. 29, 1983.]

§ 108.37. Student Center Fees

The board of regents may levy a regular fixed student fee not to exceed \$20 per student for each semester of the long session and not to exceed \$10 per student for each term of the summer session, against each student enrolled in the institution, as in their discretion may be just and necessary for the purpose of operating, maintaining, improving, and equipping the student center and acquiring or constructing additions to the student center.

[Acts 1971, 62nd Leg., p. 3344, ch. 1024, art. 2, § 14, eff. Sept. 1, 1971. Amended by Acts 1977, 65th Leg., p. 2140, ch. 855, § 1, eff. Aug. 29, 1977.]

CHAPTER 109. TEXAS TECH UNIVERSITY**SUBCHAPTER A. GENERAL PROVISIONS****Sec.**

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SUBCHAPTER A. GENERAL PROVISIONS

§ 109.01. Texas Tech University

Texas Tech University is a coeducational institution of higher education located in the city of Lubbock.

[Acts 1971, 62nd Leg., p. 3259, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 109.02 to 109.20 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 109.21. Board of Regents

The government, control, and direction of the policies of the university are vested in a board of nine regents, who shall be appointed by the governor with the advice and consent of the senate.

[Acts 1971, 62nd Leg., p. 3259, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.22. Board Members: Terms, Vacancies

Except for the initial appointees, members hold office of terms of six years expiring on January 31 of odd-numbered years. In making the initial appointments, the governor shall designate three for terms expiring in 1971, three for terms expiring in 1973, and three for terms expiring in 1975. Any vacancy shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the senate.

[Acts 1971, 62nd Leg., p. 3259, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.23. Chief Executive Officer: Selection, Duties

The board shall provide a chief executive officer, who shall devote his attention to the executive management of the university and who shall be directly accountable to the board for the conduct of the university. The board, when required by law to be the governing body of any other state educational institution or facility, shall also direct the chief executive officer to be directly responsible for the executive management of that other institution or facility.

[Acts 1971, 62nd Leg., p. 3259, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 109.24 to 109.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 109.41. Eminent Domain

The board of regents has the power of eminent domain to acquire land needed to carry out the purposes of the university.

[Acts 1971, 62nd Leg., p. 3259, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.42. Residence for President

The board may purchase a house or may purchase land and construct a house suitable for the residence of the president of the university.

[Acts 1971, 62nd Leg., p. 3259, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.43. Dormitories: Rules and Regulations

The board may adopt rules and regulations it deems advisable requiring any class or classes of students to reside in university dormitories or other buildings.

[Acts 1971, 62nd Leg., p. 3260, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.44. Research Park

(a) The board may plan, develop, and maintain a research park on a portion of the campus of the university. For this purpose, the board may select and set aside on the campus a tract of land of approximately 150 acres.

(b) The board may subdivide the tract into lots and lease the lots to persons, firms, foundations, associations, corporations, and government agencies for the purpose of conducting research. Each lessee may construct buildings and facilities appropriate for research, subject to rules of the board.

(c) The board may execute any lease deemed favorable to the university, and the board shall establish standards of admission for tenant organizations, rental rates, and architectural and landscaping standards.

(d) Money received from the rental of sites in the research park shall be used to offset the expenses involved in developing the sites and providing utilities and services. Any excess of receipts over expenses shall be applied toward research activities undertaken in behalf of the university. The support and maintenance of the park shall never become a charge against or obligation of the State of Texas.

(e) The research park shall be used for research only, and the board shall prohibit manufacturing, social, political, religious, fraternal, and other uses.

[Acts 1971, 62nd Leg., p. 3260, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.45. City Museum

(a) The board may rent, lease, or convey, for a sum of money to be determined by the board, a part

of the campus, not to exceed four acres, to the city of Lubbock for the sole purpose of building, with bonds or current city taxes, and maintaining with city tax money, a history, science, and art museum.

(b) The board may rent or lease a building or any part of a building on the parcel of land to the city of Lubbock for the sole purpose of maintaining a history and art museum for a sum of money to be determined by the board.

(c) The board may dedicate for public use a street or streets leading to and connecting the parcel of land and building and to provide ingress and egress to and from a public highway and to and from adjacent parking lots.

(d) The board, at its discretion, may contract with the city of Lubbock for the staffing, operation, and maintenance of a history and art museum with funds provided by the city of Lubbock.

(e) The board may enter into contracts and agreements which are necessary and proper for carrying out the provisions of this section, provided that no expenditure of money by the board shall be made except as may be appropriated by the legislature.

[Acts 1971, 62nd Leg., p. 3260, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.46. Lease of Land for Armory

(a) The board may lease to a suitable agency of the United States a portion of the campus, not to exceed five and one-half acres, for a period not to exceed 99 years, to be used as a site for the erection and maintenance of an armory building or other suitable building or buildings for the instruction of students in military and naval sciences and other subjects.

(b) The board may enter into lease contracts and other contracts and agreements which are necessary and proper in carrying out the provisions of this section.

[Acts 1971, 62nd Leg., p. 3260, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.47. Lease of Land for National Guard Armory

(a) The board may select and lease a portion of the campus to the Texas National Guard for the purpose of erecting an armory and other buildings suitable for use by the Texas National Guard. The board may enter into a lease contract with the Texas National Guard Armory Board on terms which are suitable and satisfactory to the board for a term of not more than 99 years.

(b) The board may select and set aside a tract of campus land, not in excess of 10 acres, to be used by the Texas National Guard as a drill ground.

(c) The board may permit the Texas National Guard Armory Board and the Texas National Guard and any of its subdivisions ingress upon and egress from the campus for the purpose of going to and

from the armory and other buildings and the drill ground.

[Acts 1971, 62nd Leg., p. 3261, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.48. Utilities Easements

Text as added by Acts 1975, 64th Leg., p. 362, ch. 155, § 1

On terms, conditions, stipulations, and compensation as determined by the board, the board may convey, dedicate, or use any other appropriate method of conveyance to grant, convey, or dedicate rights, title, rights-of-way, or easements involving or in connection with the furnishing or providing of electricity, water, sewage disposal, natural gas, telephone, telegraph, or other utility service on, over, or through the campus of Texas Tech University in Lubbock County. The chairman of the board may execute and deliver conveyances or dedications on behalf of Texas Tech University.

[Acts 1975, 64th Leg., p. 362, ch. 155, § 1, eff. May 8, 1975.]

For text as added by Acts 1975, 64th Leg., p. 1248, ch. 471, § 1 and amended by Acts 1983, 68th Leg., p. 719, ch. 166, § 1, see § 109.48, post

§ 109.48. Management of Lands

Text as added by Acts 1975, 64th Leg., p. 1248, ch. 471, § 1 and amended by Acts 1983, 68th Leg., p. 719, ch. 166, § 1

The board has the sole and exclusive management and control of lands set aside and appropriated to or acquired by the institutions under its governance. The board may lease, sell, exchange, acquire, dispose of, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the institutions. However, the board may not sell any of the original main campus located in Lubbock, Lubbock County, unless the sale is approved by act of the legislature. No grazing lease shall be made for a period of more than five years.

[Acts 1975, 64th Leg., p. 1248, ch. 471, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 719, ch. 166, § 1, eff. May 20, 1983.]

For text as added by Acts 1975, 64th Leg., p. 362, ch. 155, § 1, see § 109.48 ante

§ 109.49. Sale of Crops

Proceeds from the sale, barter, or exchange of crops resulting from any agricultural activities at the institution shall be applied to defray the expenses of conducting the agricultural activities.

[Acts 1975, 64th Leg., p. 362, ch. 154, § 1, eff. May 8, 1975.]

§ 109.50. Student Fees for University Center

(a) The board may levy a regular fixed student fee not to exceed \$20 per student for each semester of the long session and not to exceed \$10 per student for each term of the summer session, or any fractional part thereof, as may in their discretion be just and necessary for the sole purpose of operating, maintaining, and improving the University Center. The amount of the fee may be changed at any time within the limits specified in order to provide sufficient funds to support the center, but any increase in the initial fee must be approved by a majority vote of those students participating in a general election called for that purpose.

(b) The director of accounting and finance of the university shall collect the fees provided for in Subsection (a) of this section and shall credit the money received from the fees to an account known as the University Center account.

(c) The funds in the University Center account shall be used for the purpose of operating, maintaining, and improving the center and shall be placed under the control of and subject to the order of the board of directors of the University Center. The board of directors shall annually submit a complete and itemized budget accompanied by a full and complete report of all activities conducted during the year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving it, and shall then levy the student fees in an amount sufficient to meet the budgetary needs of the center within the limits set in Subsection (a) of this section.

[Acts 1975, 64th Leg., p. 461, ch. 196, § 1, eff. May 13, 1975. Amended by Acts 1981, 67th Leg., p. 76 ch. 37, § 1, eff. April 15, 1981.]

Section 2 of the 1981 amendatory act provided:

"The increase in the maximum university center fee provided by this Act is effective beginning with the first summer or regular semester that begins on or after the effective date of this Act."

§ 109.51. Student Recreation Fee

(a) If approved by student vote, the board may charge each student enrolled in the university a recreation fee not to exceed \$25 per semester or \$12.50 per six-week summer term to be used to purchase equipment for and to operate and maintain the student recreation facilities and programs at the university.

(b) The recreation fee may not be levied unless the levy of the fee is approved and the amount of the fee is set by a majority vote of those students participating in a general student election called for that purpose.

(c) The fee may be changed within the limits specified at any time by a majority of students voting on the issue in a general student election.

(d) The university shall collect the student recreation fee and shall deposit the money collected in an account known as the Student Recreation Account.

(e) The student recreation fee is not counted in determining the maximum student services fee which may be charged under Section 54.503 of this code, as amended.

[Acts 1979, 66th Leg., p. 235, ch. 122, § 1, eff. Aug. 27, 1979.]

§ 109.52. Donations, Gifts, Grants, and Endowments

Text as added by Acts 1983, 68th Leg., p. 720, ch. 166, § 2

The board may accept donations, gifts, grants, and endowments for Texas Tech University to be held in trust and administered by the board.

[Acts 1983, 68th Leg., p. 720, ch. 166, § 2, eff. May 20, 1983].

For text as added by Acts 1983, 68th Leg., p. 3860, ch. 608, § 1, see § 109.52, post

§ 109.52. Medical Services Fee

Text as added by Acts 1983, 68th Leg., p. 3860, ch. 608, § 1

(a) The board may charge each student registered at the university a medical services fee not to exceed \$25 for each semester of the regular term or 12-week summer session and not to exceed \$12.50 for each six-week or shorter term of the summer session.

(b) Before charging a medical services fee, the board must give students and administrators an opportunity to offer recommendations to the board as to the type and scope of medical services that should be provided.

(c) A medical services fee charged under this section may be used only to provide medical services to students at the university.

(d) A medical services fee charged under this section is in addition to any other fee the board is authorized by law to charge.

[Acts 1983, 68th Leg., p. 3860, ch. 608, § 1, eff. June 19, 1983.]

For text as added by Acts 1983, 68th Leg., p. 720, ch. 166, § 2, see § 109.52, ante

[Sections 109.53 to 109.60 reserved for expansion]

SUBCHAPTER D. MINERAL DEVELOPMENT IN UNIVERSITY LAND

§ 109.61. Mineral Leases; Disposition of Proceeds

(a) The board may lease for oil, gas, sulphur, or other mineral development to the highest bidder at public auction all or part of the lands under the exclusive control of the board owned by the State of Texas and acquired for the use of Texas Tech University and its divisions.

(b) Any money received by virtue of this section shall be deposited in the state treasury to the credit of a special fund to be known as the Texas Tech University special mineral fund, to be used exclusively for the university and its branches and divisions. However, no money shall ever be expended from this fund except as authorized by the general appropriations act.

[Acts 1971, 62nd Leg., p. 3261, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.62. Majority of Board to Act

A majority of the board has power to act in all cases under this subchapter except as otherwise provided in this subchapter.

[Acts 1971, 62nd Leg., p. 3261, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.63. Subdivision of Land; Titles

(a) The board may have the lands surveyed or subdivided into tracts, lots, or blocks which, in their judgment, will be most conducive and convenient to an advantageous sale or lease of oil, gas, sulphur, or other minerals in the lands; and the board may make maps and plats which it deems necessary to carry out the purposes of this subchapter.

(b) The board may obtain authentic abstracts of title to the lands from time to time as it deems necessary and may take necessary steps to perfect a merchantable title to the lands.

[Acts 1971, 62nd Leg., p. 3261, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.64. Sale of Leases; Advertisements; Payments

(a) Whenever in the opinion of the board there is a demand for the purchase of oil, gas, sulphur, or other mineral leases on any tract or part of any tract of land which will reasonably insure an advantageous sale, the board shall place the oil, gas, sulphur, or other mineral leases on the land on the market in a tract or tracts, or any part of a tract, which the board may designate.

(b) The board shall have advertised a brief description of the land from which the oil, gas, sulphur, or other minerals is proposed to be leased. The advertisement shall be made by inserting in two or more papers of general circulation in this state, and in addition, the board may, in its discretion, cause the advertisement to be placed in an oil and gas journal published in and out of the state. The board may also mail copies of the proposals to the county judge of the county where the lands are located and to other persons the board believes would be interested.

(c) The board may sell the lease or leases to the highest bidder at public auction at the university in Lubbock at any hour between 10 a. m. and 5 p. m.

(d) The highest bidder shall pay to the board on the day of the sale 25 percent of the bonus bid, and

the balance of the bid shall be paid within 24 hours after the bidder is notified that the bid has been accepted. Payments shall be made in cash, certified check, or cashier's check, as the board directs. The failure of the bidder to pay the balance of the amount bid will forfeit to the board the 25 percent paid.

[Acts 1971, 62nd Leg., p. 3262, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.65. Separate Bids; Minimum Royalty; Delay Rental

(a) A separate bid shall be made for each tract or subdivision of a tract.

(b) No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil, gas, sulphur, and other minerals in the land bid upon, and this minimum royalty may be increased at the discretion of the board.

(c) Every bid shall carry the obligation to pay an amount not less than \$1 per acre for delay in drilling or development. The amount shall be fixed by the board in advance of the advertisement. The amount fixed shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land or the land is released by the lessee.

[Acts 1971, 62nd Leg., p. 3262, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.66. Rejection of Bids; Withdrawal of Land

The board may reject any and all bids and may withdraw any land advertised for lease.

[Acts 1971, 62nd Leg., p. 3262, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.67. Acceptance; Conditions and Provisions of Lease

(a) If, in the opinion of the board, any one of the bidders has offered a reasonable and proper price for any tract, which is not less than the price set by the board, the lands advertised may be leased for oil, gas, sulphur, and other mineral purposes under the terms of this section and subject to regulations prescribed by the board which are not inconsistent with the provisions of this section. In the event no bid is accepted by the board at public auction, any subsequent procedure for the sale of the leases shall be in the manner prescribed in the preceding sections.

(b) No lease shall be made by the board which will permit the drilling or mining for oil, gas, sulphur, or other minerals within 300 feet of any building on the land without the consent of the board. In making any lease on any experimental station or farm, the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with use of the land for university purposes and shall not cause the abandonment of the property or its use for experimental farm purposes. The lease shall also provide that the

lessee operating the property shall drill and carry on his operations in such a way as not to cause the abandonment of the property for university purposes, and the leased property shall be subject to the use by the state for all university purposes, and the board shall continue to operate the university.

[Acts 1971, 62nd Leg., p. 3262, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.68. Acceptance and Filing of Bids; Yearly Payments; Termination of Lease

(a) If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other mineral lands, it shall accept the bid and reject all others and shall file the accepted bid in the general land office.

(b) Whenever the royalties shall amount to as much as the yearly payments fixed by the board, the yearly payments may be discontinued.

(c) If before the expiration of five years oil, gas, sulphur, or other minerals have not been produced in paying quantities, the lease shall terminate unless extended as provided in Sections 109.70 and 109.71 of this code.

[Acts 1971, 62nd Leg., p. 3263, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.69. Award and Filing of Lease

If the board determines that a satisfactory bid has been received for the oil, gas, sulphur, or other minerals, it shall make an award to the bidder offering the highest price, and a lease shall be filed in the general land office.

[Acts 1971, 62nd Leg., p. 3263, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.70. Exploratory Term of Lease; Extension; Other Provisions

(a) The exploratory term of a lease as determined by the board prior to the promulgation of the advertisement shall not exceed five years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of the board the lease is extended for a period of three years.

(b) The lease may be extended if the board finds that there is a likelihood of oil, gas, sulphur, or other minerals being discovered by the lessees, and that the lessees have proceeded with diligence to protect the interest of the state. If oil, gas, sulphur, or other minerals are being produced in paying quantities from the premises, the lease shall continue in force and effect as long as the oil, gas, sulphur, or other minerals are being so produced. No extension may be made by the board until the last 30 days of the original term of the lease.

(c) The lease shall include additional provisions and regulations prescribed by the board to preserve

the interest of the state, not inconsistent with the provisions of this subchapter.

[Acts 1971, 62nd Leg., p. 3263, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.71. Extension of Leases

When in the discretion of the board it is deemed for the best interest of the state to extend a lease issued by the board, the board may by unanimous vote extend the lease for a period not to exceed three years, on the condition that the lessee shall continue to pay yearly rental as provided in the lease and shall comply with any additional terms which the board may see fit and proper to demand. The board may extend the lease and execute an extension agreement.

[Acts 1971, 62nd Leg., p. 3264, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.72. Control of Drilling and Production

The drilling for and the production of oil, gas, and other minerals from the lands shall be governed and controlled by the Railroad Commission of Texas and other regulatory bodies which govern and control other fields in this state.

[Acts 1971, 62nd Leg., p. 3264, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.73. Drilling Operations; Suspension of Rent; Continuance of Lease; Duty to Prevent Drainage

(a) If during the term of a lease issued under the provisions of this subchapter the lessee is engaged in actual drilling operations for the discovery of oil, gas, sulphur, or other minerals, no rentals shall be payable as to the tract on which the operations are being conducted as long as the operations are proceeding in good faith.

(b) In the event oil, gas, sulphur, or other minerals are discovered in paying quantities on any tract of land covered by a lease, then the lease as to that tract shall remain in force as long as oil, gas, sulphur, or other minerals are produced in paying quantities from the tract.

(c) In the event of the discovery of oil, gas, sulphur, or other minerals on any tract covered by a lease or on any land adjoining the tract, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by the lease to properly develop the same to the extent that a reasonably prudent man would do under the same and similar circumstances.

[Acts 1971, 62nd Leg., p. 3264, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.74. Title to Rights Purchased; Assignment; Relinquishment

(a) Title to all rights purchased may be held by the owners as long as the area produces oil, gas, sulphur, or other minerals in paying quantities.

(b) All rights purchased may be assigned. All assignments shall be filed in the general land office within 100 days from the date of the first acknowledgment thereof, accompanied by 10 cents per acre for each acre assigned. The assignment shall not be effective unless it is filed and the payment made.

(c) All rights to any whole tract or to any assigned portion thereof may be relinquished to the state at any time by having an instrument of relinquishment recorded in the county or counties in which the area is situated. The instrument of relinquishment shall be filed with the chairman of the board, accompanied by \$1 for each area assigned. The assignment shall not relieve the owner of any past-due obligations accrued on the lease.

(d) The board shall authorize the laying of pipeline and telephone line and the opening of roads deemed reasonably necessary in carrying out the purposes of this subchapter.

[Acts 1971, 62nd Leg., p. 3264, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.75. Payment of Royalties; Records; Report of Receipts

(a) If oil or other minerals are developed on any of the lands leased by the board, the royalty as stipulated in the sale shall be paid to the general land office in Austin on or before the last day of each month for the preceding month during the life of the rights purchased. The royalty payments shall be set aside in the state treasury as specified in Section 109.61 of this code and used as provided in that section.

(b) The royalty paid to the general land office shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur, or other minerals produced and sold off the premises and the market value of the minerals, together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipeline receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipelines, vats, tanks, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, and pipelines, and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil, gas, sulphur, or other minerals shall at all times be subject to inspection and examination by any member of the board or any duly authorized representative of the board.

(c) The commissioner of the general land office shall tender to the board on or before the 10th day of each month a report of all receipts from the lease or sale of oil, gas, sulphur, or other minerals turned into the special fund in the state treasury during the preceding month.

[Acts 1971, 62nd Leg., p. 3265, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.76. Protection from Drainage; Forfeiture of Rights

(a) In every case where the area in which oil, gas, sulphur, or other minerals sold is contiguous or adjacent to lands which are not lands belonging to and held by the university, the acceptance of the bid and the sale made thereby shall constitute an obligation of the owner to adequately protect the land leased from drainage from the adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances.

(b) In cases where the area in which the oil, gas, sulphur, or other minerals sold is contiguous to other lands belonging to and held by the university which have been leased or sold at a lesser royalty, the owner shall protect the land from drainage from the lands leased or sold for a lesser royalty.

(c) On failure to protect the land from drainage as provided in this section, the sale and all rights acquired may be forfeited by the board in the manner provided in Section 109.77 of this code for forfeitures.

[Acts 1971, 62nd Leg., p. 3265, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.77. Forfeiture and Other Remedies; Liens

(a) Leases granted under the provisions of this chapter are subject to forfeiture by the board by an order entered in the minutes of the board reciting the acts or omissions constituting a default and declaring a forfeiture.

(b) Any of the following acts or omissions constitutes a default:

(1) the failure or refusal by the owner of the rights acquired under this chapter to make a payment of a sum due, either as rental or royalty on production, within 30 days after the payment becomes due;

(2) the making of a false return or false report concerning production, royalty, drilling, or mining by the owner or his authorized agent;

(3) the failure or refusal of the owner or his agent to drill an offset well or wells in good faith, as required by the lease;

(4) the refusal of the owner or his agent to allow the proper authorities access to the records and other data pertaining to the operations authorized in this subchapter;

(5) the failure or refusal of the owner or his authorized agent to give correct information to the proper authorities, or to furnish the log of any well within 30 days after production is found in paying quantities; or

(6) the violation by the owner of any material term of the lease.

(c) The board may, if it so desires, have suit for forfeiture instituted through the attorney general.

(d) On proper showing by the forfeiting owner within 30 days after the declaration of forfeiture,

the lease may be reinstated at the discretion of the board and upon terms prescribed by the board.

(e) In case of violation by the owner of the lease contract, the remedy of forfeiture shall not be the exclusive remedy, and the state may institute suit for damages or specific performance or both.

(f) The state shall have a first lien on oil, gas, sulphur, or other minerals produced in the leased area, and on all rigs, tanks, vats, pipelines, telephone lines, and machinery and appliances used in the production and handling of oil, gas, sulphur, or other minerals produced, to secure the amount due from the owner of the lease.

[Acts 1971, 62nd Leg., p. 3265, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.78. Filing of Documents and Payment of Royalties, Fees, and Rentals

(a) All surveys, files, copies of sale and lease contracts, and other records pertaining to the sales and leases authorized in this subchapter shall be filed in the general land office and shall constitute archives.

(b) Payment of all royalties, lease fees, rentals for delay in drilling or mining, filing fees for assignments and relinquishments, and all other payments shall be made to the commissioner of the general land office at Austin. The commissioner shall transmit all payments received to the state treasurer for deposit to the credit of the Texas Tech University special mineral fund.

[Acts 1971, 62nd Leg., p. 3266, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.79. Forms, Regulations, Rules, and Contracts

The board shall adopt proper forms, regulations, rules, and contracts which, in its judgment, will protect the income from lands leased pursuant to this subchapter.

[Acts 1971, 62nd Leg., p. 3266, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 109.80. Management of Surface and Mineral Estates

(a) The board may lease for oil, gas, sulphur, ore, water, and other mineral development all land under its exclusive control for the use of the university. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land.

(b) All leases, pooling agreements, division orders, or other contracts entered into by the board shall be on terms that the board considers in the best interest of the university. The board may not sell a lease for less than the royalty and rental terms demanded at that time by the General Land Office in connection with the sale of oil, gas, and other mineral leases of the public lands of this state.

(c) All money received under the leases and contracts executed for the management and development of the land, except revenue pledged to the payment of revenue bonds or notes, shall be deposited to the credit of a special fund created by the board. The board shall designate a depository for the special fund and protect the money deposited in it by the pledging of assets of the depository in the same manner as is required for the protection of public funds. Money deposited in the special fund may be used by the board for the administration of the university, for payment of principal of and interest on revenue bonds or notes issued by the board, and for any other purpose that in the judgment of the board may be for the good of the university.

[Acts 1983, 68th Leg., p. 720, ch. 166, § 3, eff. May 20, 1983.]

CHAPTER 110. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Sec.

- 110.01. Separate Institution.
- 110.02. Concurrent and Separate Powers.
- 110.03. General Powers.
- 110.04. Chief Executive Officer.
- 110.05. Courses Offered.
- 110.06. Agreements with Other Schools.
- 110.07. Physical Facilities.
- 110.08. Grants; Gifts.
- 110.09. Teaching Hospital.
- 110.10. Supervision by Coordinating Board.
- 110.11. Medical School Admission Policies.
- 110.12. Utilities Easements.
- 110.13. Management of Lands.
- 110.13. Security Powers Relative to Hospital District.
- 110.14. Sale of Obsolete Medical Equipment.

Acts 1979, 66th Leg., p. 724, ch. 319, § 1, provided:

"The name of Texas Tech University School of Medicine is changed to Texas Tech University Health Sciences Center. All references to and appropriations for Texas Tech University School of Medicine apply to Texas Tech University Health Sciences Center."

Section 4 of said Act changed the chapter heading.

§ 110.01. Separate Institution

Texas Tech University Health Sciences Center is a separate institution and not a department, school, or branch of Texas Tech University but is under the direction, management, and control of the Texas Tech University Board of Regents. The center is composed of a medical school and other components assigned by law or by the coordinating board.

[Acts 1971, 62nd Leg., p. 3267, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 724, ch. 319, § 2, eff. June 6, 1979.]

§ 110.02. Concurrent and Separate Powers

The board of regents has the same powers of direction, management, and control over the Health Sciences Center as they exercise over Texas Tech University. However, the board shall act separately and independently on all matters affecting the Health Sciences Center as a separate institution.

[Acts 1971, 62nd Leg., p. 3267, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 724, ch. 319, § 2, eff. June 6, 1979.]

§ 110.03. General Powers

The board may make rules and regulations for the direction, control, and management of Texas Tech University Health Sciences Center as necessary for it to be an institution of the first class.

[Acts 1971, 62nd Leg., p. 3267, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 724, ch. 319, § 2, eff. June 6, 1979.]

§ 110.04. Chief Executive Officer

The chief executive officer of Texas Tech University is also the chief executive officer of the Health Sciences Center under the authority of Section 109-23 of this code.

[Acts 1971, 62nd Leg., p. 3267, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 724, ch. 319, § 2, eff. June 6, 1979.]

§ 110.05. Courses Offered

The board may prescribe courses leading to customary degrees.

[Acts 1971, 62nd Leg., p. 3267, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 110.06. Agreements with Other Schools

The board may, when in the best interests of medical education at the Health Sciences Center, execute and carry out affiliation or coordinating agreements with any other entity or institution in the Lubbock area, Amarillo area, El Paso area, and the Odessa-Midland area to provide clinical, post-graduate, including internship and residency, or other levels of medical educational work for the Health Sciences Center. Additionally, the board may execute and carry out affiliation or coordinating agreements with any other entity or institution necessary to conduct and operate the Health Sciences Center as a first-class institution. The board may utilize the facilities and staffs of other state biomedical units.

[Acts 1971, 62nd Leg., p. 3268, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 724, ch. 319, § 2, eff. June 6, 1979.]

§ 110.07. Physical Facilities

The board shall make provision for adequate physical facilities for the Health Sciences Center, including library, auditorium, and animal facilities,

for use by the Health Sciences Center in its teaching and research programs.

[Acts 1971, 62nd Leg., p. 3268, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 724, ch. 319, § 2, eff. June 6, 1979.]

§ 110.08. Grants; Gifts

The board, in its discretion, may accept and administer grants and gifts from the federal government, any foundation, trust fund, corporation, or individual for the use and benefit of the Health Sciences Center.

[Acts 1971, 62nd Leg., p. 3268, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 724, ch. 319, § 2, eff. June 6, 1979.]

§ 110.09. Teaching Hospital

A complete teaching hospital for the Health Sciences Center shall be furnished at no cost or expense to the state. The state may never contribute any funds for the construction, maintenance, or operation of a teaching hospital for the Health Sciences Center.

[Acts 1971, 62nd Leg., p. 3268, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 724, ch. 319, § 2, eff. June 6, 1979.]

§ 110.10. Supervision by Coordinating Board

The Health Sciences Center is subject to the continuing supervision of and to the rules and regulations of the Coordinating Board, Texas College and University System, as provided by Chapter 61 of this code.

[Acts 1971, 62nd Leg., p. 3268, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1979, 66th Leg., p. 724, ch. 319, § 2, eff. June 6, 1979.]

§ 110.11. Medical School Admission Policies

The Board of Regents shall promulgate appropriate rules and regulations pertaining to the admission of students to the medical school which will provide for admission of those students to its entering class each year who are equally or as well qualified as all other students and who have entered a contract with or received a commitment for a stipend, grant, loan or scholarship from the State Rural Medical Education Board. The State Rural Medical Education Board may contract with medical students providing for such students to engage in a general or family practice of medicine for not less than four years after licensing and a period of medical residency, as determined by the rules and regulations established by the State Rural Medical Education Board, in cities of Texas which have a population of less than 5,000 or in rural areas, as that term may be defined by the State Rural Medical Education Board, and said Board is hereby given the authority to define and from time to time redefine the term rural area, at the time the medical practice is commenced. This contract shall provide for a monthly stipend of at least \$100 to be granted by the State Rural Medical Education Board to each

person under contract with the State while enrolled as a medical school student.

