

By: West, Royce

S.B. No. 1502

A BILL TO BE ENTITLED

AN ACT

1
2 relating to improvements in and assessments of the status of higher
3 education in this state and to the coordination of public
4 institutions of higher education in this state.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 61.051, Education Code, is amended by
7 amending Subsections (a-1), (a-2), (a-3), and (e) and adding
8 Subsections (a-4) and (a-5) to read as follows:

9 (a-1) The board shall develop a long-range statewide
10 [~~five-year~~ master plan for higher education to provide information
11 and guidance to policy makers to ensure that institutions of higher
12 education meet the current and future needs of each region of this
13 state for higher education services and that adequate higher
14 education services at all levels are reasonably and equally
15 available to the residents of each region of [~~in~~ this state. The
16 [~~five-year~~ plan must project the status of higher education in
17 this state for future five-year intervals and must consider [~~shall~~
18 take into account] the resources of private institutions of higher
19 education in this state.

20 (a-2) In developing the master plan, the board shall examine
21 existing undergraduate, graduate, professional, and research
22 programs provided by institutions of higher education and identify
23 the geographic areas of this state that, as a result of current
24 population or projected population growth, distance from other

1 educational resources, economic trends, or other factors, have or
2 are reasonably likely to have in the future significantly greater
3 need for higher education services than the services currently
4 provided in the area by existing institutions of higher education.
5 The board shall also consider the higher education services
6 provided by private and independent institutions of higher
7 education in developing the plan. The board shall identify as
8 specifically as practicable the programs or fields of study for
9 which an area has or is projected to have a significant unmet need
10 for services. In determining the need for higher education
11 services in an area, the board shall consider the educational
12 attainment of the current population and the extent to which
13 residents from the area attend institutions of higher education
14 outside of the area or do not attend institutions of higher
15 education. The board shall include in the plan specific
16 recommendations, including alternative recommendations, for
17 administrative or legislative action to address an area's unmet
18 need for higher education services as efficiently as possible. Not
19 later than November 1 of each even-numbered year, the board shall
20 deliver to the governor, lieutenant governor, and legislature a
21 report of the current master plan developed under this section.

22 (a-3) [~~(a-2)~~] The board shall periodically review and
23 revise the [~~five-year~~] master plan developed under this section
24 [~~Subsection (a-1)~~]. As a specific element of its review, the board
25 shall identify and analyze the degree to which the plan reflects the
26 continuing higher education needs of this state, as well as any
27 policy changes necessary to improve overall implementation of the

1 plan and the fiscal impact of those changes. The board shall
2 establish procedures for monitoring the board's implementation of
3 the plan, including an analysis of the degree to which its current
4 activities support implementation of the plan and any change in
5 board rules or practices necessary to improve implementation of the
6 plan.

7 (a-4) The board shall adopt a strategic plan to guide the
8 implementation of the master plan and the use of state resources in
9 the implementation of the master plan. The strategic plan must
10 identify and incorporate strategies to be used by the board and each
11 institution of higher education to implement the master plan, other
12 strategies necessary to implement the master plan, and strategies
13 for maximizing the use of state resources to implement the master
14 plan [~~identify additional strategies necessary to achieve the goals~~
15 ~~of the plan, emphasizing implementation by institutions of higher~~
16 ~~education]~~ and must make specific recommendations regarding higher
17 education in [~~for~~] the different regions of the state. The board
18 shall notify each institution of higher education of all strategies
19 for implementing the plan.

20 (a-5) [~~(a-3)~~] The board shall inform the legislature on
21 matters pertaining to higher education, including the state's
22 activities in the Board of Control for Southern Regional Education,
23 and shall report to the legislature not later than January 1 of each
24 odd-numbered year on the state of higher education in Texas. In the
25 biennial report, the board shall assess the state's progress in
26 meeting the goals stated in the master plan developed under this
27 section [~~Subsection (a-1)~~] and shall recommend legislative action

1 to assist the state in meeting those goals. The report must include
2 the analyses performed in connection with the board's periodic
3 review under Subsection (a-3) [~~(a-2)~~].

4 (e) The board shall review periodically the role and mission
5 statements, the table of programs, and all degree and certificate
6 programs offered by the public institutions of higher education to
7 assure that they meet the present and future needs of the state and
8 the counties in which they are located. The board's review shall be
9 performed at least every four years and shall involve the
10 chairperson of the institution's board of regents. The board shall
11 also order the initiation, consolidation, or elimination of degree
12 or certificate programs where that action is in the best interest of
13 the public institutions themselves or the general requirements of
14 the State of Texas, the counties in which they are located, or when
15 that action offers hope of achieving excellence by a concentration
16 of available resources. No new department, school, degree program,
17 or certificate program may be added at any public institution of
18 higher education except with specific prior approval of the board.
19 The board by rule shall adopt criteria for the addition of a new
20 department, school, or degree or certificate program by an
21 institution of higher education. The board may authorize an
22 institution to continue a doctoral program that is inconsistent
23 with the role and mission of the institution if the program was in
24 existence on September 1, 1987, and the board determines that
25 continuation of the program is warranted.

