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October 18, 2004

RQ-0280-GA

RECEIVED

OCT 19 2004

OPINION COMMITTEE

The Honorable Greg Abbott
Texas Attorney General
Price Daniel Building
Post Office Box 12548
Austin, Texas 78711-2548

FILE # ML-43982-04

I.D. # 043982

Attention: Opinion Committee

Dear General Abbott:

I am writing to ask your opinion regarding the interpretation of Texas Education Code, Chapter 130, Subchapter J. This request is being made on behalf of two community college districts, Brazosport College District (Brazosport) and Alvin Community College District (Alvin), who have a difference of opinion about the definition of their service areas.

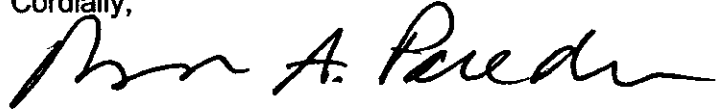
Alvin has provided college-level courses to the Ramsey and Darrington prison units of the Texas Department of Corrections for several decades. In 1995, the Texas Legislature enacted Texas Education Code, Chapter 130, Subchapter J, which described the territory within each service area for each community college. The prison units are not located in the territory described as the service area of Alvin but are located in the territory described as the service area of Brazosport.

Alvin argues that the general provision in Texas Education Code, Section 130.161(2)(B) permits the inclusion of the prison units in its service area. Brazosport argues that, under the specific provisions of Texas Education Code, Sections 130.163 and 130.170, the territory in which the prison units are located is in the service area of Brazosport and is excluded from the service area of Alvin. At our request, the two community college districts have provided extensive letter briefings on this issue and those letters are incorporated into this request.

General Abbott
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Thank you for your attention to this matter. Should you require any additional information, please feel free to contact Jan Greenberg, General Counsel at (512) 427-6143.

Cordially,



Raymund A. Paredes
Commissioner of Higher Education

Attachments: Letter brief on behalf of Alvin Community College
District dated July 21, 2004
Letter brief on behalf of Brazosport College District
dated September 2, 2004
Additional letter brief on behalf of Alvin Community
College District dated September 24, 2004

cc: David M. Feldman, Feldman & Rogers, L.L.P.
Lisa A. Brown, Bracewell & Patterson, L.L.P.
Rey Garcia, Texas Association of Community Colleges