[Acts 1975, 64th Leg., p. 2409, ch. 740, § 4, eff. Sept. 1, 1975.]

Two former §§ 110.11 were renumbered as §§ 110.12 and 110.13 by Acts 1979, 66th Leg., p. 725, ch. 319, § 3, and Acts 1983, 68th Leg., p. 721, ch. 166, § 4, respectively.

§ 110.12. Utilities Easements

On terms, conditions, or stipulations, and compensation as determined by the board, the board may convey, dedicate, or use any other appropriate method of conveyance to grant, convey, or dedicate rights, title, rights-of-way, or easements involving or in connection with the furnishing or providing of electricity, water, sewage disposal, natural gas, telephone, telegraph, or other utility service on, over, or through the campus or properties of Texas Tech University Health Sciences Center. The chairman of the board may execute and deliver conveyances or dedications on behalf of Texas Tech University Health Sciences Center.

[Acts 1975, 64th Leg., p. 363, ch. 155, § 2, eff. May 8, 1975. Renumbered from § 110.11 and amended by Acts 1979, 66th Leg., p. 725, ch. 319, § 3, eff. June 6, 1979.]

§ 110.13. Management of Lands

Text as added by Acts 1975, 64th Leg., p. 1249, ch. 471, § 2, and renumbered and amended by Acts 1983, 68th Leg., p. 721, ch. 166, § 4

The board has the sole and exclusive management and control of lands set aside and appropriated to or acquired by the institutions under its governance. The board may lease, sell, exchange, acquire, dispose of, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the institutions. However, the board may not sell any of the original main campus located in Lubbock, Lubbock County, unless the sale is approved by act of the legislature. No grazing lease shall be made for a period of more than five years.

[Acts 1975, 64th Leg., p. 1249, ch. 471, § 2, eff. Sept. 1, 1975. Renumbered from § 110.11 and amended by Acts 1983, 68th Leg., p. 721, ch. 166, § 4, eff. May 20, 1983.]

For text as added by Acts 1983, 68th Leg., p. 3861, ch. 609, § 1, see § 110.13, post

§ 110.13. Security Powers Relative to Hospital District

Text as added by Acts 1983, 68th Leg., p. 3861, ch. 609, § 1

(a) Texas Tech University Health Sciences Center campus security personnel commissioned as peace officers under Section 51.203 of this code have concurrent jurisdiction with commissioned peace officers of the City of Lubbock, Lubbock County, Texas, to enforce criminal laws of this state and city ordinances of the City of Lubbock on property of

the Lubbock County Hospital District, including Lubbock General Hospital, that is adjacent to property owned or controlled and occupied by Texas Tech University Health Sciences Center.

(b) The Lubbock County Hospital District shall compensate campus security personnel for the security and law enforcement services they provide to the hospital district in the amount agreed on by the Lubbock County Hospital District's Board of Managers and the Texas Tech University Health Sciences Center Board of Regents.

(c) Subsections (a) and (b) of this section do not:

(1) limit the police powers or enforcement jurisdiction of the City of Lubbock or Lubbock County;

(2) render campus security personnel of the Texas Tech University Health Sciences Center employees of the Lubbock County Hospital District, or the City of Lubbock, or Lubbock County; or

(3) restrict the power or control of the Texas Tech University Health Sciences Center Board of Regents over campus security personnel.

[Acts 1983, 68th Leg., p. 3861, ch. 609, § 1, eff. June 19, 1983.]

For text as added by Acts 1975, 64th Leg., p. 1249, ch. 471, § 2, and renumbered and amended by Acts 1983, 68th Leg., p. 721, ch. 166, § 4, see § 110.13, ante

§ 110.14. Sale of Obsolete Medical Equipment

The board may sell to a hospital in this state operated by the state, a city, a county, a hospital district, a nonprofit corporation, or a tax-exempt charitable organization, on fair and reasonable terms, any medical equipment that has been in use at the Texas Tech University Health Sciences Center and that is obsolete with regard to the instructional objectives of the Health Sciences Center.

[Acts 1983, 68th Leg., p. 3863, ch. 610, § 1, eff. June 19, 1983.]

CHAPTER 111. THE UNIVERSITY OF HOUSTON

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

- 111.01. University of Houston—University Park.
- 111.02. Applicability of General Laws.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

- 111.11. Board of Regents.
- 111.12. Appointments to Board; Terms.
- 111.13. Qualifications of Members; Oath.
- 111.14. Officers.
- 111.15. Compensation.
- 111.16. Meetings.
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SUBCHAPTER A. GENERAL PROVISIONS

§ 111.01. University of Houston-University Park

The University of Houston-University Park is a coeducational institution of higher education located in the city of Houston on state properties hereby designated University of Houston-University Park.

[Acts 1971, 62nd Leg., p. 3270, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 150, ch. 41, § 1, eff. April 26, 1983.]

Section 8 of the 1983 amendatory act provides:

"(a) The name of the University of Houston is changed to the University of Houston-University Park. The name of the University of Houston at Clear Lake City is changed to the University of Houston-Clear Lake. The name of the University of Houston-

Downtown College is changed to the University of Houston-Downtown.

"(b) A reference in law or an appropriation to the former name of one of the institutions whose name is changed by this Act shall be considered to be a reference to the institution by the name given by this Act."

§ 111.02. Applicability of General Laws

The University of Houston is subject to the obligations and entitled to the benefits of all general laws of Texas applicable to all other state institutions of higher education, except where the general laws are in conflict with this chapter, and in the event of conflict this chapter prevails to the extent of the conflict.

[Acts 1971, 62nd Leg., p. 3270, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 111.03 to 111.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE
PROVISIONS

§ 111.11. Board of Regents

The organization and control of the university is vested in a board of nine regents.

[Acts 1971, 62nd Leg., p. 3270, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.12. Appointments to Board; Terms

Members of the board are appointed by the governor with the advice and consent of the senate. The term of office of each regent shall be six years, except that in making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor.

[Acts 1971, 62nd Leg., p. 3270, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.13. Qualifications of Members; Oath

Each member of the board shall be a citizen of the State of Texas, and each member shall take the constitutional oath of office.

[Acts 1971, 62nd Leg., p. 3270, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.14. Officers

The board shall elect one of the members chairman. They shall elect any other officers they deem necessary.

[Acts 1971, 62nd Leg., p. 3270, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.15. Compensation

Members of the board shall serve without pay, but shall be reimbursed for their actual expenses

incurred in attending the work of the board, subject to the approval of the chairman.

[Acts 1971, 62nd Leg., p. 3270, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.16. Meetings

The board shall hold a regular meeting at the campus of the university during the month of April annually, and at other times and places scheduled by the board or designated by the chairman.

[Acts 1971, 62nd Leg., p. 3271, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.17. Minutes

Full, accurate, and complete minutes of the board shall be kept and shall be open to inspection by the public at the university during regular business hours. Certified copies of any minutes shall be furnished on payment of a fee assessed by the board, which shall not exceed 25 cents per 100 words or fractional part thereof.

[Acts 1971, 62nd Leg., p. 3271, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.18. President

The board shall select a president for the university, who shall be the executive officer for the board and shall work under its direction. The president shall recommend the plan or organization of the university and shall be responsible to the board for the general management and success of the university.

[Acts 1971, 62nd Leg., p. 3271, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.19. Personnel: Appointments, Salaries, Etc.

The board may appoint and remove the president, any faculty member, or other officer or employee of the university when, in its judgment, the interest of the university requires it. The board shall fix the respective salaries and duties of the officers and employees.

[Acts 1971, 62nd Leg., p. 3271, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.20. University of Houston System

(a) The University of Houston System hereby created is composed of all those institutions and entities presently under the governance, control, jurisdiction, and management of the Board of Regents of the University of Houston.

(b) The University of Houston System shall also be composed of such other institutions and entities as from time to time may be assigned by specific legislative act to the governance, control, jurisdiction, and management of the University of Houston System.

(c) The governance, control, jurisdiction, organization, and management of the University of Hous-

ton System is hereby vested in the present Board of Regents of the University of Houston, which will hereinafter be known and designated as the Board of Regents of the University of Houston System.

[Acts 1977, 65th Leg., p. 263, ch. 124, § 1, eff. Aug. 29, 1977.]

[Sections 111.21 to 111.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 111.31. Courses and Degrees

The board shall prescribe courses leading to customary degrees offered in American universities of the first rank. However, the role and scope of the university, including its authorized departments and offerings of degree and certificate programs, are subject to the determination and approval of the Coordinating Board, Texas College and University System. All work done and all courses, degrees, certificates, and diplomas awarded shall conform to standard college requirements as promulgated by the accrediting associations that supervise matters of accreditation of universities and colleges in the State of Texas.

[Acts 1971, 62nd Leg., p. 3271, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.32. Reports

The board shall report in detail to the governor and to the Coordinating Board, Texas College and University System, annually, and to the legislature at the beginning of each regular session, on the following matters:

- (1) the receipts and disbursements of the university and the expenses incurred;
- (2) the number of teachers and the salary of each member of the faculty;
- (3) the number of employees and the salary and duties of each person;
- (4) the number of students, classified by grades and departments; and
- (5) a summary of the proceedings of the board and of the faculty.

[Acts 1971, 62nd Leg., p. 3271, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.33. Suits

The board has the power to sue and be sued in the name of the University of Houston. Venue shall be in either Harris County or Travis County. The university shall be impleaded by service of citation on the president or any of its vice presidents.

[Acts 1971, 62nd Leg., p. 3272, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.34. Contracts

All contracts of the university shall be approved by a majority of the board.

[Acts 1971, 62nd Leg., p. 3272, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.35. Bylaws; Rules; Regulations

The board shall enact bylaws, rules, and regulations necessary for the successful management and government of the university.

[Acts 1971, 62nd Leg., p. 3272, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.36. Donations, Gifts, Endowments

The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, or endowment, provided that the purposes and directions, limitations, and provisions are not inconsistent with the laws of the State of Texas or with the objectives and proper management of the university.

[Acts 1971, 62nd Leg., p. 3272, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.37. Lease and Management of Land

(a) The board may lease for oil, gas, sulphur, ore, and other mineral development all land under its exclusive control for the use of the university. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land. All leases, pooling agreements, division orders, or other contracts entered into shall be on terms which the board deems in the best interest of the university. No lease shall be sold for less than the royalty and rental terms demanded at that time by the General Land Office in the sale of oil, gas, and other mineral leases of the public lands of the State of Texas.

(b) All money received under and by virtue of the leases and contracts executed for the management and development of the land, except revenue pledged to the payment of revenue bonds or notes, shall be deposited to the credit of a special fund created by the board. The board shall designate a depository for the special fund and shall accord the money deposited in it the same protection by the pledging of assets of the depository as is required for the protection of public funds. Money deposited in the special fund may be used by the board for the administration of the university, for payment of principal of and interest on any revenue bonds or notes issued by the board, and for any other use or purpose which in the judgment of the board may be for the good of the university.

[Acts 1971, 62nd Leg., p. 3272, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.38. Eminent Domain

The board has the power of eminent domain to acquire for the use of the university any land necessary and proper for carrying out its purposes as a state-supported institution of higher education. However, the power of eminent domain is restricted to the area within Harris County and any county whose boundaries are contiguous to Harris County.

The board shall not be required to deposit a bond or the amount equal to the award of the commissioners as provided in Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended.

[Acts 1971, 62nd Leg., p. 3273, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.39. Acquisition and Disposition of Land

The board may acquire by purchase, donation, or otherwise, for the use of the University of Houston System or any institution or entity under the governance, control, jurisdiction, and management of the board, any land and other real property necessary or convenient for carrying out the purposes of state-supported institutions of higher education. The board may sell, exchange, lease, or otherwise dispose of any land or other real property owned by or acquired for the board or any of the system institutions and entities. The proceeds from any sale of land or other real property shall be added to the capital funds of the board or the system institutions or entities. No new institutions, branches, or other operations of any kind shall be developed without specific authorization by the legislature.

[Acts 1971, 62nd Leg., p. 3273, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 151, ch. 41, § 5, eff. April 26, 1983.]

§ 111.40. Charges for Services to the Public; Reports

(a) A schedule of minimum fees and charges shall be established by the board for services performed by any department of the university for students and the public. The schedule shall conform to the fees and charges customarily made for like services in the community. By way of example, but not as a limitation, are services of the hearing clinic, optometry clinic, reading clinic, and data processing and computing center.

(b) All fees and compensation derived from performing services shall be reported to the governor and to the Coordinating Board, Texas College and University System, annually, to the legislature at the beginning of each regular session, and to the board as required by it. A brief statement of the firm, society, organization, or association using the facilities and the use made shall be included in each report.

[Acts 1971, 62nd Leg., p. 3273, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.41. Military Training

(a) Within its authority to contract with the Department of Defense for military training under Section 51.304 of this code, the board may lease armory land and buildings from and to the United States, and may acquire equipment and material necessary to accomplish the purposes of the courses in military training. The board may enter into insurance contracts for the protection of the federal government's rights in and to any property involved.

(b) No student of the university shall ever be required to take a military training course as a condition for entrance into the university or for graduation from the university.

[Acts 1971, 62nd Leg., p. 3273, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.42. Student Fees for University Centers

(a) The board may levy a student union fee, not to exceed \$15 per student for each regular semester and not to exceed \$7.50 per student for each term of the summer session, for the sole purpose of financing, constructing, operating, maintaining, and improving a Student Union Building. The fees herein authorized to be levied are in addition to any use or service fee now or hereafter authorized to be levied.

(b) Such fees shall be deposited to an account known as "The University of Houston Center Fee Account" and shall be placed under the control of and subject to the order of the Student Service Fee Planning and Allocations Committee. The committee shall annually submit to the board of regents a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving the budget but may only levy a student union fee or increase an existing student union fee after a student referendum has been called on the levying or increase in such a fee, and the majority of the students voting in the referendum approve. The board shall then levy the fees, within the limits herein fixed, in such amounts as will be sufficient to meet the budgetary needs of the University Center Building. Expenditures from "The University of Houston Center Fee Account" shall be made solely for the purposes set forth in this section, and in compliance with the budget approved by the board of regents.

[Acts 1977, 65th Leg., p. 1473, ch. 597, § 1, eff. Aug. 29, 1977.]

[Sections 111.43 to 111.60 reserved for expansion]

SUBCHAPTER D. INSTITUTE FOR URBAN STUDIES

§ 111.61. Creation of Institute; Location

The board of regents of the University of Houston shall establish and maintain an institute for urban studies in the Houston metropolitan area.

[Acts 1971, 62nd Leg., p. 3274, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.62. Administration

The administration of the institute for urban studies shall be under the direction of the president and board of regents of the University of Houston. The administrative officer of the institute shall be appointed by the president with the approval of the board. The administrative officer shall appoint the

professional and administrative staff of the institute according to usual procedures and with the approval of the board.

[Acts 1971, 62nd Leg., p. 3274, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.63. Role and Scope of Institute

The institute of urban studies shall conduct basic and applied research into urban problems and public policy and make available the results of this research to private groups and public bodies and officials. It may offer consultative and general advisory services concerning urban problems and their solutions. According to the policies of the Coordinating Board, Texas College and University System, and with its approval, the institute may conduct instructional and training programs for those who are working in or expect to make careers in urban public service. The training programs may be conducted by the institute either in its own name or by agreement and cooperation with other public and private organizations.

[Acts 1971, 62nd Leg., p. 3274, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 111.64. Correlation of Programs

In order to correlate the programs offered by the institute and the institute established by The University of Texas System under Subchapter B, Chapter 75, of this code,¹ there shall be maintained regular liaison between the institutes concerning programs undertaken, a joint committee for future planning, and a union catalogue of research resources. This correlation shall be achieved by utilizing regular administrative channels, including the staff of the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3274, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Section 75.101 et seq.

§ 111.65. Receipt and Disbursement of Funds, Property, and Services

In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the president and the board and under applicable state laws.

[Acts 1971, 62nd Leg., p. 3274, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 111.66 to 111.70 reserved for expansion]

SUBCHAPTER D-1. INSTITUTE OF LABOR AND INDUSTRIAL RELATIONS

§ 111.71. Establishment of Institute

The board of regents shall establish an Institute of Labor and Industrial Relations.

[Acts 1977, 65th Leg., p. 879, ch. 330, § 1, eff. Aug. 29, 1977.]

Section 2 of the 1977 Act provided:

"The name of the Center for Human Resources at the University of Houston is changed to the Institute of Labor and Industrial Relations, and the functions of the center as renamed shall be continued and expanded in accordance with the provisions of this Act. The budget of the center shall be the budget of the institute."

§ 111.72. Purpose

The purpose of the institute is to contribute to a more meaningful relationship between education and training and the requirements of the Texas labor force and to a positive labor and industrial relations climate.

[Acts 1977, 65th Leg., p. 879, ch. 330, § 1, eff. Aug. 29, 1977.]

§ 111.73. Activities

The institute may sponsor the following activities:

(1) adult education, technical assistance, and informational services for labor, management, and public practitioners concerned with the problems of labor, the labor force, and industrial relations;

(2) research and training related to labor, the labor force, and industrial relations;

(3) special informational services to assist labor, business and industry, government, and educational institutions in relating education and training to labor market requirements;

(4) research, technical assistance, and information related to the impact of special problems on the Texas labor force, such as the energy problem, on employment, unemployment, and labor relations in the state;

(5) degree or certificate programs appropriate to the field, subject to the approval of the board of regents and the Coordinating Board, Texas College and University System; and

(6) a formal program of training, technical assistance, and informational services to the junior and community colleges in the state for the purpose of assisting in the development of labor study programs.

[Acts 1977, 65th Leg., p. 879, ch. 330, § 1, eff. Aug. 29, 1977.]

[Sections 111.74 to 111.80 reserved for expansion]

SUBCHAPTER E. THE UNIVERSITY OF HOUSTON-CLEAR LAKE

§ 111.81. University of Houston-Clear Lake

There is established in Harris County, as recommended by the Coordinating Board, Texas College and University System, a coeducational institution of higher education to be known as the University of Houston-Clear Lake. The university shall be located on land currently owned by the University of Houston, either land acquired by donation under Chapter 37, Acts of the 60th Legislature, Regular

Session, 1967, or land generally adjacent to that land and also owned by the University of Houston.

[Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 23, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 150, ch. 41, § 2, eff. April 26, 1983.]

Section 8 of the 1983 amendatory act provides:

"(a) The name of the University of Houston is changed to the University of Houston-University Park. The name of the University of Houston at Clear Lake City is changed to the University of Houston-Clear Lake. The name of the University of Houston-Downtown College is changed to the University of Houston-Downtown.

"(b) A reference in law or an appropriation to the former name of one of the institutions whose name is changed by this Act shall be considered to be a reference to the institution by the name given by this Act."

§ 111.82. Organization and Control

The organization and control of the university are vested in the board of regents of the University of Houston. With respect to this university, the board of regents has all the rights, powers, and duties that it has with respect to the organization and control of the University of Houston, except as otherwise provided by this Act. However, the University of Houston at Clear Lake City shall be maintained as a separate and distinct institution of higher education.

[Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 23, eff. Sept. 1, 1971.]

§ 111.83. Role and Scope

The university shall be organized to offer only junior, senior, and graduate-level programs.

[Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 23, eff. Sept. 1, 1971.]

§ 111.84. Advisory Committee

(a) There is established a permanent advisory committee consisting of the president, or a representative designated by him, of each tax-supported junior college and community college now existing or hereafter established in Harris, Galveston, Fort Bend, Waller, Montgomery, Liberty, Chambers, or Brazoria County.

(b) The advisory committee shall biennially elect a chairman from among its members and may elect other officers. It shall make rules to govern the calling of meetings and the transaction of its business.

(c) The advisory committee shall periodically study the overall needs of the region mentioned in Subsection (a) of this section for the development of programs and resources in higher education, and as a result of its studies shall make recommendations to the board of regents of the University of Houston regarding the development of the departments and degree programs of the University of Houston at Clear Lake City. The board of regents shall give

careful consideration to the recommendations of the advisory committee.

[Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 23, eff. Sept. 1, 1971.]

§ 111.85. Authority of Coordinating Board

The university is a general academic teaching institution, and as such it is subject to the authority of the Coordinating Board, Texas College and University System.

[Acts 1971, 62nd Leg., p. 3348, ch. 1024, art. 2, § 23, eff. Sept. 1, 1971.]

SUBCHAPTER F. THE UNIVERSITY OF HOUSTON-DOWNTOWN

§ 111.90. University of Houston-Downtown

There is established in the City of Houston a coeducational institution of higher education to be known as the University of Houston-Downtown. This institution shall be located on land currently owned by the University of Houston System.

[Acts 1979, 66th Leg., p. 319, ch. 148, § 1, eff. Aug. 27, 1979. Amended by Acts 1983, 68th Leg., p. 151, ch. 41, § 3, eff. April 26, 1983.]

Section 8 of the 1983 amendatory act provides:

"(a) The name of the University of Houston is changed to the University of Houston-University Park. The name of the University of Houston at Clear Lake City is changed to the University of Houston-Clear Lake. The name of the University of Houston-Downtown College is changed to the University of Houston-Downtown.

"(b) A reference in law or an appropriation to the former name of one of the institutions whose name is changed by this Act shall be considered to be a reference to the institution by the name given by this Act."

§ 111.91. Organization and Control

The organization and control of the institution are vested in the board of regents of the University of Houston System. With respect to this institution the board of regents has all the rights, powers, and duties that it has with respect to the organization and control of the University of Houston and the University of Houston at Clear Lake City except as otherwise provided by this subchapter. However, the University of Houston-Downtown College shall be maintained as a separate and distinct institution of higher education.

[Acts 1979, 66th Leg., p. 319, ch. 148, § 1, eff. Aug. 27, 1979.]

§ 111.92. Role and Scope

The institution shall be organized to offer four-year undergraduate programs subject to the authority of the board of regents of the University of Houston System and the Coordinating Board, Texas College and University System.

[Acts 1979, 66th Leg., p. 319, ch. 148, § 1, eff. Aug. 27, 1979.]

§ 111.93. Authority of Coordinating Board

The institution is a general academic teaching institution, and as such it is subject to the authority of the Coordinating Board, Texas College and University System.

[Acts 1979, 66th Leg., p. 319, ch. 148, § 1, eff. Aug. 27, 1979.]

§ 111.94. Student Fees for University Center Facilities

(a) The board of regents of the University of Houston System may levy a university center fee in an amount not to initially exceed \$15 per student enrolled for five semester credit hours or less and \$25 per student enrolled for six semester credit hours or more for each regular semester, and not to initially exceed \$15 per student enrolled for each summer session. This fee may be used for the purpose of financing, construction, operating, maintaining, and improving facilities for university center activities, wherever located on the campus of the University of Houston-Downtown College. This fee may be levied in addition to any other use or service fee.

(b) The university center fee may be increased by the board of regents only on an affirmative vote of a majority of the student body voting at the University of Houston-Downtown College.

(c) The business officer of the University of Houston-Downtown College shall collect the university center fees and deposit the fees to the credit of an account known as the University Center Fee Account.

(d) The money deposited to the credit of the University Center Fee Account shall be used for the purposes authorized in Subsection (a) of this section. A complete and itemized budget shall be submitted annually and accompanied by a full and complete report of all activities conducted during the past year and all expenditures incident to those activities. The board of regents shall make changes in the budget that it considers necessary.

[Acts 1983, 68th Leg., p. 5102, ch. 928, § 1, eff. June 19, 1983.]

SUBCHAPTER G. UNIVERSITY OF HOUSTON-VICTORIA

§ 111.96. Establishment: Scope

The board of regents shall establish an upper-level center in the City of Victoria to be known as the University of Houston-Victoria. The center shall be organized to provide for the instruction of junior, senior, and master's level students.

[Acts 1983, 68th Leg., p. 151, ch. 41, § 4, eff. April 26, 1983.]

§ 111.97. Facilities; Grants

The board of regents may accept and administer gifts and grants for the use and benefit of the center.

[Acts 1983, 68th Leg., p. 151, ch. 41, § 4, eff. April 26, 1983.]

§ 111.98. Courses; Administration

(a) The board of regents may prescribe courses leading to appropriate degrees and adopt other rules necessary for the operation and management of the center.

(b) The center is subject to the authority of the Coordinating Board, Texas College and University System.

[Acts 1983, 68th Leg., p. 151, ch. 41, § 4, eff. April 26, 1983.]

CHAPTER 112. PAN AMERICAN UNIVERSITY

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SUBCHAPTER A. GENERAL PROVISIONS

§ 112.01. Pan American University

Pan American University is a coeducational institution of higher education located in the city of Edinburg.

[Acts 1971, 62nd Leg., p. 3275, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 112.02 to 112.10 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 112.11. Board of Regents

The organization and control of the university is vested in a board of nine regents appointed by the governor with the advice and consent of the senate.

[Acts 1971, 62nd Leg., p. 3275, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.12. Term of Office

Members of the board hold office for staggered terms of six years, with the terms of three members expiring every two years. Any vacancy that occurs on the board shall be filled for the unexpired term by appointment of the governor.

[Acts 1971, 62nd Leg., p. 3276, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.13. Officers

The board shall elect one member to be chairman and may elect any other officers it deems necessary. Each member shall take the constitutional oath of office.

[Acts 1971, 62nd Leg., p. 3276, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.14. Expenses

Members of the board shall serve without pay, but shall be reimbursed for their actual expenses incurred in attending the work of the board, subject to the approval of the chairman.

[Acts 1971, 62nd Leg., p. 3276, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.15. Meetings

The board shall hold a regular meeting each year during the month of April on the campus of the university, and may meet at other times and places as scheduled by the board or called by the chairman.

[Acts 1971, 62nd Leg., p. 3276, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.16. Minutes

Accurate and complete minutes of the board shall be maintained and shall be open to public inspection at the university during regular business hours. Certified copies of any minutes shall be furnished on payment of a fee to be assessed by the board, not to exceed 25 cents per 100 words or fractional part of 100 words.

[Acts 1971, 62nd Leg., p. 3276, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.17. President

The board of regents shall select a president, who shall be chief executive officer for the board and shall work under the board's direction. The presi-

dent shall recommend the plan of organization of the university and is responsible to the board for the general management and success of the university.

[Acts 1971, 62nd Leg., p. 3276, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.18. Personnel: Appointments, Salaries, Etc.

The board may appoint or remove the president, any faculty member, or any other officer or employee of the university when, in the judgment of the board, the best interests of the university require it. The board shall fix the salaries and duties of the officers and employees of the university.

[Acts 1971, 62nd Leg., p. 3276, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 112.19 to 112.30 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 112.31. Rules and Regulations

The board may adopt bylaws, rules and regulations necessary for the successful management and operation of the university.

[Acts 1971, 62nd Leg., p. 3276, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.32. Repealed by Acts 1983, 68th Leg., p. 146, ch. 38, § 1, eff. April 26, 1983

Section 2 of the 1983 repealing act provides:

"This Act applies to suits against Pan American University filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect at the time suit was filed."

§ 112.33. Fiscal Management

The responsibility for the fiscal management and the operations of the university is vested in the board of regents. The board may adopt rules, regulations, and bylaws relating to the sound fiscal management and the operation of the university. The board may adopt rules delegating the authority to negotiate and sign contracts to an officer of the university. Nothing in this section shall be construed to limit the application of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) to the university.

[Acts 1971, 62nd Leg., p. 3277, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 147, ch. 39, § 1, eff. April 26, 1983.]

§ 112.34. Gifts, Endowments

The board may accept donations, gifts, and endowments for the university to be held in trust and administered by the board for the purposes and under any directions, limitations, and provisions that may be declared in writing in the donation, gift, or endowment, consistent with the laws of the state

and the objectives and proper management of the university.

[Acts 1971, 62nd Leg., p. 3277, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.35. Eminent Domain

The board has the power of eminent domain, restricted to the boundaries of Hidalgo County, to acquire land for the use of the university which is necessary and proper for carrying out the purposes of the university. The board may not be required to deposit a bond or the amount equal to the award of the commissioners as required by Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended. If the power is exercised, the board shall determine the amount and character of interests in land and easements to be acquired. As against persons, firms, and corporations, or receivers or trustees of them, having the power of eminent domain, the board may condemn only an easement.

[Acts 1971, 62nd Leg., p. 3277, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.36. Military Training

(a) Within its authority to contract with the Department of Defense for military training under Section 51.173¹ of this code, the board may lease armory land and buildings from and to the United States, and may acquire equipment and material necessary to accomplish the purposes of the courses in military training. The board may enter into insurance contracts for the protection of the federal government's rights in and to any property involved.

(b) No student of the university shall ever be required to take a military training course as a condition for entrance into or graduation from the university.

[Acts 1971, 62nd Leg., p. 3277, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Probably should read "Section 51.304".

§ 112.37. Reports

The board shall report the condition of the university annually to the governor, to the Coordinating Board, Texas College and University System, and to the legislature at the beginning of each regular session. The report shall set forth, in detail, receipts and disbursements; an itemized statement of all expenses for each year; the number of teachers and the salary of each member of the faculty; the number of employees and the general duties and salary received by each; the number of students, classified by grades and departments; and a summary of the proceedings of the board and faculty.

[Acts 1971, 62nd Leg., p. 3277, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 112.38. Acquisition and Disposition of Land

(a) The board on behalf of the university may acquire by purchase, exchange, or otherwise any

tract or parcel of land in Hidalgo County that is contiguous or adjacent to the main campus of Pan American University in Edinburg, Texas, if the land is necessary for campus expansion. The board may sell, exchange, or lease the land owned by the university in Hidalgo County that is not adjacent or contiguous to the main campus, and is adjacent to Edinburg Consolidated School District property.

(b) The board may acquire land under Subsection (a) of this section only upon approval by the Coordinating Board, Texas College and University System.

