

ACTS OF STATE LEGISLATURE

The junior colleges in Texas were all private entities until the 41st Legislature, acting in 1929, validated all junior college districts that had been organized prior to that time. In February, 1930, the Temple College Board of Trustees made the College a public institution by adopting the following resolution pursuant to the Act of the 41st Legislature, 1929, Chapter 290, Article 2815 L, Section 16:

"That the Board does now choose and elect to be governed by the provisions of Chapter 290, Acts of the 41st Legislature, Regular Session, and in order that the Public Junior College situated, maintained, and conducted in the City of Temple, in Bell County, Texas, may receive the benefits and privileges of said Act, a copy of this resolution under the hand of the President of said School Board, attested by its Secretary, shall be forwarded to the State Department of Education at Austin."

During the years from 1929 to present, the acts of the 41st State Legislature have brought many changes in the legal status of Temple College. Such changes can be primarily found in the Texas Education Code, Chapter 130, "Junior College Districts." While this chapter provides the rules and regulations for many functions of every public junior college district, it will not be reproduced in its entirety here, but certain portions dealing with (1) the role of the Coordinating Board, Texas College and University System, (2) extent of State and Local control, and (3) the governing board will be offered since they are crucial to the understanding of the legal status of Temple College.

Chapter 130.001. Supervision by Coordinating Board, Texas College, and University System. (Full text offered.)

- (a) The Coordinating Board, Texas College, and University System referred to as the coordinating board shall exercise general control of the public junior college 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 statues, 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;

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- (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, § I; Acts 1971, 62nd Leg., p. 3280, ch. 1024, art. 1, § I, eff. Sept. 1, 1971.]

Chapter 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; Acts 1971, 62nd Leg., p. 3281, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.]

Chapter 130.082. Governing Board of Junior College of Other than Independent School District

This section provides for board elections, number of trustees, officers of the board, qualifications, term of office, board authority, and other matters pertaining to the creation and continuation of a governing board for each junior college district. We will not offer this section in full; however, we do offer the section dealing with Board authority as follows:

..."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."

Thus, one can see that the legal status of Temple College is very closely prescribed by various acts of the Legislature. However, it is important to repeat the provision that all authority not vested in the Coordinating Board or 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.

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