

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1741
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Higher Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Higher education experts who appeared before the interim hearings of the Joint Oversight Committee on Higher Education Governance, Excellence, and Transparency reported that university system regents could benefit from greater training and information. Recent concerns regarding regent governance suggests that the training required of regents must be improved.

This bill addresses calls for improved regent governance by expanding their training opportunities.

C.S.S.B. 1741 amends current law relating to training for and complaints regarding members of the governing board of a public institution of higher education.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 61.084, Education Code) and SECTION 2 (Section 61.0842, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.084, Education Code, by amending Subsection (a) and (d) and adding Subsections (a-1), (a-2), and (h), as follows:

(a) Requires that each member of a governing board of an institution of higher education attend, during the member's first year, rather than a member's first two years, of service as a member of a governing board of an institution of higher education, at least one training program under this section.

(a-1) Requires that the Texas Higher Education Coordinating Board's (THECB) rules require a governing board member who holds an appointive position to attend, as part of the training program, the intensive short orientation course developed under Section 61.0841 and any available training course sponsored or coordinated by the office of the governor with a curriculum designed for training newly appointed state officers, THECB members, or high-level executive officials. Requires that the rules require the member to attend those courses the first time they are offered following the date the member takes the oath of office, regardless of whether that attendance is required under other law. Authorizes the rules to provide a governing board member with additional time to attend those courses if the member for good cause is unable to attend the courses the first time they are offered. Provides that Subsection (g) (relating to requiring THECB to provide an equivalent training program by electronic means if a member is unable to attend a training program) does not apply to the courses required by this subsection.

(a-2) Provides that a member of the governing board of an institution of higher education who holds an appointive position is prohibited from voting on a budgetary or personnel matter related to system administration or institution of higher education until the member completes the intensive short orientation course described by Subsection (a-1).

(d) Requires that the content of the instruction at the training program focus on the official role and duties of the members of governing boards and provide training in the areas of budgeting, policy development, ethics, and governance. Requires, rather than authorizes, the topics covered by the training program to include:

(1)-(2) Makes no change to these subdivisions;

(3) the role of the governing board at institutions of higher education and the relationship between the governing board and an institution's administration, faculty and staff, and students, including limitations on the authority of the governing board;

(4)-(8) Makes no change to these subdivisions;

(9) the requirements of laws relating to the protection of student information under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or any other federal or state law relating to the privacy of student information; and

(10) Redesignates existing Subdivision (9) as Subdivision (10) and makes no further change.

(h) Provides that THECB is responsible for documenting completion of the requirements provided by this section.

SECTION 2. Amends Subchapter C, Chapter 61, Education Code, by adding Sections 61.0841 and 61.0842, Education Code, as follows:

Sec. 61.0841. INTENSE SHORT COURSE. (a) Requires that THECB develop an intense short orientation course for members of the governing boards of institutions of higher education who hold appointive positions. Authorizes the orientation course to be offered in the form of a written document or online interactive course or to be offered in a one-on-one or group setting.

(b) Requires that the instruction in the orientation course include best practices relating to excellence, transparency, accountability, and efficiency in the governing structure and organization of general academic teaching institutions and university systems; best practices relating to the manner in which governing boards and administrators of general academic teaching institutions and university systems develop and implement major policy decisions, including the need for impartiality and adequate internal review in their processes; matters relating to excellence, transparency, accountability, and efficiency in the governance and administration of general academic teaching institutions and university systems; and ethics, conflicts of interests, and the proper role of a board member in the governing structure of general academic teaching institutions and university systems.

Sec. 61.0842. COMPLAINTS REGARDING GOVERNING BOARD MEMBERS. (a) Requires THECB by rule to establish a process by which THECB accepts a claim of abuse of power or mismanagement by a member of a governing board of an institution of higher education.

(b) Requires that the process include a method for anonymously submitting a claim described in Subsection (a).

(c) Requires THECB, if after conducting an initial review THECB finds evidence that supports a full investigation of a claim described by Subsection (a), to refer the claim to an appropriate investigative body such as the attorney general, the state auditor, or any other governmental entity with appropriate subject area authority to investigate the claim or any nongovernmental entity under the terms

of a contract entered into for the express purpose of conducting an investigation of a claim described by Subsection (a).

(d) Requires the investigative body that conducts an investigation under Subsection (c) to submit to THECB a report of the findings of the investigation. Requires THECB, after reviewing the report, to take any corrective measure THECB considers appropriate, such as requiring a governing board member to complete one or more additional training courses; issuing a public censure of a governing board member; or any other corrective measure THECB has the authority to implement.

(e) Requires THECB to make all claims and reports received under this section available to the public on THECB's Internet website.

SECTION 3. Effective date: upon passage or September 1, 2013.