(c) The board may convey land under Subsection (a) of this section to the highest bidder by sealed bids if the consideration for the terms and conditions of the conveyance are agreeable to the board and the transaction receives the approval of the Coordinating Board, Texas College and University System.

(d) The proceeds from any sale or lease of real property shall be deposited as other local funds of the university.

[Acts 1979, 66th Leg., p. 605, ch. 282, § 1, eff. Aug. 27, 1979.]

§ 112.39. Incidental Fees

(a) The board may fix the rate of incidental fees to be paid to the university and may make rules for the collection of the fees and for the distribution of the funds collected. The rate of an incidental fee must reasonably reflect the actual cost to the university of the materials or services for which the fee is collected.

(b) The board shall publish in the general catalog of the university a description of the amount of each fee to be charged a student attending the university.

[Acts 1983, 68th Leg., p. 4708, ch. 820, § 1, eff. June 19, 1983.]

SUBCHAPTER D. PAN AMERICAN UNIVERSITY AT BROWNSVILLE

§ 112.51. Establishment; Scope

The Board of Regents of Pan American University may establish an upper-level educational center of Pan American University in the city of Brownsville, to be known as Pan American University at Brownsville, to accept junior, senior, and master's level students only. This upper-level educational center may be discontinued by the Coordinating Board, Texas College and University System, at its discretion and shall never be converted to a free-standing, fully state-supported coeducational institution of higher learning until it has complied with all requirements imposed by the Coordinating Board and until the site for such institution, consisting of at least 200 acres of land, shall have been provided at no cost to the state.

[Acts 1977, 65th Leg., p. 726, ch. 271, § 1, eff. Aug. 29, 1977.]

§ 112.52. Facilities; Gifts and Grants

The board of regents shall make provisions for adequate physical facilities for use by Pan American University at Brownsville and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property which are tendered by any person for the use and benefit of the school.

[Acts 1977, 65th Leg., p. 726, ch. 271, § 1, eff. Aug. 29, 1977.]

§ 112.53. Courses and Degrees; Rules and Regulations

The board of regents, with the approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to customary degrees and make other rules and regulations for the operation, control, and management of the university at Brownsville as necessary for the school to be a first-class upper division institution of higher learning. It is the intent of the legislature that degrees be offered only by and in the name of Pan American University and that they include only bachelor's and master's degrees and their equivalents.

[Acts 1977, 65th Leg., p. 726, ch. 271, § 1, eff. Aug. 29, 1977.]

§ 112.54. Effect of Subchapter

Nothing in this subchapter shall be construed to limit the powers of the Board of Regents of Pan American University as conferred by law.

[Acts 1977, 65th Leg., p. 726, ch. 271, § 1, eff. Aug. 29, 1977.]

CHAPTER 113. TEXAS EASTERN UNIVERSITY [REPEALED]

Acts 1975, 64th Leg., p. 813, ch. 317, § 3, provided:

"The title of Chapter 113 of the Texas Education Code is changed from TYLER STATE COLLEGE to TEXAS EASTERN UNIVERSITY."

Acts 1979, 66th Leg., p. 699, ch. 303, §§ 1 to 3, provided:

"Sec. 1. The governance, operation, management, and control of Texas Eastern University and all land, buildings, facilities, improvements, equipment, supplies, and property comprising said university are transferred from the Board of Regents of Texas Eastern University to the Board of Regents of The University of Texas System. Said university, land, buildings, facilities, improvements, equipment, supplies, and property shall be governed, operated, managed, and controlled pursuant to such powers, duties, and responsibilities as are or may hereafter be conferred by law upon the Board of

Regents of The University of Texas System for the governance, management, and control of the component institutions comprising said system.

"Sec. 2. All appropriations made by the legislature for the use and benefit of Texas Eastern University under the governance of the Board of Regents of Texas Eastern University are transferred to the Board of Regents of The University of Texas System for the use and benefit of said university, and all other funds held for the use and benefit of Texas Eastern University shall be similarly transferred.

"Sec. 3. All contracts and written obligations of every kind and character, including bonds, entered into by the Board of Regents of Texas Eastern University for and on behalf of said university are ratified, confirmed, and validated, and in all such contracts and written obligations, including bonds, the Board of Regents of The University of Texas System is substituted in lieu and shall stand and act in the place and stead of the Board of Regents of Texas Eastern University."

§§ 113.01 to 113.36. Repealed by Acts 1979, 66th Leg., p. 700, ch. 303, § 5, eff. Sept. 1, 1979

See, now, §§ 76.01 to 76.06.

SUBTITLE G. NON-BACCALAUREATE SYSTEM

CHAPTER 130. JUNIOR COLLEGE DISTRICTS

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 130.001. Supervision by Coordinating Board, Texas College and University System.
- 130.002. Extent of State and Local Control.
- 130.003. State Appropriation for Public Junior Colleges.
- 130.0031. Transfers: When Made.
- 130.004. Authorized Types of Public Junior Colleges.
- 130.005. Change of Name to Community College District.
- 130.006. Course Held Outside District.

SUBCHAPTER B. INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE

- 130.011. Establishment of Independent School District or City Junior College.
- 130.012. Petition to Establish.
- 130.013. Order to Establish.
- 130.014. Election.
- 130.015. Control of Independent School District or City Junior College.
- 130.016. Separate Board of Trustees in Certain Instances.
- 130.017. Petition to Divest School Board of Authority.
- 130.018. Separate Board of Trustees—Terms, Etc.

SUBCHAPTER C. UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGES

- Sec. 130.031. Establishment of Union, County, or Joint-County Junior College.
- 130.032. Restrictions.
- 130.033. Petition to Establish.
- 130.034. Tax Levy.
- 130.035. Legality of Petition.
- 130.036. Order to Establish.
- 130.037. Calling Election; Submission of Questions.
- 130.038. Election.
- 130.039. Election Returns, Canvass, and Result.
- 130.040. Board of Trustees: Union, County, or Joint-County Junior College.
- 130.041. Election of Trustees of Union, County, and Joint-County Junior College.
- 130.042. Original Board.
- 130.043. Organization.
- 130.044. Election of Trustees by the Position Method.

SUBCHAPTER D. CHANGES IN DISTRICT BOUNDARIES

- 130.061. Extension of Boundaries of a Junior College District Coextensive with an Independent School District.
- 130.062. Enlarged District: Creation; Resolution; Order.
- 130.063. Extension of Junior College District Boundaries for Junior College Purposes Only.
- 130.064. Annexation by Contract.
- 130.065. Annexation by Election.
- 130.066. Adding Contiguous Territory to a Junior College District.
- 130.067. Annexation of County-line Districts for Junior College Purposes.
- 130.068. Annexation of Non-included Parts of Counties.
- 130.069. Disannexation of Overlapped Territory.
- 130.070. Disannexation of Territory Comprising an Independent School District.
- 130.071. Annexation of City Territory by Certain Districts.
- 130.072. Annexation of County Territory by Certain Districts.

SUBCHAPTER E. BOARDS OF TRUSTEES OF JUNIOR COLLEGE DISTRICTS

- 130.081. Governing Board of Junior College of Independent School District.
- 130.082. Governing Board of Junior College of Other than Independent School District.
- 130.0821. Governing Board of Certain Countywide Community College Districts.
- 130.083. Governing Board in Enlarged Junior College District.
- 130.084. Powers and Duties.
- 130.085. Tuition Exemption.
- 130.086. Branch Campuses.
- 130.087. Branch Campus Maintenance Tax.

SUBCHAPTER F. REGIONAL COLLEGE DISTRICTS

- 130.091. Creation and Regulation of Regional College Districts.
- 130.092. Petition for Election.
- 130.093. Election.
- 130.094. Canvass of Returns and Declaration of Result; Effect of Vote.
- 130.095. Board of Regents.
- 130.096. Property, Funds and Resources of Junior College District; Contracts.

Sec.

- 130.097. Assessed Tax Values and Scholastic Census; Number of Regents; Conduct of Election; Vacancies; Organization of Board; Meetings; Office.
- 130.098. Rules of Procedure; Quorum; Seal; Suits.
- 130.099. Compensation and Expenses of Board.
- 130.100. Powers of Board.
- 130.101. Annexation of Contiguous County or Independent Districts.
- 130.102. Taxes.
- 130.103. President of College.
- 130.104. Establishment of College; Divisions; Support.
- 130.105. Buildings, Property and Resources of Junior College District; Fees and Tuition; Tax Levy; Bonds.
- 130.106. Donations, Gifts, and Endowments.
- 130.107. Power of Eminent Domain.
- 130.108. Delinquent Taxes after Transfer of Assets.
- 130.109. Transfer of Assets of Certain Regional College Districts.

SUBCHAPTER G. FISCAL PROVISIONS

- 130.121. Tax Assessment and Collection.
- 130.122. Tax Bonds and Maintenance Tax.
- 130.123. Revenue Bonds.
- 130.124. Use of Student Fees in Construction.

SUBCHAPTER H. TRANSFER OF ASSETS ON DISSOLUTION OF DISTRICTS

- 130.131. Dissolution and Transfer of Property Upon Creation of Senior College.
- 130.132. Abolition of Junior College Districts.
- 130.133. Transfer of Properties of County Junior College Districts after Creation of Senior College.

SUBCHAPTER I. EDUCATIONAL OPPORTUNITIES FOR DISADVANTAGED STUDENTS

- 130.151. Purpose.
- 130.152. Criteria for Programs for the Disadvantaged.

The provisions of Chapter 130 were transferred from Chapter 51, originally entitled "Public Junior Colleges" as enacted by Acts 1969, 61st Leg., p. 2735, ch. 889, § 1, to consist of Sections 51.001 to 51.203, which were renumbered as Sections 130.001 to 130.133 by Acts 1971, 62nd Leg., p. 3278, ch. 1024, art. 1, § 1, adding Title 3 to the Education Code.

SUBCHAPTER A. GENERAL PROVISIONS

§ 130.001. Supervision by Coordinating Board, Texas College and University System

(a) The Coordinating Board, Texas College and University System, referred to as the coordinating board, shall exercise general control of the public junior colleges of Texas.

(b) The coordinating board shall have the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges as prescribed by the legislature, and with the advice and assistance of the commissioner of higher education, shall have authority to:

(1) authorize the creation of public junior college districts as provided in the statutes, giving particular attention to the need for a public junior college in the proposed district and the ability of the district to provide adequate local financial support;

(2) dissolve any public junior college district which has failed to establish and maintain a junior college within three years from the date of its authorization;

(3) adopt standards for the operation of public junior colleges and prescribe the rules and regulations for such colleges;

(4) require of each public junior college such reports as deemed necessary in accordance with the coordinating board's rules and regulations; and

(5) establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the coordinating board with respect to public junior colleges.

[Acts 1969, 61st Leg., p. 2993, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3280, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.002. Extent of State and Local Control

All authority not vested by this chapter or by other laws of the state in the coordinating board or in the Central Education Agency is reserved and retained locally in each of the respective public junior college districts or in the governing boards of such junior colleges as provided in the laws applicable.

[Acts 1969, 61st Leg., p. 2993, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3281, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.003. State Appropriation for Public Junior Colleges

(a) There shall be appropriated biennially from money in the state treasury not otherwise appropriated an amount sufficient to supplement local funds for the proper support, maintenance, operation, and improvement of those public junior colleges of Texas that meet the standards prescribed by this chapter. The sum shall be allocated on a basis and in a manner provided in Subsection (b) of this section.

(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

(1) be certified as a public junior college as prescribed in Section 61.063 of this code;

(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law

for other state-supported institutions of higher education, except, however, the governing board of a public junior college district may waive the difference in the rate of tuition for nonresident and resident students for a person, and his dependents, who owns property which is subject to ad valorem taxation by the junior college district, that the amount charged nonresidents who have not received a waiver of nonresident tuition need not be greater than the amount so required by law on January 1, 1971, and that notwithstanding the provisions of Subsection (b) of Section 54.051 of this code, the minimum tuition charge for resident students shall be \$25;

(5) grant, when properly applied for, the scholarships and tuition exemptions provided for in this code; and

(6) nothing in this section shall be construed to alter, amend, or repeal Section 54.060 of this code.

(c) All funds allocated under the provisions of this code, with the exception of those necessary for paying the costs of audits as provided, shall be used exclusively for the purpose of paying salaries of the instructional and administrative forces of the several institutions and the purchase of supplies and materials for instructional purposes.

(d) Only those colleges which have been certified as prescribed in Section 61.063 of this code shall be eligible for and may receive any appropriation made by the legislature to public junior colleges.

(e) The purpose of each public community college shall be to provide:

(1) technical programs up to two years in length leading to associate degrees or certificates;

(2) vocational programs leading directly to employment in semi-skilled and skilled occupations;

(3) freshman and sophomore courses in arts and sciences;

(4) continuing adult education programs for occupational or cultural upgrading;

(5) compensatory education programs designed to fulfill the commitment of an admissions policy allowing the enrollment of disadvantaged students.

(6) a continuing program of counseling and guidance designed to assist students in achieving their individual educational goals; and

(7) such other purposes as may be prescribed by the Coordinating Board, Texas College and University System, or local governing boards, in the best interest of post-secondary education in Texas.

[Acts 1969, 61st Leg., p. 2994, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3281, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971; Acts 1971, 62nd Leg., p. 3355, ch. 1024, art. 2, § 30, eff. Sept. 1, 1971; Acts 1973, 63rd Leg., p. 87, ch. 51, § 7, eff. Aug. 27, 1973; Acts 1973, 63rd Leg., p. 1519, ch. 549, § 1, eff. June 15, 1973; Acts 1977, 65th Leg., p. 1379, ch. 550, § 1, eff. Aug. 29, 1977.]

§ 130.0031. Transfers: When Made

(a) In this section:

(1) "Category 1 junior college" means a junior college having not more than 2,500 students in fall head count enrollment for the previous fiscal year and not more than \$300,000 of local taxes collected, excluding taxes for debt service, in the previous fiscal year.

(2) "Category 2 junior college" means a junior college having more than 2,500 students in fall head count enrollment for the previous fiscal year or more than \$300,000 of local taxes collected, excluding taxes for debt service, in the previous fiscal year.

(b) Money appropriated for payment to junior colleges under the authority of Section 130.003 of this code shall be paid to each eligible category 1 junior college out of the public junior college reimbursement fund as follows:

(1) 24 percent of the yearly entitlement of the junior college shall be paid in two equal installments to be made on or before the 25th day of September and October; and

(2) 76 percent of the yearly entitlement of the junior college shall be paid in eight equal installments to be made on or before the 25th day of November, December, January, February, March, April, May, and June.

(c) Money appropriated for payment to junior colleges under the authority of Section 130.003 of this code shall be paid to each eligible category 2 junior college out of the public junior college reimbursement fund as follows:

(1) 24 percent of the yearly entitlement of the junior college shall be paid in two equal installments to be made on or before the 25th day of September and October; and

(2) 76 percent of the yearly entitlement of the junior college shall be paid in eight equal installments to be made on or before the 25th day of November, December, March, April, May, June, July, and August.

(d) The amount of any installment required by this section may be modified to provide the junior college with the proper amount to which the junior college may be entitled by law and to correct errors in the allocation or distribution of funds. If an installment under this section is required to be equal to other installments, the amount of other installments may be adjusted to provide for that equality. A payment under this section is not invalid because it is not equal to other installments.

[Acts 1984, 68th Leg., 2nd C.S., p. 151, ch. 10, art. I, § 3, eff. Sept. 1, 1984.]

§ 130.004. Authorized Types of Public Junior Colleges

(a) By complying with the provisions of the appropriate following sections of this chapter a public junior college and/or district of any one of the following classifications may be established:

- (1) an independent school district junior college;
- (2) a city junior college;
- (3) a union junior college;
- (4) a county junior college;
- (5) a joint-county junior college; and
- (6) a public junior college as a part or division of a regional college district.

(b) As used in this chapter, the two general authorized types of junior colleges are:

(1) public junior colleges, which must consist of freshman and sophomore college work taught separately or in conjunction with the junior and senior years of high school and the course of study of such work must be submitted to and approved before being offered by the Coordinating Board, Texas College and University System; and

(2) a junior college division of a regional college, as that type of institution is defined in Subchapter F of this chapter, which operates under the laws applicable to public junior colleges in Texas.

(c) All junior college districts, whether established, organized, and/or created, or attempted to be established, organized, and/or created, by vote of the people residing in those districts, or by action of the county school boards, or by action of the county judge, or by action of the commissioners courts, or by action of state educational officers or agencies, or by a combination of any two or more of the same, which districts have previously been recognized by either state or county authorities as junior college districts, are hereby validated in all respects as though they had been duly and legally established in the first instance. Without in any way limiting the generalization of the provisions above,

(1) all additions of territory to or detachments of territory from such junior college districts are hereby in all things validated, whether the same were accomplished or attempted to be accomplished by action of the county school boards, or by action of the county judge, or by action of the commissioners court, or by action of state educational officers or agencies, or by vote of the people residing in such territory, or by a combination of any two or more of the same;

(2) the boundary lines of all such junior college districts are hereby in all things validated; and

(3) all acts of the governing boards of such junior college districts ordering an election or elections, declaring the results of such elections, levying, attempting, or purporting to levy taxes for and on behalf of such districts, and all bonds issued and now outstanding, and all bonds previously voted but not issued, and all tax elections, bond elections, and bond assumption elections are hereby in all things validated; all revenue bonds issued and outstanding and all revenue bonds authorized but not yet issued for and on behalf of such districts are hereby in all things validated.

(d) Subsection (c) of this section shall not apply to any district which has previously been declared invalid by a court of competent jurisdiction of Texas, nor shall it apply to any district which is now involved in litigation in any district court of Texas, the court of civil appeals, or the Supreme Court of Texas, in which litigation the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such districts is attacked, or to any district involved in proceedings now pending before the coordinating board in which proceedings the validity of the organization or creation of such district or of the addition of territory to or detachment of territory from such district is attacked.

[Acts 1969, 61st Leg., p. 2994, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3281, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.005. Change of Name to Community College District

(a) The legislature hereby declares that the purpose of this section is to recognize that junior colleges are in fact comprehensive community colleges which serve their communities not only through university-parallel programs but also by means of occupational programs and other programs of community interest and need.

(b) The board of trustees of any junior college district may by resolution duly adopted change the name of such district by substituting the word "community" for the word "junior" in such name. A copy of such resolution duly certified by the secretary of the board of trustees shall be filed with the Coordinating Board, Texas College and University System. Such change in name shall become effective upon the filing of such resolution with the said coordinating board. Thereafter all references to such district in all official actions, communications and records shall be by use of such new name.

[Acts 1971, 62nd Leg., p. 3344, ch. 1024, art. 2, § 13, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 144, ch. 75, § 1, eff. May 7, 1973.]

§ 130.006. Course Held Outside District

(a) The trustees of an independent school district located in a county contiguous to, but not a part of, a community college district and the governing board of the community college district may enter into a contract providing for the community college to hold college courses in the school district's facilities.

(b) The contract must be approved by resolution of the governing boards of the community college district and the school district.

(c) For purposes of state funding, a course held in the school district facilities is considered to be a course held in the community college district if the course:

- (1) has been approved by a regional higher education council recognized by rule of the coordi-

nating board and in which the district has been designated a member by the coordinating board; and

(2) is approved by the coordinating board as an out-of-district course for the community college district.

(d) Any statutory or regulatory requirement of local support of a community college program is satisfied by the school district providing its facilities without charge to the community college if the total community college enrollment in the school district does not exceed 1,000 full-time students, or the equivalent.

(e) Either party may terminate a contract under this section by giving the other party at least one year's written notice.

[Acts 1983, 68th Leg., p. 1692, ch. 318, § 1, eff. Aug. 29, 1983.]

[Sections 130.007 to 130.010 reserved for expansion]

SUBCHAPTER B. INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE

§ 130.011. Establishment of Independent School District or City Junior College

(a) An independent school district junior college may be established in either of the following types of units:

(1) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of not less than \$12 million or having an income provided by endowment or otherwise that will meet the needs of the proposed junior college district as determined by the Coordinating Board, Texas College and University System; and

(B) an average daily attendance of the next preceding school year of not fewer than 400 students in the last four grades in the classified high schools within the district or city; or

(2) any independent school district or city which has assumed control of its schools having in either case:

(A) an assessed property valuation of \$20 million or more and the coordinating board finds that such district or city is in a growing section and that there is a public convenience and necessity for such junior college; and

(B) an average daily attendance of the next preceding school year of fewer than 400 but not fewer than 300 students in the last four grades of classified high schools.

(b) Any such college district established and maintained as provided in this chapter shall be known as a junior college district.

[Acts 1969, 61st Leg., p. 2996, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3283, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.012. Petition to Establish

Whenever it is proposed to establish a junior college district in any type of unit authorized by Section 130.011 of this code, a petition praying for an election, signed by not less than five percent of the qualified taxpaying electors of the proposed district shall be presented to the school board of trustees of the district or city, which shall:

(1) pass upon the legality and genuineness of the petition; and

(2) forward the petition, if approved, to the coordinating board.

[Acts 1969, 61st Leg., p. 2996, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3283, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.013. Order to Establish

It shall be the duty of the coordinating board with the advice of the commissioner of higher education to determine whether or not the conditions set forth in Sections 130.011 and 130.012 of this code have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish the proposed junior college district. It shall be the duty of the coordinating board to consider the needs and the welfare of the state as a whole, as well as the welfare of the community involved. The decision of the coordinating board shall be final and shall be transmitted through the commissioner of higher education to the local school board, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district, if the coordinating board endorses its establishment.

[Acts 1969, 61st Leg., p. 2996, ch. 889, § 1; Acts 1971, 62nd Leg., p. 3283, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.014. Election

(a) If the coordinating board approves of the establishment of the junior college district, it shall then be the duty of the local school board to enter an order for an election to be held in the proposed territory within a time not less than 20 days and not more than 30 days after such order is issued, to determine whether or not such junior college district shall be created and formed. Such order shall:

(1) contain a description of the metes and bounds of the junior college district to be formed; and

(2) fix the date for the election.

(b) If a majority of the electors voting at the election shall be in favor of the creation of a junior college district, the district shall be deemed to be formed and created. The local school board shall make a canvass of the returns and declare the result of the election within 10 days after holding

the election, and enter an order on the minutes of the board as to the result of the election.

[Acts 1969, 61st Leg., p. 2997, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3284, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.015. Control of Independent School District or City Junior College

A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of the board of trustees of that independent or city school district.

[Acts 1969, 61st Leg., p. 2997, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3284, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.016. Separate Board of Trustees in Certain Instances

A junior college established by an independent school district or city that has assumed control of schools already validated or established pursuant to the provisions of this chapter may be governed, administered, and controlled by and under the direction of a separate board of trustees, which may be placed in authority by either of the following procedures:

(1) the board of trustees of an independent school district or city school district which has the management, control, and operation of a junior college may divest itself of the management, control, and operation of that junior college so maintained and operated by the school board by appointing for the junior college district a separate board of trustees of nine members; or

(2) the board of trustees of any independent school district or city school district which has the control and management of a junior college may be divested of its control and management of that junior college by the procedure prescribed in Section 130.017 of this code.

[Acts 1969, 61st Leg., p. 2997, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3284, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.017. Petition to Divest School Board of Authority

(a) On a petition signed by 10 percent of the qualified electors of the independent school district or city school district, the board of trustees shall call an election within 30 days after the petition has been duly presented for the purpose of determining whether the school board of trustees shall be divested of its authority as governing board of such junior college district.

(b) If a majority of the votes cast in the election are in favor of divesting the board of trustees of the independent school district or city school district of its authority as the governing board of the junior

college district, the board of trustees shall, within 30 days after the official canvass of the election, appoint for the junior college district a separate board of trustees of nine members to serve as the governing board of the junior college district.

[Acts 1969, 61st Leg., p. 2997, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3284, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.018. Separate Board of Trustees—Terms, Etc.

In the event a separate board of trustees for the junior college district is appointed under either procedure set out in Section 130.016 or Section 130.017 of this code, the board of trustees, consisting of nine members, shall be organized and constituted pursuant to the provisions of Section 130.082 of this code, and be governed by the provisions thereof.

[Acts 1969, 61st Leg., p. 2998, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3285, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 130.019 to 130.030 reserved for expansion]

SUBCHAPTER C. UNION, COUNTY, OR JOINT-COUNTY JUNIOR COLLEGES

§ 130.031. Establishment of Union, County, or Joint-County Junior College

The following types of junior colleges may be established in the following units:

(1) a union junior college district may be established by two or more contiguous independent school districts or two or more contiguous common school districts or a combination composed of one or more independent school districts with one or more common school districts of contiguous territory meeting the requirements set out in Section 130.032 of this code;

(2) a county junior college district may be established by any county meeting the requirements set out in Section 130.032 of this code; and

(3) a joint-county junior college district may be established by any combination of contiguous counties in the state meeting the requirements set out in Section 130.032 of this code.

[Acts 1969, 61st Leg., p. 2998, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3285, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.032. Restrictions

In order for any territorial unit set out in Section 130.031 of this code to establish the applicable type of junior college, the proposed district must have a taxable property valuation of not less than \$30 million in the next preceding year and a total scholastic population of not less than 3,000 in the next preceding school year, provided a proposed district may have less than 3,000 scholastics but not less than 2,000 scholastics in the next preceding school year:

(1) if the proposed district includes a county which

(A) has a population of not less than 8,000 nor more than 8,500 inhabitants according to the last preceding federal census;

(B) has an assessed valuation of at least \$60 million; and

(C) does not have within its boundaries any state-supported senior college or university or all or part of a junior college district; and

(2) if the Coordinating Board, Texas College and University System, finds that the proposed junior college district is in a growing section of the state and that there is a public convenience and necessity for the junior college.

[Acts 1969, 61st Leg., p. 2998, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3285, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.033. Petition to Establish

(a) Whenever it is proposed to establish a junior college of any type specified in Section 130.031 of this code a petition praying for an election therefor shall be presented in the applicable manner as prescribed in Subsections (b)-(d) of this section.

(b) In the case of a union junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the school districts within the territory of the proposed junior college district and shall be presented to the county school board or county school boards of the respective counties if the territory encompasses more than one county; but if there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved.

(c) In the case of a county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of the proposed college district and shall be presented to the county school board of the county; but if there is no county school board, the petition shall be presented to the commissioners court of the county.

(d) In case of a joint-county junior college district, the petition shall be signed by not fewer than 10 percent of the qualified taxpaying electors of each of the proposed counties and shall be presented to the respective county school boards of the counties to be included in the proposed district; in case there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved.

[Acts 1969, 61st Leg., p. 2999, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3286, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.034. Tax Levy

Any petition authorized by Section 130.033 of this code may also incorporate therein a request for the proper authorities, in the event an election is ordered for the creation of such district, to submit at

the same election the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, not to exceed the limits provided in Section 130.122 of this code.

[Acts 1969, 61st Leg., p. 2999, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3286, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.035. Legality of Petition

It shall be the duty of the county school board or boards or the commissioners court or courts petitioned in compliance with Section 130.033 of this code to:

(1) pass upon the legality of the petition and the genuineness of the same; and

(2) forward the petition, so approved, to the Coordinating Board, Texas College and University System.

[Acts 1969, 61st Leg., p. 2999, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3286, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.036. Order to Establish

It shall be the duty of the coordinating board, with the advice of the commissioners of higher education to determine whether or not the conditions set forth in the preceding sections of this chapter have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish a junior college district. It shall be the duty of the coordinating board in making its decision to consider the needs approving of the state,¹ the welfare of the state as a whole, as well as the welfare of the community involved. The decision of the coordinating board shall be transmitted through the commissioner of higher education to the county school board or boards or the commissioners court or courts, as the case may be, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district.

[Acts 1969, 61st Leg., p. 2999, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3287, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ So in enrolled bill.

§ 130.037. Calling Election; Submission of Questions

If the coordinating board approves the establishment of the junior college district, it shall then be the duty of the commissioners court or courts to enter an order for an election to be held in the proposed territory within a period of not less than 20 days and not more than 30 days after the order is issued, to determine whether or not such junior college district be created and formed; and in the event the petition for the creation of the junior college is accompanied by a request to submit the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, then the election order shall also

submit such questions in accordance with the petition; and except for the body that calls the election, the election as to bonds and taxes shall be held as provided in Section 130.101(b). The order shall contain a description of the metes and bounds of the junior college district to be formed and fix the date of the election.

[Acts 1969, 61st Leg., p. 3000, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3287, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.038. Election

A majority of the electors in the proposed district, voting in the election, shall determine the question of creation of the junior college district submitted in the order and the election of the original trustees. If the order also submits questions of issuing bonds and levying taxes, a majority of the electors voting in such election shall determine such question submitted in the order. In the case of a joint-county junior college district, or a union junior college district, the election shall, by mutual agreement of the court or courts, be held on the same day throughout the proposed district.

[Acts 1969, 61st Leg., p. 3000, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3287, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.039. Election Returns, Canvass, and Result

(a) The commissioners court or courts within 10 days after holding of an election shall make a canvass of the returns and declare the results of the election.

(b) The court or courts shall enter an order on the minutes of the court or courts as to the results.

[Acts 1969, 61st Leg., p. 3000, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3287, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.040. Board of Trustees: Union, County, or Joint-County Junior College

A union junior college, a county junior college, or a joint-county junior college shall be governed, administered, and controlled by and under the direction of a board of trustees of seven members.

[Acts 1969, 61st Leg., p. 3000, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3288, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.041. Election of Trustees of Union, County, and Joint-County Junior College

The original trustees of a union or a county junior college shall be elected at large from the junior college district by the qualified voters of the district under the rules and regulations provided for in Section 130.042 of this code.

[Acts 1969, 61st Leg., p. 3000, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3288, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.042. Original Board

(a) The original trustees shall be elected at the same election at which the creation of the district is determined.