26 SECTION 2. Sections 61.059(a) and (i-1), Education Code,
27 are amended to read as follows:

1 (a) To finance a system of higher education and to secure an
2 equitable distribution of state funds deemed to be available for
3 higher education, the board shall perform the functions described
4 in this section. Funding policies shall:

5 (1) allocate resources efficiently and provide
6 incentives for programs of superior quality and for institutional
7 diversity;

8 (2) provide incentives for supporting the [~~five-year~~]
9 master plan for higher education developed and revised under
10 Section 61.051; and

11 (3) discourage unnecessary duplication of course
12 offerings between institutions and unnecessary construction on any
13 campus.

14 (i-1) Not later than January 1 of each odd-numbered year,
15 the board shall make and submit to the legislature findings and
16 recommendations regarding the degree to which the current higher
17 education funding system, including formula funding and any other
18 transfers of legislative appropriations to institutions of higher
19 education, supports the implementation of the [~~five-year~~] master
20 plan for higher education developed and revised under Section
21 61.051. The board may include its findings and recommendations in
22 the biennial report submitted to the legislature under Section
23 61.051. In its findings, the board must:

24 (1) identify funding incentives that would encourage
25 implementation of the [~~five-year~~] master plan by institutions of
26 higher education; and

27 (2) assess the accountability of institutions of

1 higher education with respect to legislative appropriations to
2 evaluate institutional allocation of financial resources in
3 accordance with the [~~five-year~~] master plan.

4 SECTION 3. Subchapter C, Chapter 61, Education Code, is
5 amended by adding Section 61.0818 to read as follows:

6 Sec. 61.0818. IDENTIFYING INSTITUTIONS AS COMPREHENSIVE
7 RESEARCH UNIVERSITIES OF THE FIRST CLASS. (a) The board shall
8 establish a system for designating a general academic teaching
9 institution as a comprehensive research university of the first
10 class and shall prescribe criteria to determine whether a general
11 academic teaching institution should be assigned that designation.
12 The board shall determine which general academic teaching
13 institutions merit the designation and shall periodically review
14 that determination.

15 (b) In prescribing the criteria for purposes of Subsection
16 (a), the board shall consider the criteria used by generally
17 recognized college and university classification systems to
18 identify those universities in the highest classification or
19 ranking. The board shall specifically consider whether to
20 prescribe criteria based on the following factors:

21 (1) the number, variety, and quality of an
22 institution's undergraduate, graduate, postgraduate, and
23 professional degree programs, the number of programs accredited by
24 a recognized accrediting agency or recognized nationally, the
25 institution's selectivity in admissions to each program, the
26 standard time required for a student to obtain a degree in each
27 program, the institution's graduation rates in each program, and

1 the institution's faculty-to-student classroom ratios;

2 (2) the degree to which writing and critical thought
3 are incorporated as elements in each undergraduate degree program,
4 the number of graduates of each undergraduate degree program who
5 enroll in selective graduate, postgraduate, and professional
6 degree programs, the level of graduate performance on licensing
7 examinations, the number, variety, and quality of honors programs
8 available at the institution, whether honors theses are required
9 for participation in those honors programs, and the availability of
10 independent study credits at the institution;

11 (3) the number of doctoral degrees awarded by the
12 institution, the number, variety, and quality of the programs in
13 which those degrees are awarded, and the number of students
14 enrolled in each program;

15 (4) the degree of faculty and student engagement in
16 research and other creative activities, the number of faculty and
17 students who engage in those activities, the resources applied by
18 the institution to those activities, the number, variety, and
19 quality of degree programs in which those activities occur, the
20 success of the institution in receiving federal research and
21 development funding, and the number of faculty who are members of
22 nationally recognized academic associations such as the National
23 Academy of Sciences or the National Academy of Engineering;

24 (5) the quality of the libraries of the institution;

25 (6) the amount of institutional endowment and state
26 revenue available on behalf of each student;

27 (7) whether the institution is a member of the

1 Association of American Universities, the Association of Research
2 Libraries, or another similar entity that recognizes institutional
3 excellence on a national level; and

4 (8) alumni involvement in institution activities.

5 (c) In prescribing the criteria for purposes of Subsection
6 (a), the board must include any criteria the commissioner of higher
7 education considers appropriate to achieve the purposes of this
8 section.

9 (d) The board shall administer this section with the
10 assistance of an advisory committee composed of at least five but
11 not more than 15 higher education experts or scholars from any
12 state. The commissioner of higher education shall select the
13 members of the advisory committee. Chapter 2110, Government Code,
14 does not apply to the advisory committee.

15 (e) Not later than October 1, 2006, the board shall
16 establish the initial criteria and make its initial determinations
17 under this section and report the board's actions to each
18 legislative standing committee and subcommittee with primary
19 jurisdiction over higher education. This subsection expires
20 January 1, 2007.

21 SECTION 4. The following provisions of the Education Code
22 are repealed:

23 (1) Section 61.051(i); and

24 (2) Section 61.056.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 1502

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.