(b) Any candidate desiring to be voted upon as a first trustee shall present a petition to the commissioners court or courts within three days before the order authorizing the election is issued by the commissioners court or courts, and shall accompany his petition with a petition signed by not less than two percent of the qualified voters in the district, requesting that his name be placed on the ticket as a candidate for trustee.

(c) The seven candidates for junior college trustee receiving the highest number of votes at the election shall be declared trustees of the district.

[Acts 1969, 61st Leg., p. 3001, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3288, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.043. Organization

After the election of the original trustees, the board of trustees shall be organized and constituted, pursuant to the provisions of Section 130.082 of this code and be governed by the provisions thereof.

[Acts 1969, 61st Leg., p. 3001, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3288, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.044. Election of Trustees by the Position Method

(a) The board of trustees of a district may, by a majority vote of the trustees, if a quorum is present and voting, adopt a numbered position system of electing members to the board.

(b) If the board adopts a numbered position system, candidates are voted on and elected separately for positions on the board according to the number of the position to which they seek election. The official ballots shall contain:

- (1) the phrase "Official Ballot for the Purpose of Electing Trustees";
- (2) the name of the junior college district;
- (3) the number of each position to be filled; and
- (4) the list of candidates under the position to which they seek election.

(c) Within 10 days from the date of adoption of the numbered position system, the trustees shall determine by lot which position each will hold on the board. The members in Class 1 shall draw for positions one and two; the members in Class 2 shall draw for positions three and four; and the members in Class 3 shall draw for positions five, six, and seven.

(d) A person desiring election to a numbered position on the board must, at least 30 days before the election, file with the board of trustees a written notice of his candidacy, designating the number of the position on the board of trustees for which he desires to become a candidate, and requesting that

his name be placed on the ballot. Each candidate who files notice is entitled to have his name printed on the official ballot beneath the number of the position designated in his notice. A person who fails to file the notice required by this section may not have his name printed on the official ballot. A candidate is eligible to have his name printed on the ballot under only one position to be filled at the election.

(e) In the election each voter may vote for only one candidate for each numbered position. The candidate receiving the most votes for each numbered position voted on in the election is entitled to serve as a trustee on the board, in the position to which he is elected.

(f) Notice of an election in a district must be given in the manner and for the time required under the law authorizing the creation of the district, except where there is a conflict with the provisions of this section, then this section is controlling.

[Acts 1971, 62nd Leg., p. 3288, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 130.045 to 130.060 reserved for expansion]

SUBCHAPTER D. CHANGES IN DISTRICT BOUNDARIES

§ 130.061. Extension of Boundaries of a Junior College District Coextensive with an Independent School District

The district boundaries of an independent school district junior college shall automatically be extended so that the boundary lines of the two districts, independent school district and junior college district, shall remain identical when:

- (1) the junior college district was created with the same boundary lines as an independent school district;
- (2) the boundaries of the independent school district are extended by consolidation, attachment of territory, or otherwise; and
- (3) the board of trustees of the independent school district is also the governing board of the junior college.

[Acts 1969, 61st Leg., p. 3001, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3289, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.062. Enlarged District: Creation; Resolution; Order

(a) If the creation of the junior college district and the extension of the boundaries of the independent school district both occurred prior to March 17, 1950, the added territory of the independent school district may be brought into the junior college district in the manner prescribed by this section.

(b) A petition requesting that such territory be added to the junior college district signed by a majority of the qualified property taxpaying voters

of the territory may be presented to the governing board of the junior college district.

(c) The board shall determine whether the petition is signed by the required majority, based upon the latest approved tax rolls of the independent school district, and if such determination is affirmative and if the board shall also determine that the facilities of the junior college district may be extended to cover adequately the scholastics of the added territory, the board shall pass an order admitting such territory. The order shall describe by metes and bounds the junior college district as extended; and a copy of the order shall be filed with the county superintendent. Thereafter, the territory shall be a part of the junior college district for all intents and purposes.

[Acts 1969, 61st Leg., p. 3001, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3289, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.063. Extension of Junior College District Boundaries for Junior College Purposes Only

Territory may be annexed to the junior college district for junior college purposes only, by either contract or election, if:

- (1) the territory consists of a school district or part of a school district that is adjacent to the junior college district; or
- (2) the territory consists of a school district or part of a school district and:
 - (A) is not contiguous with any junior college district;
 - (B) is not more than five miles from the annexing junior college district at its closest point; and
 - (C) is located in the same county as the annexing junior college district and the county has a population of 1,500,000 or more.

[Acts 1969, 61st Leg., p. 3002, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3290, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971; Acts 1981, 67th Leg., p. 3056, ch. 802, § 1, eff. Aug. 31, 1981.]

§ 130.064. Annexation by Contract

If the annexation is by contract, a petition shall be presented to the governing board of any junior college district, executed by all property owners of all property situated in the territory proposed for annexation. The petition shall contain a legally sufficient description of the territory proposed for annexation. The governing board of the junior college district, if it deems the annexation to be in the best interest of the district, may effect the annexation by:

- (1) entering its order authorizing the annexation of the territory by contract; and
- (2) then entering into a written agreement duly executed and acknowledged by all persons, corpo-

rations, and entities owning property within the territory.

[Acts 1969, 61st Leg., p. 3002, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3290, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.065. Annexation by Election

(a) If the annexation is by election, a petition signed by five percent of the property taxpaying electors in the territory seeking to be annexed shall be presented to the county school board of the county, or to the commissioners court of the county in case there is no county school board.

(b) The petition shall contain a legally sufficient description of the territory proposed for annexation, and shall be accompanied by a certified copy of an order by the governing board of the junior college district affected approving the proposed annexation of the territory to the junior college district for junior college purposes only.

(c) The county school board, or the commissioners court, shall issue an order for an election to be held in the territory proposed for annexation, not less than 20 nor more than 30 days from the date of the order, and shall give notice of the date of the election by posting notices of such election in three public places within the territory proposed for annexation.

(d) Only those legally qualified electors residing in the territory proposed for annexation shall be permitted to vote.

(e) The county school board, or the commissioners court shall canvass the returns at a meeting held not more than five days after the election. If the votes cast in the election show a majority in favor of annexation, the territory shall be declared annexed to the junior college district for junior college purposes only.

(f) The county school board or commissioners court shall cause a certified copy of the order to be transmitted to the governing board of the junior college district.

(g) At the next regular or special meeting of the governing board of the junior college district, the board shall, in the event of annexation by election, enter its order concurring in the order of the county school board or the commissioners court and shall enter an order redefining the boundary lines of the junior college district as enlarged and extended, and shall cause the order to be recorded on the minutes of the board of the junior college district.

[Acts 1969, 61st Leg., p. 3002, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3290, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.066. Adding Contiguous Territory to a Junior College District

(a) Any territory may be included within the boundaries of a junior college district, herein called "district," for junior college purposes, in the man-

ner hereinafter specified; provided, the territory to be included is contiguous to the district in which such territory is to be included and has been laid out by the Coordinating Board, Texas College and University System, as a service area for assisting junior colleges.

(b) Upon presentation of a petition, signed by 50, or a majority, whichever number is smaller, of the qualified electors residing in the territory proposed for inclusion in a district, to the governing body of the district requesting that the boundaries of the district be changed to include the territory described in said petition, such governing body may, in its discretion, order an election to be held within the boundaries of the entire district as proposed to be changed on the question of whether the boundaries of the district shall be changed to include the proposed territory. The ballots for such election shall have printed thereon "For" and "Against" boundary change. All qualified electors residing within the boundaries of the entire district as proposed to be changed shall be qualified to vote at such an election.

(c) The governing body of the district calling an election hereunder shall give notice of any such election by causing a substantial copy of its order calling the election to be posted in at least three public places within the boundaries of the district as proposed to be changed and published at least one time in a newspaper of general circulation within such boundaries. Provided, however, if any railroad right-of-way or other property is located within such territory, additional notice shall be given by certified mail, to the railroad company, at the address shown on the latest county tax roll. Such posting, such publication, and such certified mail notice shall be done at least 30 days prior to the date on which the election is to be held.

(d) Except as otherwise provided herein, all elections held hereunder shall be governed by the provisions relating to bond elections held by independent school districts. The order calling the election may provide that the entire district as proposed to be changed shall constitute one election precinct or such order may provide for more than one election precinct.

(e) The returns of any such election shall be canvassed by the governing body of the district and if a majority of persons residing in the district and voting at the election and a majority of the persons residing in the territory proposed to be annexed and voting at the election vote for the boundary change, the governing body of the district shall, in its order canvassing such returns, declare the boundaries of the district changed to include the territory described in the petition theretofore presented to them. Such order may also include the name by which the district as changed shall be known.

(f) At the next regular election held in the junior college district after territory is added to the district under this section, the qualified electors shall elect a

new board of trustees. To continue in office, members of the present board of trustees must be re-elected at this election.

(g) This section is cumulative of all other laws on the subject, but this section is wholly sufficient authority within itself for the inclusion of territory in the boundaries of a district and the performance of the other acts and procedures authorized hereby, without reference to any other laws or any restrictions or limitations contained therein, except as herein specifically provided in this section. However, the governing body of any district may use the provisions of any other laws, not in conflict with the provisions of this section, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this section.

[Acts 1969, 61st Leg., p. 3003, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3291, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.067. Annexation of County-line Districts for Junior College Purposes

(a) Parts of county-line school districts may be annexed to adjacent county or joint-county junior college districts for junior college purposes only, as provided in this section.

(b) The county or joint-county junior college district as originally created and organized must have included in its boundaries a part of a county-line school district, and the part of the county-line school district to be annexed is not included in any other junior college district.

(c) The county or joint-county junior college districts to which this section is applicable are those where the junior college district as originally created and organized had the same boundaries as a county or as a group of contiguous counties and included all of the territory in a county or group of counties and did not include a part of any county without including the entire territory of such county in such junior college district.

(d) A "county-line school district" as used in this section is any type of public school district created or organized under general or special laws of Texas, which includes within its boundaries territory that extends into or is located in two or more counties of Texas.

[Acts 1969, 61st Leg., p. 3003, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3292, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.068. Annexation of Non-included Parts of Counties

(a) The non-included portion or portions of such county-line districts may be annexed to the county or joint-county junior college district by either of two methods as provided by Subsections (b) and (c) of this section.

(b) On the petition of 20 or a majority of the legally qualified voters residing in that part of a

county-line district not a part of a junior college district as described in Section 130.067 of this code praying for the annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of the county-line district is a part, the county judge of that county which has jurisdiction of the county-line school district shall issue an order for an election to be held in the non-included portion of the county-line school district praying to be annexed to the county or joint-county junior college district. The county judge shall give notice of the date of the election by posting notices at three public places in the part of the county-line school district wherein the election is to be held. Only those legally qualified voters residing in that part of the county-line school district shall be permitted to vote. The commissioners court shall at its next meeting canvass the returns of the election, and if the votes cast in the election show a majority in favor of annexation, then the court shall declare that part of the county-line school district annexed to the junior college district for junior college purposes only. The court shall cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory, and each court shall make orders concurring in the order and shall cause them to be entered on the minutes of each commissioners court.

(c) Where a petition, signed by a majority of the legally qualified voters residing in that part of a county-line school district praying for annexation for junior college purposes only, of that part of the county-line school district to the junior college district in which the remainder of the county-line district is a part, is presented to the county judge of that county which has jurisdiction of the county-line school district together with a certified copy of an order by the governing board of the junior college district approving the proposed annexation to the junior college district for junior college purposes only; instead of ordering an election to be held as provided in Subsection (b) of this section, the county judge shall certify the filing of the petition and order to the commissioners court. The court at its next meeting shall pass an order declaring such non-included part of the county-line school district annexed to the junior college district for junior college purposes only and cause certified copies of the order to be transmitted to the commissioners court of every county in which the junior college district and the county-line school district have territory. Each such court shall make orders concurring in the order and cause same to be entered on the minutes of each commissioners court.

[Acts 1969, 61st Leg., p. 3004, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3292, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.069. Disannexation of Overlapped Territory

(a) All junior college districts whose boundaries have or may hereafter become established so that they include territory which prior to such establishment lay, and shall continue to lie, within the boundaries of another junior college district shall have the power to disannex such overlapped territory.

(b) Upon certification by the governing board of such a junior college district to the county board of school trustees of the county in which its college is located that such an overlapping condition exists, the county board may by resolution disannex the overlapped territory from the district, describing such territory by metes and bounds.

[Acts 1971, 62nd Leg., p. 3293, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.070. Disannexation of Territory Comprising an Independent School District

(a) The territory of an independent school district which is the only school district that has been annexed to a countywide independent school district junior college district in an adjoining county may be disannexed from such countywide independent school district junior college district and constituted as a separate independent school district junior college district in accordance with the provisions of this section, provided that the countywide independent school district junior college district has no outstanding bonded indebtedness which was incurred after the annexation of such independent school district.

(b) The proposed disannexation and creation of a separate junior college district shall be initiated by a petition signed by not less than five percent (5%) of the qualified taxpaying electors of the independent school district seeking disannexation. The petition shall be presented to the board of trustees of the independent school district seeking to be disannexed, which shall pass upon the legality and genuineness of the petition and forward the petition, if approved, to the coordinating board.

(c) If the petition is found to be in order and all statutory provisions have been complied with, the coordinating board shall approve the petition and notify the board of trustees of the independent school district seeking to be disannexed, of such approval. The board of trustees of the independent school district seeking disannexation shall then order an election to be held in the school district within a time not less than twenty (20) days nor more than thirty (30) days after the order is issued. At the election the ballots shall be printed to provide for voting for or against the proposition: "Disannexation of the _____ Independent School from the _____ Junior College District, and creation of the _____ Junior College District with boundaries coterminous with the boundaries of the _____ Independent School District" (the blanks to be filled in as appro-

priate). All expenses incurred in holding the election shall be paid by the independent school district ordering such election.

(d) The board of trustees shall make a canvass of the returns and declare the result of the election within ten (10) days after holding the election and shall enter an order on the minutes of the board as to the result of the election. If a majority of the votes cast are in favor of disannexation and creation of a separate junior college district, such independent school district shall be deemed disannexed and constituted as a separate junior college district.

(e) If the creation of the separate junior college district is approved, it shall be governed by the provisions of this code relating to independent school district junior colleges. The offices of the representatives of the disannexed independent school district on the governing body of the countywide independent school district junior college district shall be terminated, and the remaining members of that governing body shall continue to serve for the terms for which they were elected.

(f) Any petition for disannexation and creation of a separate junior college district may also incorporate a request for the proper authorities, in the event an election is ordered for the creation of a new district, to submit at the same election, either as a part of the disannexation issue or as a separate issue, the questions of issuing bonds and levying bond taxes and levying maintenance taxes, in the event the district is created, not to exceed the limits provided in Section 130.122 of this code.

[Acts 1972, 62nd Leg., 4th C.S., p. 37, ch. 16, § 1, eff. Oct. 30, 1972.]

§ 130.071. Annexation of City Territory by Certain Districts

(a) A junior college district that is located within part of a city, town, or village may annex the territory included within the city, town, or village in accordance with this section.

(b) Except as provided by Subsection (k) of this section, the governing board of the junior college district shall order an election to be conducted within the boundaries of the district as changed by the proposed annexation. The order for the election shall:

(1) describe the territory to be annexed; and

(2) set a date for the election, which shall be the next uniform election date that is more than 45 days from the date of the order.

(c) The president of the board of trustees shall give notice of the election in the manner provided by law for notice by the county judge of general elections.

(d) The governing board of the junior college district shall procure the election supplies necessary to conduct the election and shall determine the quantity of the various types of supplies to be

provided for use at each precinct polling place and absentee polling place.

(e) Any qualified voter residing within the boundaries of the district as changed by the proposed annexation is entitled to vote at the election.

(f) The ballot shall be printed to provide for voting for or against the proposition: "Annexation of the following territory for junior college purposes: _____", with the blank filled in with a description of the territory proposed for annexation.

(g) To be adopted, the measure must receive a favorable vote of a majority of those voting on the measure.

(h) If the measure is adopted, the governing board of the district shall enter an order declaring the result of the election and that the territory is annexed for junior college purposes. If the governing board members are elected from single-member districts, the order shall also assign the annexed territory to one or more single-member districts that are contiguous with the annexed territory.

(i) If the measure is not adopted, another election to annex the same territory may not be held earlier than one year after the date of the election in which the measure is defeated.

(j) An annexation does not affect the term of office for governing board members serving on election day.

(k) If the junior college district annexes under this section territory comprising all of a city, town, or village, the governing board by order may annex for junior college purposes any territory later annexed by the city, town, or village.

(l) A junior college district may not annex under this section territory that is included within the boundaries of another junior college district.

[Acts 1981, 67th Leg., p. 372, ch. 152, § 1, eff. Aug. 31, 1981. Amended by Acts 1983, 68th Leg., p. 2232, ch. 417, § 1, eff. June 17, 1983.]

§ 130.072. Annexation of County Territory by Certain Districts

(a) A union junior college district created with boundaries coterminous with the boundaries of an independent school district and located in less than all of the territory of a single county may annex the remaining territory included in the county as provided by this section.

(b) The governing board of the junior college district shall order an election to be conducted within the boundaries of the district as changed by the proposed annexation. The order for the election shall:

- (1) describe the territory to be annexed; and
- (2) set a date for the election, which shall be the next uniform election date that is more than 45 days from the date of the order.

(c) The president of the board shall give notice of the election in the manner provided by law for notice by the county judge of general elections.

(d) The governing board of the junior college district shall procure the election supplies necessary to conduct the election and shall determine the quantity of the various types of supplies to be provided for use at each precinct polling place and absentee polling place.

(e) Any qualified voter residing within the boundaries of the district as changed by the proposed annexation is entitled to vote at the election.

(f) The ballot shall be printed to provide for voting for or against the proposition: "Annexation for junior college purposes of all territory in the county not currently included in the _____ District or another junior college district," with the blank filled in with the name of the junior college district.

(g) To be adopted, the measure must receive a favorable vote of a majority of those voting on the measure.

(h) If the measure is adopted, the governing board of the district shall enter an order declaring the result of the election and that the territory is annexed for junior college purposes. If the governing board members are elected from single-member districts, the order shall also assign the annexed territory to one or more single-member districts that are contiguous with the annexed territory.

(i) If the measure is not adopted, another election to annex the same territory may not be held earlier than one year after the date of the election in which the measure is defeated.

(j) An annexation does not affect the term of office for governing board members serving on election day.

(k) A junior college district may not annex under this section territory that is included within the boundaries of another junior college district.

[Acts 1983, 68th Leg., p. 414, ch. 86, § 1, eff. May 10, 1983.]

[Sections 130.073 to 130.080 reserved for expansion]

SUBCHAPTER E. BOARDS OF TRUSTEES OF JUNIOR COLLEGE DISTRICTS

§ 130.081. Governing Board of Junior College of Independent School District

In each junior college district which is controlled and managed by, and under the jurisdiction of, the governing board of an independent school district or a city school district, such governing board shall be constituted and chosen in accordance with the laws of this state applicable to the governing board of

such independent school district or city school district.

[Acts 1969, 61st Leg., p. 3004, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3293, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.082. Governing Board of Junior College of Other than Independent School District

(a) Except as provided by Section 130.081 or another section of this subchapter, the governing boards of all junior college districts shall be constituted and chosen as described in the provisions of this section.

(b) The official name of the governing board of the junior college district shall be the board of trustees.

(c) The official name of a junior college district shall be the "_____ Junior College District" and the board shall designate an appropriate and locally pertinent descriptive word or words to be filled in the aforesaid blank (and may change such designation when deemed advisable) by resolution or order; provided that no two districts shall have the same or substantially similar names. All resolutions or orders designating or changing names shall be filed immediately with the Coordinating Board, Texas College and University System, and the first name filed shall have priority, and the district shall be advised of any previous filing of any identical or substantially similar name. The name of any junior college district existing on the effective date of this code shall remain the same until and unless it is changed pursuant hereto, and no other district shall use the name of any such existing district.

(d) The number of members or trustees of the governing board shall be either seven or nine, in accordance with the laws applicable to the junior college district on the effective date of this code or on the date of the creation of a new district or a new board. Any seven-member board may be increased to nine, and the two additional members shall be appointed by resolution or order of the board for terms of office as prescribed in Subsection (e) of this section. Any vacancy occurring on the board through death, resignation, or otherwise, shall be filled by appointment by resolution or order of the board. If the vacancy occurs on a board whose members are elected in at-large elections, the person appointed to fill the unexpired term shall serve until the next regular election of members to the board, at which time the position shall be filled by election for a term appropriately shortened to conform with what regularly would have been the length of the term for that position. If the vacancy occurs on a board whose members are elected from single-member districts, the person appointed to fill the unexpired term shall serve until the next regular election for that particular district. Each member of the board shall be a resident, qualified voter of the district and shall take the proper oath of office before taking up the duties thereof. Mem-

bers of a board shall not receive any remuneration or emolument of office, but they shall be entitled to reimbursement for their actual expenses incurred in performing their duties, to the extent authorized and permitted by the board. The board shall elect one of its members as president of the board, and the president shall preside at meetings of said board and perform such other duties and functions as are prescribed by the board. The president of the board shall have a vote the same as the other members. The board shall elect a secretary of the board who may or may not be a member of the board, and who shall be the official custodian of the minutes, books, records, and seal of said board, and who shall perform such other duties and functions as are prescribed by the board. The board shall be authorized to elect any other officers as deemed necessary or advisable. Officers of the board shall be elected at the first regular meeting of the board following the regular election of members of the board in even-numbered years, or at any time thereafter in order to fill a vacancy. Said board shall be authorized to appoint or employ such agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of said board; and to employ a president, dean, or other administrative officer, and upon the president's recommendation to employ faculty and other employees of the junior college. Said board shall act and proceed by and through resolutions or orders adopted or passed by the board and the affirmative vote of a majority of all members of the board shall be required to adopt or pass a resolution or order, and the board shall adopt such rules, regulations, and bylaws as it deems advisable, not inconsistent with this section.

(e) The basic term of office of a member of the board shall be six years, and one-third of the members of the board shall be elected at large in the district at regular elections to be held on the first Saturday in April in each even-numbered year; provided that with a seven-member board two members shall be elected in two consecutive even-numbered years and three members shall be elected in the following even-numbered year. The members of each board in office at the effective date of this act, and all subsequent members of the board, shall remain in office until the expiration of the terms for which they were elected or appointed, and until their successors shall have been elected and qualified; provided that where any existing board has held its regular elections for members of the board in odd-numbered years prior to the effective date of this act, the board shall nevertheless hold its next regular election on the first Saturday in April of the next even-numbered year following the effective date of this act, and the term of office of each incumbent member of the board shall, in effect, be lengthened by one year so as to comply with the foregoing provisions of this act. Upon the creation of a new board, or in any other situation where necessary, the members of the board shall choose by lot the terms for which they shall serve, so as to

comply with the foregoing provisions. If a board is increased from seven to nine members, one of the members shall be appointed to serve until the first election at which two members otherwise would have been elected, and the other shall be appointed to serve until the second election at which two members otherwise would have been elected, and three members shall be elected for six-year terms at each election.

(f) Members of a board shall be elected at large from each junior college district at regular elections to be called and held by the board for such purpose, at the expense of the district, on the first Saturday in April in each even-numbered year. Said elections shall be held in accordance with the Texas Election Code except as hereinafter provided, and all resident, qualified electors of the district shall be permitted to vote. Each such election shall be called by resolution or order of the board, and notice of each such election shall be given by publishing an appropriate notice, in a newspaper of general circulation in the district, at least 10 days prior to the date of the election, setting forth the date of the election, the polling place or places, the numbers of the positions to be filled, the candidates for each position and any other matters deemed necessary or advisable.

(g) The board shall designate a number for the position held by each member of the board, from one upward in consecutive numerical order in such manner that the lowest numbers shall be assigned to the members whose terms of office expire in the shortest length of time, provided that any such position number designations on existing boards under existing law at the effective date of this act shall remain in effect. At each election candidates shall be voted upon and be elected separately for each position on the board, and the name of each candidate shall be placed on the official ballot according to the number of the position for which he or she is running. A candidate receiving a majority of the votes cast for all candidates for a position shall be declared elected. If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The run-off election for all positions shall be held on the last Saturday in April and shall be ordered, notice thereof given, and held, as provided herein for regular elections. Any resident, qualified elector of the district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing with the secretary of the board a written application therefor signed by the applicant, not less than 30 nor more than 60 days prior to the date of the election. Such application must state the number of the position for which he or she is a candidate, or the name of the incumbent member of the board holding the position for which he or she desires to run. The location on the ballot of the names of candidates for each position shall be cho-

sen by lot by the board. A candidate shall be eligible to run for only one position at each election.

(h) Notwithstanding anything in this code to the contrary, the provisions of all or any part of the laws of this state in effect immediately prior to the effective date of this act and relating to the name of any junior college district or the name of its governing board, or to the number of members of its governing board, or the procedures and times of electing or choosing said members, shall remain in effect under the following conditions. If, at any time before the effective date of this act (but not thereafter), the governing board of any junior college district shall specify by resolution or order the particular provisions of the aforesaid laws applicable to it which it desires to remain in effect, then such particular provisions shall continue to apply to said board and its district; provided that at any time thereafter the governing board may make this section in its entirety applicable to it and its district by appropriate resolution or order, and thereby permanently cancel the effect of the aforesaid particular provisions of other laws. All resolutions and orders permitted by this section shall be filed immediately with the Coordinating Board, Texas College and University System.

(i) The election of trustees of a countywide junior or community college district that contains a city with a population of more than 800,000 residents shall be held on the first Saturday in April of each even-numbered year. When a runoff election is necessary, the board may order the election for a date to coincide with the date of the runoff election for city officials, if the city is holding a runoff election; otherwise, the board shall set the date of the runoff election for not later than three weeks following the regular election.

[Acts 1969, 61st Leg., p. 3004, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3294, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971; Acts 1975, 64th Leg., p. 2035, ch. 673, § 1, eff. June 20, 1975; Acts 1977, 65th Leg., p. 1386, ch. 554, § 1, eff. June 15, 1977; Acts 1983, 68th Leg., p. 4806, ch. 844, § 2, eff. Aug. 29, 1983.]

§ 130.0821. Governing Board of Certain Countywide Community College Districts

(a) The members of the governing board of a countywide community college district that contains a city with a population of more than 800,000 residents shall be elected from single-member trustee districts at all elections held after January 1, 1978.

(b) Before January 1, 1978, the board of trustees shall divide the district into seven compact trustee districts which contain as nearly as practicable an equal number of inhabitants according to the last preceding federal census. Residents of each trustee district shall be entitled to elect one member of the board, and each candidate seeking to represent a trustee district must reside in the trustee district he seeks to represent. Trustees shall, during their term of office, reside within the trustee district from which they were elected.

(c) Members of the board of trustees of the district shall serve for staggered terms of six years with the terms of two or three members expiring in even-numbered years.

(d) The trustees elected in 1978 shall draw lots for appropriate terms so that the terms of two trustees shall expire in 1980, two in 1982, and three in 1984.

(e) Within 90 days following the publication of census tract data compiled during each subsequent decennial federal census, the board of trustees shall redivide the district into seven trustee districts if such census data indicates that the population of the most populous trustee district exceeds the population of the least populous district by more than 10 percent. At the next district election following the redivision of the district, each trustee district shall elect a member of the board, and the members elected shall draw lots for two two-year terms, two four-year terms, and three six-year terms.

(f) Any election held pursuant to the terms of this section shall be conducted in accordance with the provisions of Subsection (i), Section 130.082 of this code.

(g) Trustees elected under the provisions of this section take office on the first Tuesday in May. [Acts 1977, 65th Leg., p. 1868, ch. 743, § 1, eff. Aug. 29, 1977.]

§ 130.083. Governing Board in Enlarged Junior College District

(a) From and after May 22, 1969, those junior college districts which were on May 22, 1969, operating under Chapter 15, Acts of the 58th Legislature, 1963 (Article 2815o-1b, Vernon's Texas Civil Statutes¹), and to which one, or more, school districts has been annexed for junior college purposes only, may, by a majority vote of the board of regents of the junior college district, choose to operate and be governed by a board of regents.

(b) Each school district which has been annexed to the junior college district for junior colleges purposes only shall be represented by at least one member of the board of regents. If the assessed tax rolls exceed \$67,500,000, the school district shall be represented by one member of the board of regents for each \$67,500,000 of assessed value, or a major fraction thereof, on the junior college tax roll, located within the school district. The original junior college district shall be represented on the board of regents by a number of regents arrived at according to the same formula.

(c) The total number of members of the board of regents of the junior college district shall never exceed 14. When the valuation of the enlarged district increases to the point that the number of regents exceeds 14 under the formula described in Subsection (b) of this section then the board of regents of the junior college district shall set a formula, based on proportional tax values, of repre-

sentation, which will produce a total of 14 members of the board of regents.

(d) The terms of office of the regents authorized by this act shall be six years. Those regents serving as regents on May 22, 1969, shall continue in office for the remainder of their respective terms and then until such time as their successors shall have been elected and qualified, and thereafter in each even-numbered year three regents shall be elected from the area originally forming the junior college district to succeed those regents whose terms are expiring, but if the number of regents becomes more or less than nine, the formula set out in Subsection (e) of this section shall be followed. All new regents added to the board of regents under the provisions of this section shall be appointed by the board of regents which orders the enlargement of the membership of such board, and shall serve until election specified in Subsection (e) of this section. All vacancies on the board of regents shall be filled at once for the unexpired term only by appointments made by the remaining members of such board.

(e) Where additional regent positions are provided under the terms of this section, the board of regents at the time of such authorization shall designate by resolution duly recorded in the minutes of such board the term to be served by each such additional regent, provided that the first regent authorized and appointed shall serve only until the next regular regent election, the second such regent shall serve until the regent election two years after the next regular regent election, and the third regent shall serve until the regent election four years after the next regular regent election, with additional regents which may be authorized to follow the same rotation of terms until all terms of additional regents provided under the terms of this section have been fixed to expire at the next regular regent election, or at the regent election two years after the next regular regent election, or at the regent election four years after the next regular election. Additional regents appointed to such terms and until such times as their successors shall have been elected and qualified, and thereafter the terms of such regents shall be for six years.

(f) Regent elections in all parts of the districts affected by the provisions of this section shall be held at the times and in the manner now provided for public junior colleges by general law. The qualified voters residing in the school district represented shall be entitled to vote in such elections. Each regent to be elected shall be a resident of the school district he is to represent and each regent to represent the original college district shall be a resident of the original college district.

(g) The provisions of this section shall be cumulative of existing laws governing elections of regents in public junior college districts.

[Acts 1971, 62nd Leg., p. 3296, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Repealed; see, now, § 130.082.

§ 130.084. Powers and Duties

The board of trustees of junior college districts shall be governed in the establishment, management and control of the junior college by the general law governing the establishment, management and control of independent school districts insofar as the general law is applicable.

[Acts 1969, 61st Leg., p. 3007, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3298, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.085. Tuition Exemption

(a) The board of trustees of any public junior college may exempt from payment of tuition all students who are residents of the junior college district and who are enrolled for 12 or more semester credit hours, provided that this action will allow the college to participate in and benefit from funds available as provided by Sections 1-7, Title I, 64 Stat. 1100, as amended, 20 U.S.C. Secs. 236-241-1.¹

(b) This action by the board of trustees does not affect their authority under Section 130.123 of this code, nor does this section in any way supersede that section. This action of the board does not affect the right of the college to a proportionate share of state appropriations under Section 130.003 of this code.

[Acts 1971, 62nd Leg., p. 3355, ch. 1024, art. 2, § 31, eff. Sept. 1, 1971.]

¹ 20 U.S.C.A. §§ 236 to 241-1.

§ 130.086. Branch Campuses

(a) The board of trustees of a junior college district may establish and operate branch campuses, centers, or extension facilities, without regard to the geographical bounds of the junior college district, provided that each branch campus, center, or extension facility and each course or program offered in such locations is subject to the prior and continuing approval of the Coordinating Board, Texas College and University System.

(b) Such branch campuses, centers, or extension facilities shall be within the role and scope of the junior college as determined by the Coordinating Board, Texas College and University System.

(c) The board of trustees of a junior college district may accept or acquire by purchase or rent land and facilities in the name of the junior college district without regard to the geographical bounds of the junior college district.

(d) Before any course may be offered by a junior college within the district of another operating public junior college, it must be established that the second public junior college is not capable of or is unable to offer the course. If the course is to be offered in a county which has a population of more than 97,500 persons, according to the last preceding federal census, and which has no state-supported senior college or university within its boundaries, it must also be established that any other college or

university in the county is not able and willing to offer the course. After the need is established and the course is not locally available, then the first junior college may offer the course when approval is granted by the Coordinating Board, Texas College and University System, under the provisions of Subsection (a).

(e) The board of trustees of a junior college district may enter cooperative agreement with independent, common, or county school districts, state or federal agencies as may be required to perform the services as outlined in this section.

(f) Out-of-district branch campuses, centers, or extension facilities of junior colleges existing prior to September 1, 1971, shall be reviewed by the Coordinating Board, Texas College and University System, to determine their feasibility and desirability with respect to the junior college and the population of the geographical area served by the branch campus, center, or extension facility.

[Acts 1971, 62nd Leg., p. 3350, ch. 1024, art. 2, § 25, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 2035, ch. 673, § 2, eff. June 20, 1975; Acts 1975, 64th Leg., p. 2109, ch. 689, §§ 1 to 4, June 20, 1975.]

§ 130.087. Branch Campus Maintenance Tax

(a) The governing body of a school district or a county may levy a junior college district branch campus maintenance tax as provided by this section at a rate not to exceed five cents on each \$100 valuation of all taxable property in its jurisdiction.

(b) On presentation of a petition for an election to authorize a junior college district branch campus maintenance tax signed by not fewer than five percent of the qualified voters of the jurisdiction in which the proposed tax is to be levied, the governing body of the school district or county, as applicable, shall determine the legality and the genuineness of the petition and, if it is determined to be legal and genuine, forward the petition to the Coordinating Board, Texas College and University System.

(c) The coordinating board shall determine whether the requirements provided by Subsections (a) and (b) of this section have been satisfied and whether the proposed tax is feasible and desirable under the board's rules for junior colleges. In making its decision on the feasibility and desirability of the tax, the coordinating board shall consider the needs of the junior college, the needs of the community or communities served by the branch campus, and the welfare of the state as a whole. The commissioner of higher education shall deliver to the governing body of the school district or county, as applicable, the order of the coordinating board authorizing or denying further action in the levying of a junior college district branch campus maintenance tax.

(d) If the coordinating board approves the establishment of the junior college district branch campus maintenance tax, the governing body of the school district or county, as applicable, shall enter

an order for an election to be held in the territory under its jurisdiction not less than 20 days nor more than 60 days after the date on which the order is entered to determine whether the junior college district branch campus maintenance tax may be levied. In the case of joint school district or joint county elections, by mutual agreement of the governing bodies, the elections shall be held on the same date throughout the jurisdictions.

(e) The president of the board of trustees of the school district or the county judge, as applicable, shall give notice of the election in the manner provided by law for notice by the county judge of general elections.

(f) The governing body of the school district or county, as applicable, shall procure the election supplies necessary to conduct the election and shall determine the quantity of the various types of supplies to be provided for use at each precinct polling place and absentee polling place.

(g) Any qualified voter residing within the boundaries of the jurisdiction in which the tax may be levied is entitled to vote at the election.

(h) The ballot shall be printed to provide for voting for or against the proposition: "The levy of a junior college district branch campus maintenance tax in an amount not to exceed five cents on each \$100 valuation of all taxable property in _____." (insert name of school district or name of county, as applicable).

(i) To be adopted, the measure must receive a favorable vote of a majority of those voting on the measure.

(j) Not later than the 10th day after the date of the election, the governing body shall canvass the returns of the election and shall enter an order declaring the result of the election.

(k) The proceeds of the junior college district branch campus maintenance tax may be used only to operate and maintain a junior college district branch campus and its programs and services in the area of the jurisdiction levying the junior college district branch campus maintenance tax.

(l) The governing body of the school district or county approving the junior college district branch campus maintenance tax shall set the tax levy.

(m) The junior college district shall maintain and furnish any records and reports required by the Coordinating Board, Texas College and University System. The reports shall be made available routinely to the governing body of the jurisdiction in which the tax is levied, and to members of the general public on request.

(n) This section does not affect the authority of any jurisdiction levying a junior college district branch campus maintenance tax to create a junior college district in the jurisdiction.

[Acts 1983, 68th Leg., p. 2193, ch. 409, § 1, eff. Aug. 29, 1983.]

[Sections 130.088 to 130.090 reserved for expansion]

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SUBCHAPTER F. REGIONAL COLLEGE DISTRICTS

§ 130.091. Creation and Regulation of Regional College Districts

(a) A regional college district may be established according to the method outlined herein by a county which contains a public junior college district, or by a combination of counties if one of such counties contains a public junior college district, and if the county seat of said county, or if the proposed regional college district is composed of a combination of counties, the respective county seats of such counties, is located at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, provided that the assessed property valuation of the proposed regional college district, for state and county purposes according to the most recent tax rolls is at least \$52,000,000 and that the scholastic population of such proposed district is not less than 20,000 scholastics according to the most recent scholastic census thereof, as approved by the appropriate state authority, and provided that the population of such county containing a public junior college district is not less than 80,000 according to the last preceding federal census.

(b) Any college created under the authority of this subchapter shall be subject to all provisions of Chapter 61 of this code, and it is further provided that the Coordinating Board, Texas College and University System, shall determine the date upon which any college of any grade or level created hereunder shall begin courses of instruction, such date to be determined only if a feasibility study by the Coordinating Board, Texas College and University System, shall establish a need for any such college.

[Acts 1969, 61st Leg., p. 3007, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3298, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.092. Petition for Election

Whenever it is proposed to establish a regional college district, a petition signed by not fewer than 100 of the qualified property taxpaying voters of said public junior college district and not fewer than 100 of the qualified property taxpaying voters of each of the counties in the territory of such proposed regional college district shall be addressed and presented to the commissioners court of the county or the commissioners courts of the respective counties of such proposed regional college district, praying that an election shall be held upon a stated date in such county or counties which date shall be not less than 30 nor more than 60 days after the date of such petitions for the purpose of determining whether or not such a regional college

district shall be formed and such regional college shall be established and whether or not such junior college district shall be merged into said regional college district and whether or not such regional college district shall assume the bonded indebtedness of such junior college district and whether or not such proposed district shall have the power to levy taxes for the payment of such bonded indebtedness and for the maintenance and operation of said regional college and for providing buildings and facilities therefor, all of which questions shall be submitted as parts of one proposition to be printed on the ballots at such election. The signatures for such petition shall be segregated according to the county in which the signers reside and the signatures of the petitioners residing in such public junior college district shall also be segregated, under appropriate headings indicating the county or district of residence. Such petition may be in two or more counterparts according to the number of counties proposed to be included in such regional college district and respective counterparts of said petition may be filed with and presented to the commissioners courts of said respective counties. The name of such proposed regional college district shall be set forth in said petition and shall include therein the words "regional college district."

[Acts 1969, 61st Leg., p. 3008, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3298, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.093. Election

It shall be the duty of the said commissioners court or courts of said county or respective counties, promptly after receiving said petition or petitions to order an election to be held throughout their respective county or counties on the date fixed in said petition, and said order shall designate the polling places for said election in said county or counties and appoint officers thereof and provide the supplies therefor and shall set forth the name of such proposed district. The election precincts for said election shall conform as nearly as practicable to the regular election precincts of said county or respective counties, but the election precincts within the boundaries of such public junior college district shall not embrace any territory outside of said public junior college district. Each such commissioners court shall give notice of said election in its county by causing such notice to be published once each week for two alternate weeks before said election in some newspaper having general circulation in said county, the first publication being at least 21 days before said election. If there be no newspaper published having general circulation in such county, the notice of the election to be held in said county shall be published in some newspaper published outside of said county having general circulation in said county and such notice shall also be posted in a public place in each of the commissioner's precincts of said county, one of which shall be at the courthouse door of said county. If a regular session of any such commissioners court is not to be held in

time to order such election and give such notice thereof, it shall be the duty of the county judge of such county, upon petition being called to his attention to timely call a special session of such court for this purpose.

The ballot at said election in each county shall provide for voting for or against the proposition: "The college merger, assumption of bonded indebtedness thereof, and the establishment of a regional college and the levying of taxes for the maintenance and operation thereof, and providing buildings and facilities therefor."

Except as otherwise herein provided, such election in each county shall be conducted in accordance with the general election laws of the state.

[Acts 1969, 61st Leg., p. 3008, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3299, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.094. Canvass of Returns and Declaration of Result; Effect of Vote

Such commissioners court or courts, as the case may be, shall within 10 days after holding such election, make a canvass of the returns and declare the results of the election. If a majority of those voting at said election within the boundaries of such public junior college district, and a majority of those voting at said election in each of such counties, vote for the proposition submitted, the merger of such public junior college district into and with such regional college district, and the assumption by such regional college district of the bonded indebtedness of such public junior college district shall be deemed to have been effected, and a regional college shall be established in such regional college district, conformably to the further provisions hereof, but the failure of the proposition submitted in any county not containing a public junior college district shall in no wise affect the formation of the proposed regional college district in any other county in which such election is held wherein a majority of the voters voting in such election in such county vote for the proposition submitted in the election order; provided, that a majority of the voters voting in such election in the public junior college district and in the county in which such public junior college district is located, vote for the proposition submitted in the election order. If the regional college district is not created by virtue of such election, another election for such purpose may be held in said proposed regional college district, or portion thereof containing a public junior college district, not less than one year from the date of such previous election, provided it be initiated by the same procedure above prescribed for the first election.

[Acts 1969, 61st Leg., p. 3009, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3300, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.095. Board of Regents

(a) If the merger herein provided for is effected by said election or any subsequent election held for

said purposes, under the further provisions hereof, such regional college district shall thereafter be governed by a board of regents, constituted as herein provided. Said board of regents shall be made up in part of one regent at large, from each of the counties approving participation in the regional college district. In addition, there shall be one regent from each county for each 15,000 scholastics of the respective counties or a major fraction thereof, as determined by the proper state authority and provided further in addition there shall be one regent from each county for each \$50 million of assessed property valuation, or major fraction thereof, as determined by the county tax assessor-collector of each approving county of said district. The first regents, constituting said board of regents, from each of such counties, shall be appointed by the commissioners court of said respective counties except as modified herein and shall be made within 30 days after the election at which said merger shall have been effected; however, in the event that only the county containing the junior college votes favorably for the proposed regional senior college district, the board of regents of the junior college district may decide:

(1) whether to activate the regional college district; or

(2) whether to continue the present junior college district and in the event that the decision is to activate the regional college district, the present junior college board will continue as the board of regents for the regional college and shall operate under all present and future junior college statutes as pertaining to junior colleges; that is to say, that in the event that more than one county votes to participate in the regional college, the board of regents shall be constituted as follows:

(A) one regent at large from each approving county;

(B) one regent from each approving county for each 15,000 scholastics or major fraction thereof; and

(C) one regent from each approving county for each \$50 million assessed property evaluation or major fraction thereof; and further, the first regents, constituting said board of regents, shall be appointed as follows:

(i) from the original junior college district, the board of regents of the junior college district shall appoint the members of the board from that county;

(ii) from each of several counties, the commissioners court shall appoint the members of the board of regents from that county. All appointments shall be made within 30 days from the date of the election. Each and every regent shall take the oath of office as prescribed for junior college board members.

(b) The board of regents thus appointed shall first meet within 21 days of the time the members are appointed at a time and place appointed by the

then president of the board of regents of the junior college district and shall proceed to organize by electing from its members a president, a vice president, a secretary and an assistant secretary from members of the board. At the first meeting of said board of regents, the regents from each county shall draw lots for terms of office. The appointed regents from each county shall elect one of its members to draw for terms and all regents from the county drawing the lowest number shall serve a term of two years; all regents from the county drawing the second lowest number shall serve four years; all regents from the county drawing the third lowest number shall serve six years. In case there are more than three counties, there shall be two lowest lots; then two next lowest lots, etc.; that is to say that no board member shall serve longer than six years and all regents from any one county shall have the same term. If only the county in which the junior college is located forms the senior college district, the terms of office shall remain the same as under the statute under which the junior college district presently operates. The board of regents shall cause a permanent record to be made and preserved of the term of office of each appointed regent determined by lot as herein provided. At the expiration of the terms of office of each regent, a successor shall be elected at elections held within the respective counties at large, at the same time and in the same manner as is now presently prescribed for the existing junior college district, provided that such elections shall be called and conducted in the manner presently prescribed for junior colleges. Costs of such regent elections shall be paid for from college funds. The returns of such board elections shall be canvassed and certified by the board of regents as is now presently prescribed for junior colleges. All provisions hereof with reference to elections of regents in counties originally constituting said regional college district shall extend and apply to election of regents in entire counties that may hereafter be annexed to said college district under the further provisions hereof. [Acts 1969, 61st Leg., p. 3010, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3300, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.096. Property, Funds and Resources of Junior College District; Contracts

Upon the merger of said public junior college district into and with the regional college district, all property, funds, and resources of the public junior college district are authorized and shall pass to and belong to said regional college district, and all contracts of such public junior college district shall extend to and be binding upon such regional college district; provided that the management and control of the property and affairs of the public junior college district shall continue in the board of trustees of such public junior college district until the appointment and organization of the board of regents of the regional college district, at which time the board of trustees of said public junior college

district shall turn over all records, property, and affairs of the said public junior college district to the board of regents of said regional college district and shall cease to exist as a junior college board of trustees.

[Acts 1969, 61st Leg., p. 3011, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3302, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.097. Assessed Tax Values and Scholastic Census; Number of Regents; Conduct of Election; Vacancies; Organization of Board; Meetings; Office

The amount of assessed tax values of said counties, for the purposes herein provided, shall be determined in the first instance, and from time to time, according to the most recent figures available, by the county tax assessor-collector of each approving county in the district. Such assessed tax values for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the county tax assessor-collector of said county or respective counties. Such determination shall thereafter be made and certified before each biennial election of regents, by the board of regents. The number of scholastics of each of said counties, for the purposes herein provided, shall be determined in the first instance and from time to time, according to the most recent scholastic census of each of said respective counties, as approved by the state agency then authorized to approve such census. Such scholastic census of said respective counties for ascertaining the number of regents at large to which said respective counties are entitled hereunder, to be appointed under the provisions hereof, shall first be made by the superintendent of schools of the prospective independent school districts located in the respective counties. Such determination shall thereafter be made and certified before each biennial election of regents at large, by the board of regents. All elections herein provided for shall be conducted according to the general election laws of the State of Texas, except as herein otherwise provided. All vacancies occurring in the board of regents shall be filled by appointment by the board of regents. After each election of regents the board of regents shall organize as herein provided. The board of regents shall select and maintain a regular office for their meetings and the transaction of their business, at such place as they determine, and shall hold regular meetings at such times as may be provided in the rules or bylaws of said board of regents, and may hold special meetings at the call of the president of the board.

[Acts 1969, 61st Leg., p. 3011, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3302, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.098. Rules of Procedure; Quorum; Seals; Suits

(a) The board of regents may adopt its own rules of procedure, but a majority of said regents shall constitute a quorum, and a majority of those in attendance may transact any business.

(b) The board of regents of such regional college district shall adopt an official seal for the district, and said district may sue and be sued in its name. In any suit against said district, process may be served on the president or vice president.

[Acts 1969, 61st Leg., p. 3012, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3303, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.099. Compensation and Expenses of Board

The board of regents of such regional college district may authorize the payment of a per diem of not to exceed \$10 to each member of such board of regents in attendance at a regular or special meeting of such board of regents. In addition, members of said board of regents may be allowed such actual expenses as may be incurred by them in performing their duties as may be authorized and allowed by the board of regents, provided, that per diem payments may not be made in addition to payments for actual expenses.

[Acts 1969, 61st Leg., p. 3012, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3303, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.100. Powers of Board

The said board of regents shall have all the power and duties in respect of the business and affairs of the regional college district as provided by law in respect of the board of trustees of junior college districts, and such other powers as herein provided and as may be hereafter provided by law.

[Acts 1969, 61st Leg., p. 3012, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3303, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.101. Annexation of Contiguous County or Independent Districts

(a) The entire area of any county located in Texas, the county seat of which is located at least 90 miles by the then direct regularly traveled road or highway from the county seat of any county containing a state-supported senior college or university, or the area of any one or more independent school districts of a county in Texas who meets the requirements above, may be annexed to, and assume its pro rata part of the bonded indebtedness of said regional college district, in the manner herein provided. A petition of 100 of the property taxpaying voters of any such county or of any such independent school district, proposing that the entire area of such county, or of such independent school district, as the case may be, be annexed to, and that such countywide area or such district area assume its pro rata part of the bonded indebtedness

of said regional college district, may be submitted to the board of regents of such regional college district. If the said board of regents determines that it would be to the interest of said regional college district and of the area proposed to be annexed, that such annexation be accomplished, said board of regents shall adopt a resolution so finding, and said petition and certified copy of said resolution shall be submitted to the commissioners court of said county, and it shall be the duty of said commissioners court, within 15 days after the presentation of such petition any copy of such resolution, to order an election to be held in said county at large, or in such school district, or districts, as the case may be, for the purpose of determining if the area of said county, or the area of such school district, or districts, shall be annexed to said regional college district, and assume its pro rata part of the bonded indebtedness of said regional college district; said election to be held not earlier than 60 days nor later than 90 days after passage of such order. The ballots at said election shall be printed to provide for voting for or against the proposition: "Annexation to be the regional college district and assumption of pro rata part of its bonded indebtedness." The name of such district shall be inserted in the proposition.

(b) Said commissioners court shall designate the polling place of said election and appoint the officers thereof, and furnish the supplies therefor. Said election shall be conducted in accordance with the general election laws of Texas, insofar as applicable. Returns of said election shall be made to said commissioners court and canvassed by said court.

(c) If the majority of the votes cast at such election are in favor of said proposition, such fact shall be certified by the commissioners court to the board of regents of said regional college district, and the entire area of said county, or of said school district, or districts, as the case may be, shall be deemed to have been annexed to and shall be a part of said regional college district and shall be subject to taxation for the payment of the existing bonded indebtedness and the maintenance of said regional college district the same as other property in the area of said regional college district.

(d) In the event an entire county is so annexed, the commissioners court of such county shall forthwith appoint a regent or regents for said college from the county in accordance with the number of regents allowed as hereinabove provided. All such regents shall, before entering upon the duties of their offices, take the oath as herein prescribed for regents. Such appointment shall be certified by the clerk of the commissioners court to the board of regents of said college district. At the first meeting of the board of regents after the appointment and qualification of regents from such annexed county, the regents shall determine by lot in the manner provided by the board of regents, their term of office. Thereafter, successors to the regents

from said annexed county shall be elected in the manner provided for other counties in said district.

(e) In the event the area of one or more independent school districts of a county, instead of the entire county, is annexed to said regional college district, said annexed territory shall be entitled to the number of regents as they may qualify for in terms of scholastics and tax values. Immediately after such annexation the commissioners court of the county in which such area is situated shall appoint from said area, the number of regents to which such area is entitled. This regent or regents as the case may be, so appointed, shall hold office until the expiration of the term of office of the regents of said county of which they are a part. At the expiration of the term of each regent from such annexed territory his successor shall be elected at an election to be held in the annexed area, to be called by the board of regents, which shall designate the polling place or places, the officers of the election, provide the supplies therefor and pay the expenses thereof.

[Acts 1969, 61st Leg., p. 3012, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3303, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.102. Taxes

The tax assessors and collectors of the county or respective counties containing territory embraced within the boundaries of such regional college district shall assess and collect the taxes of said college district on the taxable property in the territory of said district located in said county or respective counties on levies made and rates fixed by the board of regents of said district.

[Acts 1969, 61st Leg., p. 3014, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3304, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971; Acts 1979, 66th Leg., p. 2317, ch. 841, § 4(k), eff. Jan. 1, 1982.]

§ 130.103. President of College

The board of regents shall choose the president of the regional college, fix his term of office, designate his salary, and define his duties. The president shall be the executive officer of the board of regents and shall work under its direction. He shall recommend the plan of organization of the college and shall recommend the appointment of all employees.

[Acts 1969, 61st Leg., p. 3014, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3305, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.104. Establishment of College; Divisions; Support

(a) The board of regents shall proceed as soon as practicable to establish a regional college in said regional college district, which shall consist of three divisions, as follows:

- (1) a junior college division, which shall operate under all laws applicable to public junior colleges in Texas;

(2) an adult education division for adults regardless of age or former education for:

(A) basic education to emphasize citizenship, English, and training in elemental mathematics and science;

(B) terminal, vocational, and technological education and training in their generally accepted sense;

(C) work and study groups based on needs and interests as displayed by the residents of the area served by the regional college. The adult education division shall emphasize continuation of education of adults with emphasis upon democracy and citizenship;

(3) a senior college division which shall be guided by educational practices and principles applicable to upper division work in first-class colleges and universities; provided that any bachelor's degree shall be based on four years of college work and that any higher degree with appropriate courses may be offered when in the judgment of the board of regents, the educational welfare of the people served by the college demands and justifies such work and such courses. All of which shall be organized and blended into an educational program by the president of the college and his staff.

(b) It is understood and provided that no funds shall ever be appropriated from the treasury of the State of Texas or public money of this state for the support or partial support by the Legislature of Texas of any adult and senior college divisions of such regional colleges created under the provisions of this act, provided, however, that nothing herein contained shall in any manner prevent or interfere with the provisions of law now or hereafter existing authorizing state aid to the junior college divisions of such regional college districts in the same manner and to the same extent as that granted to junior college districts.

[Acts 1969, 61st Leg., p. 3014, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3305, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.105. Buildings, Property and Resources of Junior College District; Fees and Tuition; Tax Levy; Bonds

(a) All buildings, property, and other educational resources of the public junior college district at the time of said merger shall be available for all divisions of the regional college in accordance with the laws of Texas governing public junior college districts and as determined by the board of regents of the regional college district. The board of regents shall have the power to fix such fees and tuition rates as shall be deemed to be necessary. In addition, the board of regents shall have the power to levy taxes and make such distribution of such taxes as it may deem necessary for the adequate support of said college; provided that the total annual tax levy for all regional college purposes shall not exceed a rate of 50 cents on each \$100 of assessed

valuation of taxable property located in such regional college district. All powers relating to the issuance of bonds, the construction or acquisition of buildings and facilities, taxation, and otherwise, vested by law in public junior college districts shall be applicable to said regional college district, subject, however, to the limitation of 50 cents on each \$100 of valuation above mentioned.

(b) All bonds and notes issued pursuant to the authority herein granted shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, and insurance companies. Such bonds and notes shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and such bonds and notes shall be lawful and sufficient security for said deposits to the extent of the principal amount thereof, or their value on the market, whichever is the lesser, when accompanied by all unmatured coupons appurtenant thereto.

[Acts 1969, 61st Leg., p. 3015, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3306, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.106. Donations, Gifts, and Endowments

Said board of regents is authorized, in behalf of said regional college, to accept donations, gifts, and endowments for the college to be held in trust and administered by the board of regents for such purpose and under writing by the donor, not inconsistent with the proper management and objects of the college.

[Acts 1969, 61st Leg., p. 3016, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3306, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.107. Power of Eminent Domain

(a) The power of eminent domain is hereby conferred on regional college districts, for the purpose of acquiring buildings, lands for building or campus sites, or other property determined by the boards of regents of such districts to be needed to carry out the authorized functions of such districts.

(b) Said power of eminent domain shall be exercised in the manner provided by Title 52 of the Revised Civil Statutes of Texas, 1925.¹

[Acts 1969, 61st Leg., p. 3016, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3306, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

¹ Civil Statutes, art. 3264 et seq. (generally repealed; see, now, Property Code, § 21.001 et seq.)

§ 130.108. Delinquent Taxes after Transfer of Assets

Any regional college district which has conveyed all, or substantially all, of its property and assets to a state-supported senior college or university locat-

ed in such regional college district and which regional college district has no outstanding bonded indebtedness is hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said regional college district shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The tax assessor and collector of the county in which said regional college district is located shall cause all delinquent and uncollected taxes of said regional college district to be collected in accordance with the general laws applicable to regional college districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this act may be used by it for any lawful purpose.

[Acts 1969, 61st Leg., p. 3016, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3306, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.109. Transfer of Assets of Certain Regional College Districts

All regional college districts which have been converted to fully state-supported institutions of higher learning are hereby authorized to transfer all assets of such districts, real, personal, tangible, or intangible to the governing boards of such institutions provided that each such governing board shall continue the payment of all notes and bonds payable from revenues theretofore issued by such districts and each county in which any such regional college district is located continues to levy and collect taxes in support of all tax obligations theretofore authorized and issued by such district.

[Acts 1969, 61st Leg., p. 3016, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3307, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 130.110 to 130.120 reserved
for expansion]

SUBCHAPTER G. FISCAL PROVISIONS

§ 130.121. Tax Assessment and Collection

(a) The governing board of each junior college district, and each regional college district, for and on behalf of its junior college division, annually shall cause the taxable property in its district to be assessed for ad valorem taxation and the ad valorem taxes in the district to be collected, in accordance with any one of the methods set forth in this section, and any method adopted shall remain in effect until changed by the board.

(b) Each governing board shall be authorized to have the taxable property in its district assessed and/or its taxes collected, in whole or in part, by the tax assessors and/or tax collectors, respectively, of any county, city, taxing district, or other governmental subdivision in which all or any part of the junior college district is located.

(c) The governing board of a joint county junior college district shall be authorized to have the taxable property in its district assessed or its taxes collected, in whole or in part, by the tax assessors or tax collectors, respectively, of any county, city, taxing district, or other governmental subdivision in which all or any part of the joint county junior college district is located. The tax assessors or tax collectors of a governmental subdivision, on the request of the governing board of a joint county junior college district, shall assess and collect the taxes of the joint county junior college district in the manner prescribed in the Property Tax Code. Tax assessors and tax collectors shall receive compensation in an amount agreed on between the appropriate parties, but not to exceed two percent of the ad valorem taxes assessed.

[Acts 1969, 61st Leg., p. 3016, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3307, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971; Acts 1977, 65th Leg., p. 563, ch. 198, § 1, eff. May 20, 1977; Acts 1979, 66th Leg., p. 2317, ch. 841, § 4(k), eff. Jan. 1, 1982.]

§ 130.122. Tax Bonds and Maintenance Tax

(a) The governing board of each junior college district, and each regional college district for and on behalf of its junior college division, shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, and to levy annual ad valorem taxes for the further maintenance of its public junior college or junior colleges; provided that the annual bond tax shall never exceed 50 cents on the \$100 valuation of taxable property in the district, and the annual bond tax, if any, together with the annual maintenance tax shall never exceed the aggregate of \$1 on the \$100 valuation of taxable property in the district. Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said bonds, and the interest coupons appertaining thereto, shall be negotiable instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

(b) No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the electors voting at an election held for such purpose in accordance with law, at the expense of the district. Each such election shall be called by resolution or order of the board, which shall set forth the date of the election, the proposition or propositions to be submitted and voted on,

the polling place or places, and any other matters deemed necessary or advisable by the board. Notice of said election shall be given by publishing a substantial copy of the election resolution or order one time, at least 10 days prior to the date set for the election, in a newspaper of general circulation in the district. The board shall canvass the returns and declare the results of such election.

(c) The governing board of each junior college district, and each regional college district, shall be authorized to refund or refinance all or any part of any of its outstanding bonds and matured but unpaid interest coupons payable from ad valorem taxes by the issuance of negotiable coupon refunding bonds payable from ad valorem taxes. Said refunding bonds shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said refunding bonds may be issued without an election in connection therewith, provided that in no event shall any series or issue of refunding bonds be issued in a principal amount greater than the face or par value of the obligations being refunded thereby, and provided that if a maximum interest rate was voted for the bonds being refunded, the refunding bonds shall not bear interest at a rate higher than such voted maximum rate. Said refunding bonds, and the interest coupons appurtenant thereto, shall be negotiable instruments and they may be made redeemable prior to maturity, and may be issued in such form, denomination, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said refunding bonds. The refunding bonds shall be issued and delivered in lieu of, and upon surrender to the Comptroller of Public Accounts of the State of Texas and cancellation of, the obligations being refunded thereby, and the comptroller of public accounts shall register the refunding bonds and deliver the same in accordance with the provisions of the resolution or order authorizing the refunding bonds. Such refunding may be accomplished in one or in several installment deliveries. Said refunding bonds also may be issued and delivered in accordance with the provisions of and procedures authorized by any other applicable law.

(d) All bonds issued pursuant to this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(e) All bonds issued pursuant to this section shall be legal and authorized investments for all banks,

trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

(f) Each junior college district, and each regional college district (with reference to the operation and maintenance of its junior college division) heretofore or hereafter created pursuant to the laws of this state, is hereby declared to be, and constituted as, a school district within the meaning of Article VII, Section 3, of the Texas Constitution.

(g) All tax bonds voted in any district in accordance with law but unissued at the effective date of this code may be issued in the manner provided in this section, without an additional election; and all maintenance taxes heretofore voted in any district in accordance with law may be levied and collected in the manner provided in this act, without an additional election.

[Acts 1969, 61st Leg., p. 3017, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3308, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.123. Revenue Bonds

(a) The governing board (hereinafter called the "board") of each junior college district and each regional college district shall be authorized and have the power to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, operations, or facilities, of any nature, for and on behalf of its institution or institutions.

(b) For the purpose of carrying out any one or more of the aforesaid powers each board shall be authorized to issue its revenue bonds to be payable from and secured by liens on and pledges of all or any part of any of the revenues from any rentals, rates, charges, fees, or other resources of such board, in the manner hereinafter provided. Said bonds may be issued to mature serially or otherwise not more than 50 years from their date. In the authorization of any such bonds, each board may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other types of bonds, under such terms or conditions as may be set forth in the resolution or order authorizing the issuance of said bonds, all within the discretion of the board. Said bonds, and any interest

coupons appertaining thereto, shall be negotiable instruments (provided that such bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rate or rates, as shall be determined and provided by the board in the resolution or order, authorizing the issuance of said bonds. If so permitted in the bond resolution, and required part of the proceeds from the sale of the bonds may be used for paying interest thereon during the period of the construction of any facilities to be provided through the issuance of said bonds, and for the payment of operation and maintenance expenses of said facilities to the extent, and for the period of time, specified in said bond resolution, and also for the creation of reserves for the payment of the principal of and interest on the bonds; and such moneys be invested, until needed, to the extent, and in the manner provided, in said bond resolution or order.

(c) Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use and/or availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and in such manner as may be determined by such board.

(d) Each board shall be authorized to pledge all or any part of any of its revenues from any of the aforesaid rentals, rates, charges, and/or fees to the payment of any bonds issued hereunder, including the payment of principal, interest, and any other amounts required or permitted in connection with said bonds. When any of the revenues from any such rentals, rates, charges, and/or fees are pledged to the payment of bonds, they shall be fixed and collected in such amounts as will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with said bonds, and, to the extent required by the resolution or order authorizing the issuance of said bonds, to provide for the payment of operation, maintenance, and other expenses. Each board shall be authorized to establish and enforce such parietal rules for students and others, and to enter into such agreements regarding occupancy, use, and availability, and the amounts and collection of pledged revenues, fees, or other resources as will assure making all said required payments. Fees for the use or availability of all or any property, buildings, structures, activities, operations, or facilities, of any nature, may be pledged to the payment of said bonds, and shall be fixed and collected from all or any designated part of the students enrolled in the institution or institutions, in such amounts and in such manner as shall be determined and provided by the

board in the resolution or order authorizing the issuance of the bonds, and said fees may be collected in the full amounts required or permitted herein, without regard to actual use or availability, commencing at any time designated by the board. Said fees may be fixed and collected for the use or availability of any specifically described property, buildings, structures, activities, operations, or facilities, of any nature; or said fees may be fixed and collected as general fees for the general use or availability of the institution or institutions. Such specific and/or general fees may be fixed and collected and pledged to the payment of any issue or series of bonds issued hereunder, in the full amounts required or permitted herein, in addition to, and regardless of the existence of, any other specific or general fees at the institution or institutions; provided that each board may restrict its power to pledge such additional specific or general fees in any manner that may be provided in the resolution or order authorizing the issuance of any bonds issued hereunder, and provided that no such additional specific fees shall be pledged if prohibited by any resolution or order which authorized the issuance of any then outstanding bonds issued pursuant to any Texas statute.

(e) In addition to the revenues, fees, and other resources authorized to be pledged to the payment of bonds issued hereunder, each board further shall be authorized to pledge irrevocably to such payment, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, an amount not exceeding \$15 from each enrolled student for each regular semester and \$7.50 from each enrolled student for each summer term, and each board also shall be authorized to pledge to such payment all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise.

(f) Any revenue bonds issued by any such board under this act, and any revenue bonds or notes issued by any such board under any other Texas statute and payable from tuition fees and charges and/or any part of the use fees from or revenues of any property, buildings, structures, activities, operations, or facilities at the institution or institutions, may be refunded or otherwise refinanced by such governing board, and in such case all pertinent and appropriate provisions of this section shall be fully applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds or notes the governing board may, in the same authorizing proceedings, refund or refinance bonds issued pursuant to this section and bonds or notes issued pursuant to any other such Texas statute and combine all said refunding bonds and any other additional new bonds to be issued pursuant to this section into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds,

or other type of bonds. All refunding bonds shall be issued and delivered under such terms and conditions as may be set forth in the authorizing proceedings.

(g) All bonds permitted to be issued under this section, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

(h) All bonds issued under this section shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmaturing interest coupons appurtenant thereto.

(i) All revenue bonds heretofore approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas which were issued, sold, and delivered by any board, and which are payable from or secured by a pledge of any revenues, use fees, tuition, or other resources of such board, are hereby validated in all respects, together with all proceedings authorizing the issuance thereof, and said bonds and proceedings shall be valid as though they had been duly and legally issued and authorized originally.

[Acts 1969, 61st Leg., p. 3019, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3310, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.124. Use of Student Fees in Construction

(a) A junior college district facility constructed with student fees may be used only for junior college purposes.

(b) Student fees may not be used for construction, repair, or rehabilitation of a community center or junior college district auxiliary enterprise unless

the enterprise serves as a student center or dormitory.

[Acts 1983, 68th Leg., p. 1696, ch. 319, § 2, eff. June 16, 1983.]

[Sections 130.125 to 130.130 reserved for expansion]

SUBCHAPTER H. TRANSFER OF ASSETS ON DISSOLUTION OF DISTRICTS

§ 130.131. Dissolution and Transfer of Property Upon Creation of Senior College

(a) Whenever the legislature shall create within the boundary of any union junior college district a state-supported senior college of the first rank offering at least four years of college work, and whenever such union junior college district has been dissolved in the manner provided for in Sections 19.361-19.364 of this code, which said method of dissolution of such district is hereby authorized, the trustees of such union junior college district shall transfer the corporeal properties and facilities of such union junior college district to such state-supported senior college, and such trustees, after such dissolution and transfer of properties of such district, shall not further maintain a junior college and shall function only for the purpose of carrying out the provisions of this section and shall have no authority to create any additional indebtedness against such district, and when the bonded indebtedness of such district has been fully paid, such union junior college district shall cease to exist; provided that in the order calling such election and in the notice thereof, the authorities calling such election shall designate the date when such district shall be dissolved and such transfer shall be made, which date shall be within two years from the date of the election, and on or prior to said date.

(b) When any union junior college district has been dissolved and its properties transferred as provided in Subsection (a) of this section, or in any other lawful manner, having at the time of such dissolution outstanding bonds or other indebtedness enforceable either at law or in equity, then the county commissioners court, for the purpose of paying such bonds, or other indebtedness, shall have power and be authorized to annually levy and collect ad valorem taxes sufficient only to pay the interest and create a sinking fund to retire the bonded indebtedness of such district, and the expense of collecting such taxes and paying such bonded indebtedness, and for no other purpose; provided such tax shall not exceed the rate voted by such district for junior college purposes; said county commissioners court shall have power to bring and defend litigation in the name of said union junior college district.

[Acts 1969, 61st Leg., p. 3022, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3313, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.132. Abolition of Junior College Districts

(a) The term "applicable district," as used in this section, shall mean any junior college district which has conveyed all, or substantially all, of its property and assets to a state-supported senior college or university located in such junior college district, and which junior college district has no outstanding bonded indebtedness.

(b) All applicable districts and their governing boards are hereby abolished and shall cease to exist and function; provided, however, that all delinquent and uncollected taxes in said applicable districts shall not hereby be discharged, but shall be and remain fully due, payable and collectible. The persons formerly acting as the governing board and officers of each applicable district shall turn over all remaining property and assets of said applicable district, including all tax collections on hand, directly to the state-supported senior college or university located therein. The governing board of the independent school district in which any such state-supported senior college or university is located shall, for and on behalf of any such applicable district, cause, through its tax collector and other officers, all delinquent and uncollected taxes of any such applicable district to be collected in accordance with the general laws applicable to independent school districts. All of said taxes, as collected, shall be turned over to any such state-supported senior college or university. All taxes turned over to any such state-supported senior college or university in accordance with this section may be used by it for any lawful purpose.

[Acts 1969, 61st Leg., p. 3022, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3313, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 130.133. Transfer of Properties of County Junior College Districts after Creation of Senior College

(a) Whenever the legislature has created or shall create within the boundaries of any county junior college district a state-supported senior college offering at least four years college work upon the condition that the board of trustees of said county junior college district shall convey all of the assets, real, personal, tangible, and intangible held in its name as of the date fixed for the establishment of said senior college and containing the other provision that said properties shall be conveyed to the governing body of the senior college free and clear of any indebtedness or indebtednesses, encumbrance or encumbrances of any kind or character and of whatsoever nature, the board of trustees of said county junior college district is hereby fully authorized and empowered to convey to the governing body of the senior college all of such assets, real, personal, tangible, and intangible held by it on the date fixed for such conveyance in the act creating such senior college, except moneys on hand for the payment of outstanding obligations of the district.

(b) From and after the conveyance of the properties of said county junior college district to the governing body of said senior college, the county junior college district shall not further maintain a junior college and shall function only for the purpose of carrying out the provisions of this section.

(c) Where such county junior college district had or has outstanding tax obligations in the nature of bonds or other indebtedness, the board of trustees of said county junior college district shall continue to make the necessary tax levies annually for the purpose of paying necessary administrative expenses of the board of trustees and paying off and discharging such bonded or other indebtedness, both principal and interest, until all of the same has been fully paid off and discharged.

(d) Where said county junior college district has outstanding any bonds payable from the revenues from any building or buildings which revenue bonds constitute an encumbrance upon the income of such building or buildings, the board of trustees of the county junior college district is hereby authorized to issue bonds of said county junior college district payable from ad valorem taxes of said district and to sell such tax-supported bonds and pay off such revenue bonds or to exchange such tax-supported bonds for said revenue bonds. No such tax-supported bonds shall be issued, however, until authorized at an election held for that purpose and at which election a majority voting thereon shall have voted in favor of the issuance of said bonds.

(e) The board of trustees of the county junior college district is hereby authorized to perform all acts necessary toward the final discharge of all the indebtedness of said county junior college district and to perform all necessary administrative acts in connection therewith. Said board of trustees is specifically authorized to continue to levy and collect sufficient taxes annually within the limits prescribed by law and authorized by the required election for the purpose of discharging the principal and interest on all outstanding bonded and other indebtedness, including the repayment of any temporary loans which said board may find necessary to obtain in order to pay all current operating expenses of the junior college up to the date of the conveyance of the properties until all such obligations have been fully discharged, and such temporary loans are hereby authorized, and such temporary loans heretofore obtained are hereby ratified and validated.

[Acts 1969, 61st Leg., p. 3023, ch. 889, § 1. Amended by Acts 1971, 62nd Leg., p. 3314, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

SUBCHAPTER I. EDUCATIONAL OPPORTUNITIES FOR DISADVANTAGED STUDENTS**§ 130.151. Purpose**

It is the purpose of this subchapter to enable each junior college which fulfills the provisions of this subchapter to provide useful and meaningful educa-

tional programs for any person 17 years of age or older with a high school diploma or its equivalent, or for any person 18 years of age regardless of prior educational experience, cultural background, or economic resources.

[Acts 1973, 63rd Leg., p. 570, ch. 243, § 1, eff. June 11, 1973.]

§ 130.152. Criteria for Programs for the Disadvantaged

A junior college may develop programs to serve persons from backgrounds of economic or educational deprivation by submission of a plan based on the following criteria to the Coordinating Board, Texas College and University System;

(1) an instructional program that accommodates the different learning rates of students and compensates for prior economic and educational deprivation;

(2) an unrestricted admissions policy allowing the enrollment of any person 18 years of age or older with a high school diploma or its equivalent who can reasonably be expected to benefit from instruction;

(3) the assurance that all students, regardless of their differing programs of study, will be considered, known, and recognized as full members of the student body, provided that the administrative officers of a junior college may deny admission to a prospective student or attendance of an enrolled student if, in their judgment, he would not be competent to benefit from a program of the college, or would by his presence or conduct create a disruptive atmosphere within the college not consistent with the statutory purposes of the college;

(4) the submission of a plan for a financial aid program which removes to the maximum extent possible the financial barriers to the educational aspirations of the citizens of this state;

(5) an annual evaluation report based on scientific methods and utilizing control groups wherever possible to be submitted to the coordinating board at the end of each school year, covering each remedial-compensatory course or program offered at the college;

(6) any other criteria consistent with the provisions of this subchapter specified by the coordinating board; and

(7) a junior college must obtain approval of the Coordinating Board, Texas College and University System, before offering any courses under the provisions of this Act.

[Acts 1973, 63rd Leg., p. 570, ch. 243, § 1, eff. June 11, 1973.]

CHAPTER 131. SOUTHWEST COLLEGIATE INSTITUTE FOR THE DEAF

- Sec.
131.001. Southwest Collegiate Institute for the Deaf.
131.002. Administration.

- Sec.
131.003. Location.
131.004. Courses, Programs, and Services.
131.005. Tuition.
131.006. Appropriations; Grants.

§ 131.001. Southwest Collegiate Institute for the Deaf

The Southwest Collegiate Institute for the Deaf is a postsecondary educational institution providing instruction for hearing-impaired students preparing for a career or for enrollment in a senior college or university.

[Acts 1981, 67th Leg., p. 366, ch. 149, § 1, eff. May 14, 1981.]

§ 131.002. Administration

(a) The institute is under the direct control and management of the board of trustees of the Howard Junior College District.

(b) The institute and its programs shall be administered by personnel who are trained and qualified to work with hearing-impaired students and are fluent in manual communication skills.

[Acts 1981, 67th Leg., p. 366, ch. 149, § 1, eff. May 14, 1981.]

§ 131.003. Location

The institute is located on land deeded to the governing board by the federal Department of Education for the purpose of operating the institute. The governing board may not conduct regular junior college programs for students with unimpaired hearing on the institute campus except as an integral part of the program offered to hearing-impaired students when:

- (1) it is educationally appropriate to enroll hearing students in classes for the hearing-impaired; or
- (2) special programs are needed to train hearing and hearing-impaired persons to become professional service providers for the deaf.

[Acts 1981, 67th Leg., p. 366, ch. 149, § 1, eff. May 14, 1981.]

§ 131.004. Courses, Programs, and Services

(a) The institute shall offer, but is not limited to offering, the following courses, programs, and services for hearing-impaired post-secondary students:

- (1) learning development services, including academic counseling, tutorial services, reading instruction, services to counter learning disabilities, and library-related services;
- (2) communications services, including interpreters for academic and nonacademic functions, speech therapy, and auditory evaluation and training;
- (3) academic college preparatory courses;
- (4) career analysis services designed to assist each student in identifying a career interest, con-

sidering the student's aptitudes, abilities, and skills;

(5) regular college courses, including vocational and technical education and liberal arts courses;

(6) extracurricular activities, including intramural athletics; and

(7) postgraduation services, including job placement services and services designed to orient employers to hearing-impaired workers.

(b) The course work offered by the institute shall emphasize self-contained classrooms with instruction conducted by instructors who are trained and qualified to work with hearing-impaired students and are fluent in manual communication skills. Hearing-impaired students may enroll in integrated classes that are regular classes offered to students with unimpaired hearing enrolled in the junior college.

(c) The programs, services, and facilities of the institute shall be designed to be appropriate to the needs of hearing-impaired students.

[Acts 1981, 67th Leg., p. 366, ch. 149, § 1, eff. May 14, 1981.]

§ 131.005. Tuition

(a) A Texas resident student enrolled in the institute shall pay tuition at the rate provided by law for enrollment at Howard County Junior College and is not exempt from tuition fees under Section 54.205 of this code.

(b) A student who is not a resident of Texas shall pay tuition at a rate adopted by the board of trustees in accordance with this subsection. Before July 1, of each year, the Coordinating Board, Texas College and University System, shall determine and report to the trustees the estimated average cost to the institute, not including room and board, of educating a student during the academic year beginning the next fall. Based on that estimate, the trustees shall adopt a nonresident tuition rate for the academic year that will result in the institute collecting tuition from each student in an amount approximately equal to the cost of educating the student.

[Acts 1981, 67th Leg., p. 366, ch. 149, § 1, eff. May 14, 1981.]

§ 131.006. Appropriations; Grants

(a) The governing board of the institute may receive appropriations for the institute's operations only if the board operates the institute in compliance with this chapter.

(b) The board may accept gifts, grants, or donations of money or property given to the institute for the institute's exclusive use in carrying out the purposes of this subchapter.

[Acts 1981, 67th Leg., p. 366, ch. 149, § 1, eff. May 14, 1981.]

[Chapters 132 to 134 reserved for expansion]

CHAPTER 135. TEXAS STATE TECHNICAL INSTITUTE

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SUBCHAPTER A. GENERAL PROVISIONS

§ 135.01. Purpose of Institute

Texas State Technical Institute is a coeducational institution offering courses of study in vocational and vocational-technical education for which there is demand within the State of Texas.

[Acts 1971, 62nd Leg., p. 3316, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.02. Location

(a) The Texas State Technical Institute shall be located on only four campuses in McLennan, Cameron, Potter and Nolan counties.

(b) The main campus of the institute shall be located at Waco.

(c) The board may accept or acquire by purchase in the name of the State of Texas land and facilities in Cameron County, Potter County and Nolan County, subject to the approval of the governor.

(d) Except as otherwise provided by this chapter, all other campus locations to be operated by the institute system require legislative approval.

[Acts 1971, 62nd Leg., p. 3316, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1971, 62nd Leg., p. 3341, ch. 1024, art. 2, § 10, eff. Sept. 1, 1971.]

§ 135.03. Role and Scope of Institute

(a) 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 shall be subject to the approval of the State Board of Vocational Education. Related academic instruction is subject to the approval of the Coordinating Board, Texas College and University System.

(b) The institute shall provide training programs for technical teachers, counselors, and supervisors which shall be subject to prior and continuing approval of the State Board of Vocational Education.

(c) 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.

[Acts 1971, 62nd Leg., p. 3316, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.04. Approval of Programs

(a) Educational programs wholly or partially financed from state funds are subject to the prior approval 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 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 State Board of Vocational Education.

[Acts 1971, 62nd Leg., p. 3316, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.05. Interpreters for the Deaf

(a) The institute shall provide qualified interpreters for deaf students in attendance at each campus. In order to be qualified, an interpreter must:

- (1) be capable of giving verbatim translation of the spoken word through finger spelling, the language of signs, and speaking without voice;

- (2) be capable of reverse interpretation from the language of signs to the spoken word;

- (3) be a member of the Texas Society of Interpreters for the Deaf; and

- (4) hold a Comprehensive Skills Certificate from the National Registry of Interpreters for the Deaf.

(b) The institute shall also provide equipment, materials, and services, including tutoring, counseling, and other support services, necessary for the deaf student to take full advantage of existing educational programs.

[Acts 1977, 65th Leg., p. 1034, ch. 379, § 1, eff. Aug. 29, 1977.]

§ 135.06. Extension Program

(a) Texas State Technical Institute is authorized to provide extension programs of training in the fields of Vocational-Technical Education as temporary programs to address current unemployment problems.

(b) The institute is authorized to accept in the name of the State of Texas personal properties, free and clear of any restrictions on use and disposal of said property. The institute shall not be authorized by this section to establish permanent programs or campuses.

(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.

(d) The institute may enter into contracts with existing political subdivisions, state agencies, state institutions, or federal agencies, to carry out the extension program.

(e) The extension program shall be limited to the needs for Vocational-Technical Training in the area being served.

(f) The extension program shall not be limited by the provisions of Section 135.02 of this code.

[Acts 1983, 68th Leg., p. 4527, ch. 742, § 1, eff. Aug. 29, 1983.]

[Sections 135.07 to 135.20 reserved for expansion]

SUBCHAPTER B. BOARD OF REGENTS;
ADMINISTRATIVE PROVISIONS

§ 135.21. Board of Regents

The organization and control of the institute is vested in a board of nine regents.

[Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.22. Appointment of Board

The governor shall appoint members of the board with the advice and consent of the senate. In appointing members of the board the governor shall include persons representing agriculture, business, industry, and labor. Each member of the board

shall be a citizen of Texas and shall take the constitutional oath of office.

[Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.23. Terms of Office

The term of office of each regent is six years. In making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years. Any vacancy that occurs on the board is filled for the unexpired term by appointment of the governor.

[Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.24. Organization; Bylaws

The board shall elect one of the members chairman; elect other officers as it deems necessary; and enact bylaws, rules, and regulations as it deems necessary for the successful management and operation of the institute.

[Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.25. Meetings

The board shall meet as prescribed by its bylaws, but not less than six times annually.

[Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.26. Compensation

Members of the board may not receive salary or compensation for their services, but they may receive reimbursement for their actual expenses incurred in attending to the work of the board, subject to the approval of the chairman.

[Acts 1971, 62nd Leg., p. 3317, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

[Sections 135.27 to 135.50 reserved for expansion]

SUBCHAPTER C. BOARD OF REGENTS; POWERS AND DUTIES

§ 135.51. Certificates and Diplomas

The board shall prescribe and award certificates and diplomas limited to those common to technical education.

[Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.52. Fees and Tuition

The board may collect tuition and registration fees authorized by law.

[Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.53. Nonresident Fee Exemptions

The board may enter into cooperative agreements which exempt technical students from nonresident

fees when there are reciprocal privileges granted to Texas residents.

[Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.54. Contracts

The board may contract with individuals, federal, state, and local agencies and departments, corporations, and associations to provide educational programs designed to meet the need for trained personnel in Texas.

[Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.55. Suits; Venue

The board may sue, and may be sued, in the name of the Texas State Technical Institute, with venue being in either McLennan County or Travis County.

[Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.56. Disposition of Properties; Bonds and Notes; Pledge of Revenue

(a) The board may lease, sell, transfer, or exchange land and permanent improvements of the institute or any other properties it may acquire which the board determines are not necessary for the establishment or operation of the institute.

(b) The board may irrevocably pledge the fees, charges, revenues, and the proceeds of the lease, sale, transfer, or exchange of or from the buildings, land, structures, and the additions to the existing buildings and structures authorized to be constructed, improved, or equipped and to pledge the revenue of the proceeds of the lease, sale, transfer, or exchange of or from any other revenue-producing buildings, structures, facilities, and other property to the payment of the interest on and the principal of bonds authorized to be issued by Chapter 55 of this code, and to enter into agreements regarding the imposition of fees, charges, and other revenue and the collection, pledge, and disposition as the board deems appropriate. However, where land and improvements on the land, the revenue of which has been pledged to pay bonds, are to be sold, the sale is conditioned on the deposit by the board of the proceeds of the sale to the sinking fund created by the bond order of the issuing authority.

(c) All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the board for the establishment or operation of the institute.

(d) The bonds authorized to be issued under Chapter 55 of this code are special obligations of the board issuing the bonds and are payable only from a pledge of the fees, charges, and other revenues authorized by this section and from the proceeds of the lease, sale, transfer, or exchange of land and improvements on the land the revenue of which is

pledged to secure the payment of interest on and principal of the bonds.

(e) The board, in addition to the authority already provided, may issue revenue bonds for the purposes authorized and in the manner prescribed and under the terms and conditions set forth in Chapter 55 of this code.

[Acts 1971, 62nd Leg., p. 3318, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.57. Insurance

The board may procure the property and liability insurance coverages required by the United States to protect it and its agencies against the possibility of loss or liability in connection with property owned by the United States and loaned to the institute pursuant to the provisions of the National Industrial Reserve Act of 1948, 50 U.S.C. Secs. 451-462.

[Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.58. Workmen's Compensation Insurance

The board may provide workmen's compensation insurance for its employees according to the provisions of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes).

[Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

§ 135.59. Contracts with Baylor University

The board may enter into any contracts and agreements with Baylor University for joint participation in graduate programs that may be designed to benefit the State of Texas.

[Acts 1971, 62nd Leg., p. 3319, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

TITLE 4. COMPACTS

Title 4 consisting of Chapters 160 and 161 was added to the Education Code by Acts 1971, 62nd Leg., p. 3014, ch. 994, § 15, effective August 30, 1971 and September 1, 1967, respectively.

CHAPTER 160. REGIONAL EDUCATION COMPACT

- Sec. 160.01. State Policy.
- 160.02. Text of Compact.
- 160.03. Compact Approved.
- 160.04. Governor as Representative.
- 160.041. Application of Sunset Act.
- 160.05. Enrolled Copies.
- 160.06. Consent to Increased Membership.
- 160.07. Academic Common Market.

§ 160.01. State Policy

It is declared to be the policy of the State of Texas to promote the development and maintenance

of regional educational services and facilities in the Southern States in the professional, technological, scientific, literary, and other fields so as to provide greater educational advantages for the citizens of the State of Texas and the citizens of the States in the Southern Region. This policy can best be accomplished under the plan embodied in the regional compact entered into by the State of Texas and thirteen other States February 8, 1948, through their respective Governors.

[Acts 1971, 62nd Leg., p. 3014, ch. 994, § 15, eff. Aug. 30, 1971.]

§ 160.02. Text of Compact

The regional education compact, as amended, reads as follows:

THE REGIONAL COMPACT

(As amended)

WHEREAS, The States who are parties hereto have during the past several years, conducted careful investigation looking toward the establishment and maintenance of jointly owned and operated regional educational institutions in the Southern States in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens of the several States who reside within such region; and

WHEREAS, Meharry Medical College of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment be turned over to the Southern States, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing education upon terms and conditions to be hereafter agreed upon between the Southern States and Meharry Medical College; which proposal, because of the present financial condition of the institution has been approved by the said States who are parties hereto; and

WHEREAS, The said States desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities; now,

THEREFORE, In consideration of the mutual agreements, covenants and obligations assumed by the respective States who are parties hereto (hereinafter referred to as "States"), the said several States do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting States, which, for the purpose of this Compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent States and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions, for the benefit of citizens of the respective States residing within the region so established, as may be determined

from time to time in accordance with the terms and provisions of this Compact.

The States do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the "Board"), the members of which Board shall consist of the Governor of each State, ex officio, and four additional citizens of each State to be appointed by the Governor thereof, at least one of whom shall be selected from the field of education and at least one of whom shall be a member of the Legislature of that State. The Governor shall continue as a member of the Board during his tenure of office as Governor of the State but the members of the Board appointed by the Governor shall hold office for a period of four (4) years except that in the original appointments one Board member so appointed by the Governor shall be designated at the time of his appointment to serve an initial term of two (2) years, one Board member to serve an initial term of three (3) years, and the remaining Board member to serve the full term of four (4) years, but thereafter the successor of each appointed Board member shall serve the full term of four (4) years. Vacancies on the Board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the Governor for the unexpired portion of the term. The officers of the Board shall be a Chairman, a Vice-Chairman, a Secretary, a Treasurer, and such additional officers as may be created by the Board from time to time. The Board shall meet annually and officers shall be elected to hold office until the next annual meeting. The Board shall have the right to formulate and establish by-laws not inconsistent with the provisions of this Compact to govern its own actions in the performance of the duties delegated to it, including the right to create and appoint an Executive Committee and a Finance Committee with such powers and authority as the Board may delegate to them from time to time. The Board may, within its discretion, elect as its Chairman a person who is not a member of the Board, provided such person resides within a signatory State; and upon such election such person shall become a member of the Board with all the rights and privileges of such membership.

It shall be the duty of the Board to submit plans and recommendations to the States from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the States, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the States, and to all properties and facilities used in connection therewith, shall be vested in said Board as the

agency of and for the use and benefit of the said States and citizens thereof; and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative Acts of the State authorizing the creation, establishment and operation of such educational institutions.

In addition to the power and authority heretofore granted, the Board shall have the power to enter into such agreements or arrangements with any of the States and with educational institutions or agencies, as may be required in the judgment of the Board, to provide adequate services and facilities for the graduate, professional, and technical education for the benefit of the citizens of the respective States residing within the region, and such additional and general power and authority as may be vested in the Board from time to time by legislative enactment of the said States.

Any two (2) or more States who are parties of this Compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such States and to be controlled exclusively by the members of the Board representing such States, provided such agreement is submitted to and approved by the Board prior to the establishment of such institutions.

Each State agrees that, when authorized by the Legislature, it will from time to time make available and pay over to said Board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the States under the terms of this Compact, the contribution of each State at all times to be in the proportion that its population bears to the total combined population of the States who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States of America; or upon such other basis as may be agreed upon.

This Compact shall not take effect or be binding upon any State unless and until it shall be approved by proper legislative action of as many as six (6) or more of the States whose Governors have subscribed hereto within a period of eighteen (18) months from the date hereof. When and if six (6) or more States shall have given legislative approval to this Compact within said eighteen (18) months period, it shall be and become binding upon such six (6) or more States sixty (60) days after the date of legislative approval by the sixth State, and the Governors of such six (6) or more States shall forthwith name the members of the Board from their States as hereinabove set out, and the Board shall then meet on call of the Governor of any State

approving this Compact, at which time the Board shall elect officers, adopt by-laws, appoint committees and otherwise fully organize. Other States whose names are subscribed hereto shall thereafter become parties hereto upon approval of this Compact by legislative action within two (2) years from the date hereof, upon such conditions as may be agreed upon at the time. Provided, however, that with respect to any State whose constitution may require amendment in order to permit legislative approval of the Compact, such State or States shall become parties hereto upon approval of this Compact by legislative action within seven (7) years from the date hereof, upon such conditions as may be agreed upon at the time.

After becoming effective this Compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the States; and provided further that any State may withdraw from this Compact if such withdrawal is approved by its Legislature, such withdrawal to become effective two (2) years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or of any of the funds of the Board held under the terms of this Compact.

If any State shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said State as authorized by and in compliance with the terms and provisions of this Compact, all rights, privileges and benefits of such defaulting State, its members on the Board and its citizens, shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one year immediately following the date of such default this Compact may be terminated with respect to such defaulting State by an affirmative vote of three-fourths (¾) of the members of the Board (exclusive of the members representing the State in default), from and after which time such State shall cease to be a party to this Compact and shall have no further claim to or ownership of any of the property held by or vested in the Board or to any of the funds of the Board held under the terms of this Compact, but such termination shall in no manner release such defaulting State from any accrued obligation or otherwise affect this Compact or the rights, duties, privileges or obligations of the remaining States thereunder.

IN WITNESS WHEREOF this Compact has been approved and signed by Governors of the several States, subject to the approval of their respective Legislatures in the manner hereinabove set out, as of the 8th day of February, 1948.

STATE OF FLORIDA
By Millard F. Caldwell
Governor

STATE OF MARYLAND
By Wm. Preston Lane, Jr.
Governor

STATE OF GEORGIA
By M. E. Thompson
Governor

STATE OF LOUISIANA
By J. H. Davis
Governor

STATE OF ALABAMA
By James E. Folsom
Governor

STATE OF MISSISSIPPI
By F. L. Wright
Governor

STATE OF TENNESSEE
By Jim McCord
Governor

STATE OF ARKANSAS
By Ben Laney
Governor

COMMONWEALTH OF VIRGINIA
By William M. Tuck
Governor

STATE OF NORTH CAROLINA
By R. Gregg Cherry
Governor

STATE OF SOUTH CAROLINA
By J. Strom Thurmond
Governor

STATE OF TEXAS
By Beauford H. Jester
Governor

STATE OF OKLAHOMA
By Roy J. Turner
Governor

STATE OF WEST VIRGINIA
By Clarence W. Meadows
Governor

[Acts 1971, 62nd Leg., p. 3014, ch. 994, § 15, eff. Aug. 30, 1971.]

§ 160.03. Compact Approved

The above compact is approved. The State of Texas is declared to be a party to said compact, and the agreements, covenants, and obligations contained therein are declared to be binding on the State of Texas, insofar as is permissible under the Constitution of the State of Texas.

[Acts 1971, 62nd Leg., p. 3018, ch. 994, § 15, eff. Aug. 30, 1971.]

§ 160.04. Governor as Representative

The State of Texas shall be represented by the governor in all matters concerning the regional education program, and he shall have all powers necessary to effectuate the purposes of the compact

including the power to make contracts with the Board of Control for Southern Regional Education for the education of Texas citizens in states other than Texas.

[Acts 1971, 62nd Leg., p. 3018, ch. 994, § 15, eff. Aug. 30, 1971.]

§ 160.041. Application of Sunset Act

The office of Southern Regional Education Compact Commissioner for Texas is subject to the Texas Sunset Act;¹ and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1989.

[Acts 1977, 65th Leg., p. 1853, ch. 735, § 2.155, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 160.05. Enrolled Copies

The governor shall sign an enrolled copy of this chapter and sufficient copies shall be provided to supply each state approving the compact with an enrolled copy. The governor shall sign an enrolled copy of Section 160.06 of this code for submission to the Southern Regional Education Board.

[Acts 1971, 62nd Leg., p. 3018, ch. 994, § 15, eff. Aug. 30, 1971.]

§ 160.06. Consent to Increased Membership

Consent is hereby given by the State of Texas to the membership of the States of West Virginia and Delaware in the Southern Regional Education Compact set out above upon the same terms and conditions as if each had signed, ratified, and approved the same as one of the original contracting states, subject to the approval of the other states party to the compact, and subject to the execution of a copy of the compact by the governor of each of the respective states of West Virginia and Delaware, and subject to the approval of the compact and acceptance of its terms, agreements, and obligations by their respective Legislatures.

[Acts 1971, 62nd Leg., p. 3018, ch. 994, § 15, eff. Aug. 30, 1971.]

§ 160.07. Academic Common Market

(a) The Coordinating Board, Texas College and University System, is hereby authorized to participate on behalf of the State of Texas in the interstate agreement known as the "Academic Common Market," which provides reciprocal higher educational opportunities to the citizens of states declared as parties to the Southern Regional Education Compact.

(b) The governing board of any public institution of higher education may propose programs and curricula for approval by the Coordinating Board, Texas College and University System, which are to be offered to citizens of participating states on a resident tuition or registration fee basis.

(c) Notwithstanding any other provisions of this code, the governing board of any public institution of higher education shall charge nonresident students from participating states enrolled in programs designated pursuant to this section the same amount charged resident students in such programs.

[Acts 1977, 65th Leg., p. 105, ch. 50, § 1, eff. Aug. 29, 1977.]

CHAPTER 161. COMPACT FOR EDUCATION

Sec.

- 161.01. Compact Entered Into: Text.
- 161.02. Texas Representatives.
- 161.021. Application of Sunset Act.
- 161.03. Effective Date.

§ 161.01. Compact Entered Into: Text

The Compact for Education is hereby entered into and enacted into law in the form substantially as follows:

COMPACT FOR EDUCATION

ARTICLE I. PURPOSE AND POLICY

Section A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the State and local levels.
2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.
3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.
4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

Section B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

Section C. The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational

systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.

ARTICLE II. STATE DEFINED

As used in this Compact, "State" means a State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE III. THE COMMISSION

Section A. The Education Commission of the States, hereinafter called "the Commission," is hereby established. The Commission shall consist of seven members representing each party State. One of such members shall be the Governor or his designated representative, and six shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the State education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one may be the head of a State agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party States, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

Section B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(j).

Section C. The Commission shall have a seal.

Section D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

Section E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for their personnel policies and programs of the Commission.

Section F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

Section G. The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

Section H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

Section I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party States.

Section J. The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV. POWERS

In addition to authority conferred on the Commission by other provisions of the compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.
2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.
3. Develop proposals for adequate financing of education as a whole and at each of its many levels.
4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.
5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.
6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE V. COOPERATION WITH
FEDERAL GOVERNMENT

Section A. If the laws of the United States specifically so provided, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

Section B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the States, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE VI. COMMITTEES

Section A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty members which, subject to the

provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-third of the voting membership of the steering committee shall consist of Governors, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: fifteen for one year and fifteen for two years. The chairman, vice chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two-term limitation.

Section B. The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to consider any matter of special concern to two or more of the party States.

Section C. The Commission may establish such additional committees as its bylaws may provide.

ARTICLE VII. FINANCE

Section A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.

Section B. The total amount of appropriation requests under any budget shall be apportioned among the party States. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party States.

Section C. The Commission shall not pledge the credit of any party States. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III(g) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission

makes use of funds available to it pursuant to Article III(g) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

Section D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

Section E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

Section F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VIII. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

Section A. This compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term "Governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

Section B. Any State or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

Section C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his State a party only until December 31, 1967. During any period when a State is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his State, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.

Section D. Except for a withdrawal effective on December 31, 1967, in accordance with paragraph C of this Article, any party State may withdraw from

this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any Government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the State affected as to all severable matters.

[Acts 1971, 62nd Leg., p. 3019, ch. 994, § 15, eff. Sept. 1, 1967.]

§ 161.02. Texas Representatives

The Texas membership to the Educational Commission of the States shall be the governor or his designated representative and six citizens of the state who shall be appointed and serve at the pleasure of the governor. These seven members shall officially represent Texas on the Education Commission of the States.

[Acts 1971, 62nd Leg., p. 3024, ch. 994, § 15, eff. Sept. 1, 1967.]

§ 161.021. Application of Sunset Act

The office of Compact for Education Commissioner for Texas is subject to the Texas Sunset Act;¹ and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1989.

[Acts 1977, 65th Leg., p. 1853, ch. 735, § 2.150, eff. Aug. 29, 1977.]

¹ Civil Statutes, art. 5429k.

§ 161.03. Effective Date

The effective date of this chapter shall be September 1, 1967.

[Acts 1971, 62nd Leg., p. 3024, ch. 994, § 15, eff. Sept. 1, 1967.]

TABLE I
ALPHABETICAL TABLE OF
SPECIAL LAWS PERTAINING TO EDUCATION

Certain special laws relating to education, many of which were classified to Title 49, Education-Public, of the Civil Statutes, have not been repealed and are not carried into the Education Code. They have been dropped from the Civil Statutes as special laws.

The tabulation below lists these special laws alphabetically by subject matter showing the former Vernon's Texas Civil Statutes classification (where so classified) and the original and amendatory citations to the General and Special Laws of Texas.

For numerical tabulation of these laws, see Table II.

Subject Matter	Civ.St.Art.	Laws Citations
Audit of county records, counties of 2,000,000 or more	2919g-1	1963, ch. 87 1971, ch. 542, § 113 1981, ch. 237, § 82
Brenham State School Independent School District		1973, ch. 200
Brooks Study Act [Expired]	2654-1g	1969, 2nd C.S., ch. 30 1971, ch. 821
Colleges and universities, exclusion of persons advocating overthrow of government	2908b	1949, ch. 621 1951, ch. 489 1973, ch. 51, § 19
Common school districts Bonds, scholastics of 60,000 or more	2788a	1949, ch. 123 1957, ch. 374
Separation from municipal control to become common district, city of 1600 or less	2742c-1	1941, ch. 608
Taxes and taxation Collin County		1975, ch. 541
Counties of 12,300 to 12,400	2784e-5	1963, ch. 89
Counties of 20,560 to 20,850	2784e-2	1959, ch. 437
Counties of 68,000 to 73,000, valida- tion	2784h	1963, ch. 86
LaSalle County		1973, ch. 304
Scholastics over 200	2784e-4	1959, 2nd C.S., ch. 11
Consolidation, annexation and dissolu- tion Counties of 165,000 or more	2804a	1953, ch. 32
Independent school districts Counties of 7,300 to 7,500	2803e	1971, ch. 312 1981, ch. 237, § 76

EDUCATION SPECIAL LAWS

Subject Matter	Civ.St.Art.	Laws Citations
Consolidation, annexation and dissolution		
—Continued		
Independent school districts—Continued		
Re-definition	2803c	1949, ch. 449
Scholastic population of 30,220 or more	2803d	1959, ch. 44
Validation acts	2806a	1935, 1st C.S., ch. 418
	2806b	1937, ch. 328
	2806c	1943, ch. 115
	2806d	1949, ch. 90
	2806d-1	1959, ch. 410
County board of education		
Consolidation, subdivision of districts		
Counties of 9,000 to 12,000 and 3600 to 3800 square miles	2742c note	1933, 1st C.S., ch. 108
Counties of 34,300 to 34,500 and 930 to 1075 square miles	2742c	1929, ch. 134
Supervision, management and control of schools		
Counties of 8,955 to 8,960, exemption of independent districts	2740c	1929, ch. 295
Counties of 15,000 to 20,000	2740b	1929, ch. 289
Counties of 42,000 to 52,000 of more than 1100 square miles	2740a	1927, 1st C.S., ch. 89 1939, Spec.L., p. 693
Counties of 80,000 to 130,000	2740d	1929, 2nd C.S., ch. 31 1931, ch. 324
County school board or trustees		
Abolition of office and transfer of duties		
In general	2688i-1	1965, ch. 706 1971, ch. 542, §§ 79, 126
Angelina County		1973, ch. 206
Caldwell County		1973, ch. 384
Cameron County		1975, ch. 741
Cass County		1975, ch. 741
Counties of 6,500 to 6,650	2688q	1969, ch. 311 1971, ch. 542, § 35
Counties of 9,100 to 9,200	2688bb	1971, ch. 453 1973, ch. 376
Counties of 11,800 to 11,875	2688h-1	1967, ch. 54 1971, ch. 542, § 33
Counties of 15,500 to 15,700	2688m	1965, ch. 506 1971, ch. 542, § 10
Counties of 16,000 or more	2688k	1963, ch. 446
Counties of 21,000 to 22,000	2688v	1971, ch. 167
Counties of 27,500 to 27,600	2688z	1971, ch. 338
Counties of 110,000 to 124,000 and	2688h	1962, 3rd C.S., ch. 63 1969, ch. 826
Counties of 150,000 to 170,000		1971, ch. 542, § 98 1973, ch. 102
Counties of 300,000 to 500,000	2688i	1963, ch. 3 1971, ch. 542, § 74
Crosby County		1975, ch. 267
Dawson County		1973, chs. 206, 623
Fayette County		1977, ch. 544
Garza County		1973, ch. 206
Henderson County		1973, ch. 206

ALPHABETICAL TABLE

Subject Matter	Civ.St.Art.	Laws Citations
County school board or trustees—Continued		
Abolition of office and transfer of duties—Continued		
Jack County		1975, ch. 728
LaSalle County		1975, ch. 706
Lubbock County		1973, ch. 310
Marion County		1975, ch. 741
Nueces County		1975, ch. 741
Terry County		1973, ch. 206
Tyler County		1975, ch. 741
Uvalde County		1973, ch. 389
Compensation and meetings		
Counties of 8,470 to 8,480	2740h	1937, 1st C.S., ch. 40
Counties of 23,005 to 23,300	2687d	1971, ch. 542, § 123
Counties of 29,225 to 29,240	2687d	1941, ch. 577
Counties of 31,830 to 32,941	2687d	1941, ch. 577
Counties of 34,000 to 35,000	2687d	1941, ch. 577
Counties of 48,800 to 50,400	2687c	1941, ch. 577
Counties of 50,950 to 51,100	2687d	1941, ch. 587
Counties of 130,000 to 133,000	2687b	1971, ch. 542, § 122
Election		
Counties of 100,000 to 120,000	2676a	1963, ch. 511 1971, ch. 542, § 71
Counties of 2,000,000 or more	2676c	1965, ch. 595 1971, ch. 542, § 3 1981, ch. 237, § 45
County-wide district in counties of 5,150 to 5,175	2676b	1965, ch. 233 1971, ch. 542, § 8 1981, ch. 237, § 44
Expenses of administering scholastic affairs, counties of 13,600 to 13,650 and 15,200 to 15,700	2685a	1935, ch. 175
Expenses of county judge as ex-officio county superintendent		
Counties of 5,100 to 5,200	2685b	1939, Spec.L., p. 627
Counties of 5,950 to 6,050	2685b-1	1941, ch. 92
County superintendent		
Abolition of office and transfer of duties		
In general	2688i-1	1965, ch. 706 1971, ch. 542, §§ 79, 126
Angelina County		1973, ch. 206
Caldwell County		1973, ch. 384
Cameron County		1975, ch. 741
Cass County		1975, ch. 741
Certain counties of not more than 4 districts	2688d	1961, ch. 164
Counties of 4,600 to 4,690	2688i-1	1965, ch. 706 1971, ch. 542, § 126
Counties of 16,000 or more	2688k	1963, ch. 446
Counties of 18,093 to 18,099	2688i-1	1965, ch. 706 1971, ch. 542, § 126
Counties of 22,000 to 22,500	2688l	1965, ch. 204 1971, ch. 542, § 78
Counties of 22,720 to 23,000	2688i-1	1965, ch. 706 1971, ch. 542, § 79
Counties of 25,750 to 28,000	2688n	1965, ch. 654

EDUCATION SPECIAL LAWS

Subject Matter	Civ.St.Art.	Laws Citations
County superintendent—Continued		
Abolition of office and transfer of duties		
—Continued		
Counties of 110,000 to 124,000	2688h	1962, 3rd C.S., ch. 63 1969, ch. 826 1971, ch. 542, § 98 1973, ch. 102
Counties of 190,000 to 205,000	2688h	1962, 3rd C.S., ch. 63 1969, ch. 826 1971, ch. 542, § 98 1973, ch. 102 1981, ch. 237, §§ 46, 145
Counties of 600,000 or more with 4 or more districts	2688g	1962, 3rd C.S., ch. 17
Crosby County		1975, ch. 267
Dawson County		1973, chs. 206, 623
Garza County		1973, ch. 206
Gonzales County		1975, ch. 710
Henderson County		1973, ch. 206
Jack County		1975, ch. 728
La Salle County		1975, ch. 706
Lubbock County		1973, ch. 310
Marion County		1975, ch. 741
Medina County		1975, ch. 107
Nueces County		1975, ch. 741
Runnels County		1973, ch. 195
Terry County		1973, ch. 206
Tom Green County		1973, ch. 294
Travis County		1975, ch. 710
Tyler County		1975, ch. 741
Uvalde County		1973, ch. 389
Wheeler County		1973, ch. 386
Appointment in counties over 350,000	2688b	1934, 2nd C.S., ch. 67
Assistants, salaries in certain counties	2700e	1965, ch. 500
Salary and expenses in certain counties	2700a	1927, ch. 266
	2700b	1927, ch. 267
	2700c	1929, ch. 44 1931, Spec.L., ch. 219
	2700d	1929, ch. 148
	2700d-1	1930, 4th C.S., ch. 49
	2700d-2	1930, 5th C.S., ch. 83
	2700d-3 note	1931, Spec.L., chs. 55, 166, 193, 194 1935, chs. 82, 146 1935, 1st C.S., ch. 393 1935, 2nd C.S., ch. 450
	2700d-4	1935, ch. 80
	2700d-5	1935, ch. 232
	2700d-6	1935, 2nd C.S., ch. 471
	2700d-7	1937, ch. 27
	2700d-8	1937, ch. 64
	2700d-9	1937, ch. 75
	2700d-10	1937, ch. 82
	2700d-11	1937, ch. 127
2700d-12	1937, ch. 105	
2700d-13	1937, ch. 132	
2700d-14	1937, ch. 135	
2700d-15	1937, ch. 197	

ALPHABETICAL TABLE

Subject Matter	Civ.St.Art.	Laws Citations
County superintendent—Continued		
Salary and expenses in certain counties—Continued		
	2700d-16	1937, ch. 411
	2700d-17	1937, ch. 477
	2700d-18	1937, 1st C.S., ch. 29 1939, Spec.L., p. 632
	2700d-19	1937, 2nd C.S., ch. 43
	2700d-20	
	to	
	2700d-40	1939, Spec.L., pp. 628 to 657
	2700d-41	1941, ch. 229
	2700d-42	1941, ch. 278
	2700d-43	1941, ch. 643
	2700d-44	1945, ch. 126
County unit system		
Counties having large areas in reformation	2740g	1935, ch. 103
Counties of 3,960 to 4,000	2702	1923, p. 237 1931, ch. 348 1941, ch. 128
Counties of 5,600 to 5,750	2740f-2	1937, ch. 163
Counties of 7,500 to 7,590	2740f-3	1941, ch. 95
Counties of 8,600 to 9,000	2702	1923, p. 237 1931, ch. 348 1941, ch. 128
Counties of 10,339 to 10,540	2740f-4	1941, ch. 233
Counties of 27,000 to 30,000	2740f-5	1947, ch. 399
Counties of 100,000 or more	2702	1923, p. 237 1931, ch. 348 1941, ch. 128
County-wide districts		
Counties of 2,775 to 2,850	2744e-2	1939, Spec.L., p. 673
Counties of 20,000 to 32,500	2744e	1937, ch. 231
Counties of 20,100 to 21,000	2744e-5	1949, ch. 84
Counties of 24,000 to 25,000	2702-A	1947, ch. 331
Counties of 35,000 to 67,500	2744e-1	1939, Spec.L., p. 677
Counties with scholastics under 2500 and not more than 2 districts	2744e-4	1947, ch. 181 1951, ch. 229
Counties with taxable property of \$17,000,000	2744e-3	1941, ch. 150 1947, ch. 85
Counties with taxable property of \$42,000,000	2744e-6	1949, ch. 134
County wide special education school, available school fund use, counties of 23,000 to 23,100	2922-29	1971, ch. 1044 1981, ch. 237, § 144 1981, ch. 333
Denton State School Independent School District	2663a	1961, ch. 60
Foundation school funds, average daily attendance, counties of 23,000 to 23,100		1971, ch. 574 1981, ch. 237, § 143 1981, ch. 333

EDUCATION SPECIAL LAWS

Subject Matter	Civ.St.Art.	Laws Citations
Harris County Youth Village		
Independent School District		1973, ch. 585
Independent School Districts		
Boundary changes		
Counties of 40,000 to 40,500	2766c	1963, ch. 35 1971, ch. 542, § 1 1981, ch. 237, § 47
Counties of 100,000 or more	2766a	1955, ch. 172
Counties of 149,000 or more with 16,500 scholastics	2766b	1961, ch. 484
Brenham State School		1973, ch. 200
Combined occupancy structure, aver- age daily attendance over 100,000	2783d-1	1971, ch. 945
Consolidation, annexation and dissolu- tion		
Counties of 6,705 to 6,785	2803e	1971, ch. 312
Re-definition	2803c	1949, ch. 449
Scholastics of 30,220 or more	2803d	1959, ch. 44
Denton State School	2668a	1961, ch. 60
Depositories, assessors and collectors in districts created by special laws	2763a	1945, ch. 188 1961, ch. 451
Elections, voting precincts, counties over 2,000,000	2815a-1	1963, ch. 490 1971, ch. 542, § 40 1981, ch. 237, § 77
Exemptions from county control		
Counties of 8,955 to 8,960	2740c	1929, ch. 295
Counties of 11,000 to 11,021	2761b	1937, 2nd C.S., ch. 10
Gymnasias, stadla, etc., construction and financing, counties of 21,590 to 21,620	2802e-4	1941, ch. 432
Harris County Youth Village		1973, ch. 585
Lubbock State School	2668e	1965, ch. 170
Lufkin State School	2668d	1963, ch. 64
Receipts and expenditures, reports, city of 575,000	2783f	1953, ch. 272
Richmond State School	2668c	1963, ch. 63
Rio Grande State Center for Mental Health and Mental Retardation		1973, ch. 199
Separate district in counties over 100,000 containing same terri- tory as city	2783g	1961, ch. 407
Separation from municipal control to become independent district		
City of 30,000 or less	2783b	1935, ch. 88
City of 100,000 or less	2783a	1929, ch. 302
City of 290,000 or more	2783d	1947, ch. 171 1949, ch. 391 1953, ch. 28 1961, ch. 2 1967, ch. 445 1971, ch. 70 1973, ch. 211 1979, ch. 798 1981, ch. 6 1981, ch. 703
Validation	2783e	1949, ch. 235

ALPHABETICAL TABLE

Subject Matter	Civ.St.Art.	Laws Citations
Independent School Districts—Continued		
Tax assessor and collector		
Counties of 19,220 to 19,240	2779a	1941, ch. 272
Counties of 51,325 to 54,200	2779a	1941, ch. 272
Counties of 160,000 to 170,000	2784g-1	1963, ch. 308
		1971, ch. 542, § 77
		1981, ch. 237, § 67
Scholastics of 200,000 or more	2792-1	1967, ch. 47
Tax levies and assessments		
Counties of 12,500 to 12,600	2784e-13	1971, ch. 144
		1981, ch. 237, § 65
Limit on rate under one dollar	2790a-4	1939, p. 292
Validation generally	2790a	1929, ch. 205
	2790a-1	1936, 3rd C.S., ch. 499
	2790a-5	1943, ch. 17
	2790a-6	1949, ch. 612
Validation, counties of 16,363 to 16,963	2790b	1933, ch. 182
Validation, counties of 17,000 to 17,500	2790a-3	1939, Spec.L., p. 1025
Travis State School	2668b	1963, ch. 39
Treatment of emotionally disturbed children, counties of 900,000 to 1,000,000		
	2827d	1965, ch. 68
		1971, ch. 542, § 73
		1981, ch. 237, § 81
Trustee elections		
Average daily attendance of 2,100 to 2,200		
	2775c-1	1965, ch. 179
Certain districts	2775a-9	1967, ch. 350
City of 200,000 or more	2777a	1931, ch. 317
City of 1,590,000 or more and 140,000 students	2774b	1951, ch. 339
		1965, ch. 312
		1975, ch. 717
		1981, ch. 237, §§ 48, 146
		1981, ch. 345
Counties of 6,650 to 6,800	2775a-3	1963, ch. 233
		1971, ch. 542, § 128
		1981, ch. 237, § 50
Counties of 8,300 to 8,600	2775e-2	1969, ch. 443
		1971, ch. 542, § 70
		1981, ch. 237, § 57
Counties of 8,500 to 9,000	2775a-4	1963, ch. 413
Counties of 9,100 to 9,280	2775e-2	1969, ch. 443
		1971, ch. 542, § 46
		1981, ch. 237, § 57
Counties of 13,300 to 13,350	2775a-3	1963, ch. 233
		1971, ch. 542, § 128
		1981, ch. 237, § 50
Counties of 13,550 to 13,590	2775a-5	1965, ch. 452
		1971, ch. 542, § 13
		1981, ch. 237, § 51
Counties of 18,750 to 18,830	2775e-1	1969, ch. 9
		1971, ch. 542, § 46
		1981, ch. 237, § 56
Counties of 20,000 to 21,000	2774c-1	1965, ch. 39
		1971, ch. 542, § 137
		1981, ch. 237, § 49

EDUCATION SPECIAL LAWS

Subject Matter	Civ.St.Art.	Laws Citations
Independent School Districts—Continued		
Trustee elections—Continued		
Counties of 26,500 to 27,000	2775e-3	1971, ch. 324 1981, ch. 237, § 58
Counties of 41,500 to 42,000	2775a-6	1965, ch. 652 1971, ch. 542, § 66 1981, ch. 237, § 52
Counties of 68,000 to 70,000	2775f	1965, ch. 36 1967, ch. 24 1971, ch. 542, § 67 1981, ch. 237, § 59
Counties of 99,400 to 100,000	2774c-1	1965, ch. 39 1971, ch. 542, § 137 1981, ch. 237, § 49
Counties of 121,000 to 128,000	2775a-7	1965, ch. 702 1971, ch. 542, § 65 1981, ch. 237, § 53
Counties of 160,000 to 170,000	2775e	1962, ch. 23 1971, ch. 542, § 72 1981, ch. 237, § 55
Counties of 110,000 to 800,000	2775b	1959, ch. 9
Counties of 170,000 to 190,000	2775f-1	1967, ch. 34 1971, ch. 542, § 63 1981, ch. 237, § 60
Counties of 190,000 to 205,000	2775a-8	1967, ch. 351 1971, ch. 542, § 11 1981, ch. 237, § 54
Counties of 800,000 or more	2775a	1953, ch. 76
Exemptions, Dallas and Fort Worth	2782	1905, p. 263
Scholastics of 500 or more	2775a-1	1955, ch. 360 1963, ch. 262 1965, ch. 73
Scholastics of 600 to 700 in counties		
of 140,000 to 155,000	2815g-1d	1965, ch. 656
Scholastics of 1,831 to 1,835 and city		
of 4,427 to 4,430	2775c	1959, ch. 24
Scholastics of 11,000 or more in		
counties over 500,000	2815g-1b	1957, ch. 38
Scholastics of 18,000 or more	2775a-2	1959, ch. 482
Scholastics of 30,220 or more	2774d	1957, ch. 475
Validation, number and terms		1983, ch. 10
Trustee meetings, broadcasting, coun- ties of 800,000 or more	2827b	1959, ch. 146
Trustee terms of office		
City of 2,095 to 2,105	2774d-4	1965, ch. 266
City of 2,620 to 2,630	2777d-1	1959, 1st C.S., ch. 21
City of 8,825 to 8,875	2777f	1961, ch. 531 1971, ch. 542, § 136 1981, ch. 237, § 62
City of 75,000 to 175,000	2777d	1937, ch. 153 1945, ch. 186 1949, ch. 87 1959, ch. 102
City of 160,000 to 220,000	2777c	1935, ch. 64
City of 220,000 to 290,000	2777b	1933, ch. 36 1945, ch. 221
City of 375,000 or more and 70,000 or more scholastics	2777e	1941, ch. 17

ALPHABETICAL TABLE

Subject Matter	Civ.St.Art.	Laws Citations
Independent School Districts—Continued		
Trustee terms of office—Continued		
Counties of 1,250 to 1,350	2777d-3	1965, ch. 178 1981, ch. 237, § 61
Counties of less than 2,601	2777d-2	1961, ch. 145
Validation, district having less than 200 scholastics	2767h	1963, ch. 294
Warrants		
Average daily attendance over 4,000, etc.	2790d-18	1971, ch. 170
City of 400,000 to 600,000	2790d-19	1971, ch. 927 1981, ch. 237, § 74
Counties of 1,843 to 1,943	2790d-7	1941, ch. 423
Counties of 3,750 to 3,850	2790d-5	1941, ch. 234
Counties of 4,700 to 4,830	2790d-12	1967, ch. 65 1971, ch. 542, § 39 1981, ch. 237, § 69
Counties of 5,330 to 5,440	2790d-10	1965, ch. 82 1971, ch. 542, § 38 1981, ch. 237, § 68
Counties of 5,500 to 6,500	2790d-11	1967, ch. 62
Counties of 5,796 to 5,890	2790d-1	1939, Spec.L., p. 700
Counties of 7,300 to 7,500	2790d-16	1969, ch. 828 1971, ch. 542, § 4 1981, ch. 237, § 72
Counties of 9,200 to 9,250	2790d-4	1941, ch. 245
Counties of 9,275 to 9,475	2790d-17	1969, 2nd C.S., ch. 46 1971, ch. 542, § 64 1981, ch. 237, § 73
Counties of 12,300 to 12,500	2790d-13	1969, ch. 53 1971, ch. 542, § 45 1981, ch. 237, § 70
Counties of 13,950 to 14,050	2790d-2	1939, Spec.L., p. 701
Counties of 17,000 to 17,500	2790d-3	1939, Spec.L., p. 702
Counties of 18,900 to 19,000	2790d-15	1969, ch. 575 1971, ch. 542, § 125 1981, ch. 237, § 71
Counties of 18,975 to 19,025	2790d-8	1950, 1st C.S., ch. 26
Counties of 22,000 to 22,100	2790e	1933, ch. 168
Counties over 45,000	2790d-6	1941, ch. 319
Counties of 687,000 to 688,000	2790d-14	1969, ch. 161
Counties of 806,700 to 806,750	2790d-9	1959, ch. 82
Districts partly in 3 or more counties	2790d	1934, 4th C.S., ch. 22
Junior colleges		
Administration and management		
Annexed school districts	2815n	1949, ch. 114 1957, ch. 129 1961, ch. 80 1961, 1st C.S., ch. 8
	2815n-1	1965, ch. 3 1969, ch. 4 1969, ch. 22
Independent school districts contain- ing city of 380,000 or more	2815k	1945, ch. 26 1949, ch. 610 1950, 1st C.S., ch. 42

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Subject Matter	Civ.St.Art.	Laws Citations
Junior colleges—Continued		
Agreements making services available to scholastics in certain school districts, three or more counties	2815k-4	1967, ch. 280
Annexation, dissolution, etc.		
Joint county junior college districts, disannexation of land 55 miles away	2815p	1949, ch. 399
Territory with six or more independent school districts and county of 2,200,000 or more, deannexation		1983, ch. 529
Three or more counties, annexations	2815s-2	1971, ch. 1004
Bonds and taxes	2815h-3a	1945, ch. 191
Classes for certain baccalaureate degrees, city over 160,000	2815k-3	1961, ch. 266
Community centers in cities having junior college	2815j	1934, 3rd C.S., ch. 39
Donations, cities of 225,000 or more	2815i	1933, 1st C.S., ch. 34
Establishment		
Counties of 34,150 to 34,200	2815h-3	1939, Spec.L., pp. 684, 687
Counties of 2,000,000 or more	2815h-2a	1969, ch. 827 1971, ch. 542, § 5 1981, ch. 237, § 79
Regional college districts	2815t	1951, ch. 272 1961, ch. 238 1967, ch. 124
Trustees		
Counties over 2,000,000	2815m-2	1965, ch. 188 1971, ch. 542, § 2 1981, ch. 237, § 80
Joint county junior college districts	2815m-1	1949, ch. 409
Three or more counties, election	2815m-4	1971, ch. 48
Three or more counties, enlarged board	2815m-3	1967, ch. 267
Two or more counties	2815k-1	1947, ch. 224 1951, ch. 219 1967, ch. 5
Validation of districts, proceedings, etc.		
	2815h-1	1937, ch. 76, § 1
	2815h-2	1937, ch. 76, § 1-a
	2815h-4	1941, ch. 5
	2815h-6	1949, ch. 331
	2815h-7	1951, ch. 320
	2815h-10	1961, 1st C.S., ch. 8
	2815h-11	1962, 3rd C.S., ch. 48
	2815l	1945, ch. 285
	2815o-1a	1959, ch. 170
	—	1981, ch. 421
Lubbock State School Independent		
School District	2668e	1965, ch. 170
Lufkin State School Independent		
School District	2668d	1963, ch. 64
Municipal school districts		
Separation from municipal control		
City of 1600 or less	2742c-1	1941, ch. 608
City of 30,000 or less	2783b	1935, ch. 88
City of 100,000 or less	2783a	1929, ch. 302

ALPHABETICAL TABLE

Subject Matter	Civ.St.Art.	Laws Citations
Municipal school districts—Continued		
Separation from municipal control—		
Continued		
City of 290,000 or more	2783d	1947, ch. 171 1949, ch. 391 1953, ch. 28 1961, ch. 2 1967, ch. 445 1971, ch. 70 1973, ch. 211
Validation	2783e	1949, ch. 235
Richmond State School Independent		
School District	2668c	1963, ch. 63
Rio Grande State Center for Mental		
Health and Mental Retardation		
Independent School District		1973, ch. 199
Rural high school districts		
Division of ten districts into five		
areas, counties of 130,000 to		
140,000	2922i(3.1)	1963, ch. 7 1971, ch. 542, § 10 1981, ch. 237, § 83
Tax collector, average daily attendance		
over 550	2922i(8)	1953, ch. 343 1957, ch. 492
Tax in counties of 18,600 to 18,690	2784e-8	1967, ch. 63 1971, ch. 45
Trustees, over 250 scholastics	2922i(3)	1947, ch. 80 1950, 1st C.S., ch. 15
Validation of districts		
.....	2922a-1	1936, 3rd C.S., ch. 481
.....	2922a-2	1939, Spec.L., p. 1036
.....	2922a-3	1941, ch. 594
.....	2922i(2)	1937, ch. 287
Warrants in certain counties	2786f	1953, ch. 433
Rural school supervisors in certain coun-		
ties	2701a	1929, ch. 219
.....	2701b	1929, ch. 251
.....	2701c	1929, 1st C.S., ch. 74
.....	2701d	1929, 3rd C.S., ch. 9
.....	2701d-1	1930, 5th C.S., ch. 32
.....	2701d-2	1930, 5th C.S., ch. 53
.....	2701d-2a	1927, 1st C.S., ch. 91 1929, 1st C.S., ch. 77 1930, 4th C.S., ch. 36 1931, Spec.L., ch. 164 1933, ch. 42 1939, Spec.L., p. 170
.....	2701d-3 note	1931, Spec.L., chs. 9, 14, 28, 45, 115, 118, 153, 157, 160, 188, 198, 205, 217 1935, chs. 143, 177, 218 1935, 1st C.S., ch. 392 1937, chs. 45, 50, 116 1939, Spec.L., pp. 709, 712 1941, ch. 418
.....	2701d-4	1933, ch. 181

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Subject Matter	Civ.St.Art.	Laws Citations
Rural school supervisors in certain counties—Continued	2701d-5	1931, 1st C.S., ch. 39 1939, Spec.L., pp. 713-715
	2701e-1	1939, Spec.L., p. 718
Tax rate in certain cities and counties	2802g	1937, ch. 243
	2802h	1937, ch. 348
	2802i	1937, 1st C.S., ch. 12
	2802i-1	
	to	
	2802i-9	1939, Spec.L., pp. 657 to 672
	2802i-10	1935, ch. 73 1941, ch. 20
	2802i-11	
	to	
	2802i-17	1941, chs. 145, 207, 208, 331, 417, 421, 513
	2802i-19	1941, ch. 461
	2802i-20	1943, ch. 143
	2802i-21	
	to	
	2802i-23	1945, chs. 64, 79, 141
	2802i-25	1947, ch. 78
	2802i-27	1947, ch. 316
	2802i-28	1949, ch. 295
	2802i-29	1951, ch. 266 1967, ch. 214 1971, ch. 542, § 62 1981, ch. 237, § 75
	2802i-30	1957, ch. 51
	2802i-31	1959, ch. 54
	2802i-32	1965, ch. 711
Taxes and taxation		
Certificates of indebtedness by school and junior college districts, counties of 200,000 or more	2784g-2	1971, ch. 842
Counties of 10,300 to 10,350	2784e-7	1965, ch. 389
Counties of 13,450 to 13,550	2784e-17	1971, ch. 724 1981, ch. 237, § 66
Counties of 25,200 to 26,000	2784e-11	1969, ch. 229 1971, ch. 542, § 7 1981, ch. 237, § 64
Counties of 42,500 to 43,500	2784e-6	1963, ch. 98 1971, ch. 542, § 12 1981, ch. 237, § 63
Counties of 700,000 or more	2784g	1953, ch. 273 1959, ch. 7
Texas A & M University		
Conveyance of land to United States for research facilities		
Livestock insects and toxicology laboratory, cotton disease	2613a-10, § 1	1965, ch. 140, § 1
Conveyance of land to United States for research facilities—Continued		
Ginning, Agricultural Experimental Station at Lubbock	2613a-10, § 2	1965, ch. 140, § 2

ALPHABETICAL TABLE

Subject Matter	Civ.St.Art.	Laws Citations
Texas A & M University—Continued		
Kimble County Adjunct, transfer to Texas Tech	2815d-1	1971, ch. 570
Veterinary Medical Diagnostic Laboratory	1973, ch. 500
Texas Tech University		
Conveyance of easements		
Emergency telephones	2832f	1961, ch. 216
Water line	2832f-1	1967, ch. 482
Conveyance to Highway Dept. and State	1973, ch. 123
Kimble County Adjunct, transfer from Texas A & M	2815d-1	1971, ch. 570
Travis State School Independent School District	2668b	1963, ch. 39
Trustee elections, school districts in counties over 2,000,000	2815g-1c	1962, 3rd C.S., ch. 74 1965, ch. 268 1971, ch. 542, § 141 1981, ch. 237, § 78
University of Texas System		
Dallas County Hospital District, land exchange	2603j	1961, ch. 113
El Paso County conveyances		
Special events center	2603b-4	1961, ch. 553 1971, ch. 114
Stadium site	2603b-2	1961, ch. 13
Marine Science Institute, improvement of facilities	2603i	1959, ch. 59
Refunding bonds	2606a	1934, 2nd C.S., ch. 65
Validation of proceedings and bonds purchased by Federal agencies	2603c1	1939, p. 689
	2603c2	1941, ch. 404
Validation of districts, orders, bonds, etc.	2815g-2	1931, 2nd C.S., ch. 39
	2815g-3	1933, ch. 31
	2815g-4 to	
	2815g-6	1934, 3rd C.S., chs. 2, 11, 45
	2815g-7	1935, ch. 221
	2815g-8	1935, 1st C.S., ch. 380
	2815g-9	1935, 1st C.S., ch. 416
	2815g-10 to	
	2815g-12	1937, chs. 94, 285, 409
	2815g-13	1937, 1st C.S., ch. 44
	2815g-14 to	
	2815g-18	1937, 2nd C.S., chs. 7, 30, 31, 65, 72
	2815g-19 to	
	2815g-24	1939, Spec.L., pp. 722, 1017, 1021, 1022, 1027, 1029
	2815g-25 to	
	2815g-28	1941, chs. 11, 42, 540, 546

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Subject Matter	Clv.St.Art.	Laws Citations
Validation of districts, orders, bonds, etc.—Continued	2815g-29	-----1943, ch. 327
	2815g-30	to
	2815g-34	-----1945, chs. 63, 137, 192, 210, 275
	2815g-35	to
	2815g-38	-----1947, chs. 28, 48, 128, 280
	2815g-39	to
	2815g-42	-----1949, chs. 23, 25, 29, 127
	2815g-43	-----1950, 1st C.S., ch. 20
	2815g-44	to
	2815g-46	-----1951, chs. 29, 74, 504
	2815g-47	-----1953, ch. 9
	2815g-48	-----1954, 1st C.S., ch. 19
	2815g-49	-----1955, ch. 14
	2815g-50	-----1955, ch. 115
	2815g-51	-----1957, ch. 214
	2815g-52	-----1959, ch. 348
	2815g-53	-----1961, ch. 9
	2815g-54	-----1961, ch. 191
	2815g-55	-----1961, 1st C.S., ch. 17
	2815g-56	-----1962, 3rd C.S., ch. 9
	2815g-57	-----1963, ch. 318
2815g-58	-----1965, ch. 285	
2815g-59	-----1967, ch. 81	
2815g-60	-----1969, ch. 54	
2815g-61	-----1971, ch. 168	

TABLE II
NUMERICAL TABLE OF
SPECIAL LAWS PERTAINING TO EDUCATION

Certain special laws relating to education, many of which were classified to Title 49, Education-Public, of the Civil Statutes, have not been repealed and are not carried into the Education Code. They have been dropped from Vernon's Texas Civil Statutes as special laws.

The tabulation below lists these special laws numerically by article number classification to Vernon's Texas Civil Statutes (where so classified), followed by the subject matter and the original and amendatory citations to the General and Special Laws of Texas.

For alphabetical tabulation of these laws by subject-matter, see Table I.

Civ.St.Art.	Laws Citation	Subject Matter
		UNIVERSITY OF TEXAS SYSTEM
		El Paso County conveyances
2603b-2	1961, ch. 13	—Stadium site
2603b-4	1961, ch. 553	—Special events center
	1971, ch. 114	
2603c1	1939, p. 689	Validation of proceedings and bonds
2603c2	1941, ch. 404	purchased by Federal agencies
2603i	1959, ch. 59	Marine Science Institute, improve- ment of facilities
2603j	1961, ch. 113	Dallas County Hospital District, land exchange
2606a	1934, 2nd C.S., ch. 65	Refunding bonds
		TEXAS A & M UNIVERSITY
		Conveyance of land to United States for research facilities
2613a-10, § 1	1965, ch. 140, § 1	—Livestock insects and toxicology laboratory, cotton disease
2613a-10, § 2	1965, ch. 140, § 2	—Ginning, Agricultural Experimen- tal Station at Lubbock
2615d-1	1971, ch. 570	—Kimble County Adjunct, transfer to Texas Tech
—	1973, ch. 500	—Veterinary Medical Diagnostic Laboratory
		TEXAS TECH UNIVERSITY
		Conveyance of easements
2632f	1961, ch. 216	—Emergency telephones
2632f-1	1967, ch. 482	—Water line
—	1973, ch. 123	Conveyance to Highway Dept. and State

EDUCATION SPECIAL LAWS

Civ.St.Art.	Laws Citation	Subject Matter
		TEXAS TECH UNIVERSITY— Continued
2654-1g	1969, 2nd C.S., ch. 30 1971, ch. 821	Brooks Study Act [Expired]
		INDEPENDENT SCHOOL DISTRICTS
2668a	1961, ch. 60	Denton State School
2668b	1963, ch. 39	Travis State School
2668c	1963, ch. 63	Richmond State School
2668d	1963, ch. 64	Lufkin State School
2668e	1965, ch. 170	Lubbock State School
—	1973, ch. 199	Rio Grande State Center for Mental Health and Mental Retardation
—	1973, ch. 200	Brenham State School
—	1973, ch. 585	Harris County Youth Village
		COUNTY SCHOOL BOARD OR TRUSTEES
		Abolition of office and transfer of duties
—	1977, ch. 544	—Fayette County Election
2676a	1963, ch. 511 1971, ch. 542, § 71	—Counties of 100,000 to 120,000
2676b	1965, ch. 233 1971, ch. 542, § 8 1981, ch. 237, § 44	—County-wide district in counties of 5,150 to 5,175
2676c	1965, ch. 595 1971, ch. 542, § 3 1981, ch. 237, § 45	—Counties of 2,000,000 or more
2685a	1935, ch. 175	Expenses of administering scholastic affairs, counties of 13,600 to 13,650 and 15,200 to 15,700 Expenses of county judge as ex- officio county superintendent
2685b	1939, Spec.L., p. 627	—Counties of 5,100 to 5,200
2685b-1	1941, ch. 92	—Counties of 5,950 to 6,050 Compensation and meetings
2687b	1937, 1st C.S., ch. 40	—Counties of 130,000 to 133,000
2687c	1941, ch. 587	—Counties of 48,800 to 50,400
2687d	1941, ch. 577	—Counties of 23,005 to 23,300 —Counties of 29,225 to 29,240 —Counties of 31,830 to 32,941 —Counties of 34,000 to 35,000 —Counties of 50,950 to 51,100
		COUNTY SUPERINTENDENT
2688b	1934, 2nd C.S., ch. 67	Appointment in counties over 350,000 Abolition of office and transfer of duties
2688d	1961, ch. 164	—Certain counties of not more than 4 districts
2688g	1962, 3rd C.S., ch. 17	—Counties of 600,000 or more with 4 or more districts
2688h	1962, 3rd C.S., ch. 63 1969, ch. 826 1971, ch. 542, § 98 1973, ch. 102 1981, ch. 237, §§ 46, 145	—Counties of 110,000 to 124,000 —Counties of 190,000 to 205,000
2688i-1	1965, ch. 706 1971, ch. 542, §§ 79, 126	—In general

NUMERICAL TABLE

Civ.St.Art.	Laws Citation	Subject Matter
		COUNTY SUPERINTENDENT—
		Continued
		Abolition of office and transfer of duties—Continued
2688k	1963, ch. 446	—Counties of 16,000 or more
2688n	1965, ch. 654	—Counties of 25,750 to 28,000
—	1973, ch. 195	—Runnels County
—	1973, ch. 206	—Angelina, Dawson, Henderson and Terry Counties
—	1973, ch. 294	—Tom Green County
—	1973, ch. 310	—Lubbock County
—	1973, ch. 384	—Caldwell County
—	1973, ch. 386	—Wheeler County
—	1973, ch. 389	—Uvalde County
—	1973, ch. 623	—Dawson County
—	1975, ch. 107	—Medina County
—	1975, ch. 267	—Crosby County
—	1975, ch. 706	—La Salle County
—	1975, ch. 710	—Gonzales and Travis Counties
—	1975, ch. 728	—Jack County
—	1975, ch. 741	—Cameron, Nueces, Tyler, Marion and Cass Counties
2700a	1927, ch. 266	Salary and expenses in certain
2700b	1927, ch. 267	counties
2700c	1929, ch. 44	
	1931, Spec.L., ch. 219	
2700d	1929, ch. 148	
2700d-1	1930, 4th C.S., ch. 49	
2700d-2	1930, 5th C.S., ch. 83	
2700d-3 note	1931, Spec.L., chs. 55, 166, 193, 194	
	1935, chs. 82, 146	
	1935, 1st C.S., ch. 393	
	1935, 2nd C.S., ch. 450	
2700d-4	1935, ch. 80	
2700d-5	1935, ch. 232	
2700d-6	1935, 2nd C.S., ch. 471	
2700d-7	1937, ch. 27	
2700d-8	1937, ch. 64	
2700d-9	1937, ch. 75	
2700d-10	1937, ch. 82	
2700d-11	1937, ch. 127	
2700d-12	1937, ch. 105	
2700d-13	1937, ch. 132	
2700d-14	1937, ch. 135	
2700d-15	1937, ch. 197	
2700d-16	1937, ch. 411	
2700d-17	1937, ch. 477	
2700d-18	1937, 1st C.S., ch. 29	
2700d-19	1939, Spec.L., p. 632	
2700d-20	1937, 2nd C.S., ch. 43	
to		
2700d-40	1939, Spec.L., pp. 628 to 657	
2700d-41	1941, ch. 229	
2700d-42	1941, ch. 278	
2700d-43	1941, ch. 643	
2700d-44	1945, ch. 126	
2700e	1965, ch. 500	Assistants, salaries in certain counties

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Civ.St.Art.	Laws Citation	Subject Matter
		RURAL SCHOOL SUPERVISORS
2701a	1929, ch. 219	Certain counties
2701b	1929, ch. 251	
2701c	1929, 1st C.S., ch. 74	
2701d	1929, 3rd C.S., ch. 9	
2701d-1	1930, 5th C.S., ch. 32	
2701d-2	1930, 5th C.S., ch. 53	
2701d-2a	1927, 1st C.S., ch. 91	
	1929, 1st C.S., ch. 77	
	1930, 4th C.S., ch. 36	
	1931, Spec.L., ch. 164	
	1933, ch. 42	
	1939, Spec.L., p. 170	
2701d-3 note	1931, Spec.L., chs. 9, 14, 23, 45, 115, 118, 153, 157, 160, 188, 198, 205, 217	
	1935, chs. 143, 177, 218	
	1935, 1st C.S., ch. 392	
	1937, chs. 45, 50, 116	
	1939, Spec.L., pp. 709, 712	
	1941, ch. 418	
2701d-4	1933, ch. 181	
2701d-5	1931, 1st C.S., ch. 39	
	1939, Spec.L., pp. 713-715	
2701e-1	1939, Spec.L., p. 718	
		COUNTY UNIT SYSTEM
2702	1923, p. 237	Counties of 3,960 to 4,000
	1931, ch. 348	Counties of 8,000 to 9,000
	1941, ch. 128	Counties of 100,000 or more
2702-A	1947, ch. 331	Counties of 24,000 to 25,000
		Supervision, management and control of schools
2740a	1927, 1st C.S., ch. 89	Counties of 42,000 to 52,000 of more than 1100 square miles
	1939, Spec.L., p. 693	
2740b	1929, ch. 289	Counties of 15,000 to 20,000
2740c	1929, ch. 295	Counties of 8,955 to 8,960, exemption of independent districts
2740d	1929, 2nd C.S., ch. 31	Counties of 80,000 to 130,000
	1931, ch. 324	
2740f-2	1937, ch. 163	Counties of 5,600 to 5,750
2740f-3	1941, ch. 95	Counties of 7,500 to 7,590
2740f-4	1941, ch. 233	Counties of 10,339 to 10,540
2740f-5	1947, ch. 399	Counties of 27,000 to 30,000
2740g	1935, ch. 103	Counties having large areas in reforestation
		COUNTY SCHOOL TRUSTEES
2740h	1939, Spec.L., p. 690	Compensation and meetings, counties of 8,470 to 8,480
		SCHOOL DISTRICTS
		County board of education, consolidation, subdivision of districts
2742c	1929, ch. 134	Counties of 34,300 to 34,500 and 930 to 1075 square miles
2742c note	1933, 1st C.S., ch. 108	Counties of 9,000 to 12,000 and 3600 to 3800 square miles
2742c-1	1941, ch. 608	Separation from municipal control to become common district, city of 1600 or less

NUMERICAL TABLE

Clv.St.Art.	Laws Citation	Subject Matter
		INDEPENDENT SCHOOL DISTRICTS
		County-wide districts
2744e	1937, ch. 231	—Counties of 20,000 to 32,500
2744e-1	1939, Spec.L., p. 677	—Counties of 35,000 to 67,500
2744e-2	1939, Spec.L., p. 673	—Counties of 2,775 to 2,850
2744e-3	1941, ch. 150 1947, ch. 85	—Counties with taxable property of \$17,000,000
2744e-4	1947, ch. 181 1951, ch. 229	—Counties with scholastics under 2500 and not more than 2 districts
2744e-5	1949, ch. 84	—Counties of 20,100 to 21,000
2744e-6	1949, ch. 134	—Counties with taxable property of \$42,000,000
2761b	1937, 2nd C.S., ch. 10	Exemptions from county control, counties of 11,000 to 11,021
2763a	1945, ch. 188 1961, ch. 451	Depositories, assessors and collectors in districts created by special laws
		Boundary changes
2766a	1955, ch. 172	—Counties of 100,000 or more
2766b	1961, ch. 484	—Counties of 149,000 or more with 16,500 scholastics
2766c	1963, ch. 35 1971, ch. 542, § 1 1981, ch. 237, § 47	—Counties of 40,000 to 40,500
2767h	1963, ch. 294	Validation, district having less than 200 scholastics
		Trustee elections
2774b	1951, ch. 339 1965, ch. 312 1975, ch. 717 1981, ch. 237, §§ 48, 146 1981, ch. 345	—City of 1,590,000 or more and 140,000 students
2774c-1	1965, ch. 39 1971, ch. 542, § 137 1981, ch. 237, § 49	—Counties of 20,500 to 21,000 or 99,400 to 100,000
2774d	1957, ch. 475	—Scholastics of 30,220 or more
2775a	1953, ch. 76	—Counties of 800,000 or more
2775a-1	1955, ch. 360 1963, ch. 262 1965, ch. 73	—Scholastics of 500 or more
2775a-2	1959, ch. 482	—Scholastics of 18,000 or more
2775a-3	1963, ch. 233 1971, ch. 542, § 128 1981, ch. 237, § 50	—Counties of 6,650 to 6,800 or 13,300 to 13,350
2775a-4	1963, ch. 413	—Counties of 8,500 to 9,000
2775a-5	1965, ch. 452 1971, ch. 542, § 13 1981, ch. 237, § 51	—Counties of 13,550 to 13,590
2775a-6	1965, ch. 652 1971, ch. 542, § 66 1981, ch. 237, § 52	—Counties of 41,500 to 42,000
2775a-7	1965, ch. 702 1971, ch. 542, § 65 1981, ch. 237, § 53	—Counties of 121,000 to 128,000

EDUCATION SPECIAL LAWS

Civ.St.Art.	Laws Citation	Subject Matter
		INDEPENDENT SCHOOL DISTRICTS—Continued
		Trustee elections—Continued
2775a-8	1967, ch. 351 1971, ch. 542, § 11 1981, ch. 237, § 54	—Counties of 190,000 to 205,000
2775a-9	1967, ch. 350	—Certain districts
2775b	1959, ch. 9	—Counties of 110,000 to 800,000
2775c	1959, ch. 24	—Scholastics of 1,831 to 1,835 and city of 4,427 to 4,430
2775c-1	1965, ch. 179	—Average daily attendance of 2,100 to 2,200
2775e	1962, ch. 23 1971, ch. 542, § 72 1981, ch. 237, § 55	—Counties of 160,000 to 170,000
2775e-1	1969, ch. 9 1971, ch. 542, § 46 1981, ch. 237, § 56	—Counties of 18,750 to 18,830
2775e-2	1969, ch. 443 1971, ch. 542, § 70 1981, ch. 237, § 57	—Counties of 8,300 to 8,600 or 9,100 to 9,280
2775e-3	1971, ch. 324 1981, ch. 237, § 58	—Counties of 26,500 to 27,000
2775f	1965, ch. 36 1971, ch. 542, § 67 1981, ch. 237, § 59	—Counties of 68,000 to 70,000
2775f-1	1967, ch. 34 1971, ch. 542, § 63 1981, ch. 237, § 60	—Counties of 170,000 to 190,000
2777a	1931, ch. 317 1983, ch. 10	—City of 200,000 or more —Validation, number and terms Trustee terms of office
2774d-4	1965, ch. 266	—City of 2,095 to 2,105
2777b	1933, ch. 36 1945, ch. 221	—City of 220,000 to 290,000
2777c	1935, ch. 64	—City of 160,000 to 220,000
2777d	1937, ch. 153 1945, ch. 186 1949, ch. 87 1959, ch. 102	—City of 75,000 to 175,000
2777d-1	1959, 1st C.S., ch. 21	—City of 2,620 to 2,630
2777d-2	1961, ch. 145	—Counties of less than 2,601
2777d-3	1965, ch. 178 1981, ch. 237, § 61	—Counties of 1,250 to 1,350
2777e	1941, ch. 17	—City of 375,000 or more and 70,000 or more scholastics
2777f	1961, ch. 531 1971, ch. 542, § 136 1981, ch. 237, § 62	—City of 8,325 to 8,375
2779a	1941, ch. 272	Tax assessor and collector —Counties of 19,220 to 19,240 —Counties of 51,325 to 54,200
2782	1905, p. 263	Trustee elections, exemptions, Dallas and Fort Worth

NUMERICAL TABLE

Civ.St.Art.	Laws Citation	Subject Matter
		INDEPENDENT SCHOOL DISTRICTS—Continued
		Separation from municipal control to become independent district
	1929, ch. 302	—City of 100,000 or less
2783a	1935, ch. 88	—City of 30,000 or less
2783b	1947, ch. 171	—City of 290,000 or more
2783d	1949, ch. 391	
	1953, ch. 28	
	1961, ch. 2	
	1967, ch. 445	
	1971, ch. 70	
	1973, ch. 211	
	1979, ch. 798	
	1981, ch. 6	
	1981, ch. 703	
	1971, ch. 945	Combined occupancy structure, average daily attendance over 100,000
2783d-1		
2783e	1949, ch. 235	Separation from municipal control to become independent district, validation
2783f	1953, ch. 272	Receipts and expenditures, reports, city of 575,000
2783g	1961, ch. 407	Separate district in counties over 100,000 containing same territory as city
		TAXES AND TAXATION
		Common school districts
2784e-2	1959, ch. 437	—Counties of 20,560 to 20,850
2784e-4	1959, 2nd C.S., ch. 11	—Scholastics over 200
2784e-5	1963, ch. 89	—Counties of 12,300 to 12,400
2784e-6	1963, ch. 98	Counties of 42,500 to 43,500
	1971, ch. 542, § 42	
	1981, ch. 237, § 63	
2784e-7	1965, ch. 389	Counties of 10,300 to 10,350
2784e-11	1969, ch. 229	Counties of 25,200 to 26,000
	1971, ch. 542, § 7	
	1981, ch. 237, § 64	
2784e-13	1971, ch. 144	Independent school districts, counties of 12,500 to 12,600
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