

By: Zaffirini

S.B. No. 1741

A BILL TO BE ENTITLED

AN ACT

relating to training for and complaints regarding members of the governing board of a public institution of higher education.

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

SECTION 1. Section 61.084, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (a-1), (a-2), and (h) to read as follows:

(a) The board by rule shall establish a training program for members of the governing boards of institutions of higher education. Each member of a governing board of an institution of higher education shall attend, during the member's first year [~~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 member of a governing board who is required to attend a training program under this section may attend additional training programs under this section.

(a-1) The board's rules must 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, board members, or high-level executive officials. The rules must require the member to attend those courses the first time they are offered

1 following the date the member takes the oath of office, regardless
2 of whether that attendance is required under other law. The rules
3 may provide a governing board member with additional time to attend
4 those courses if the member for good cause is unable to attend the
5 courses the first time they are offered. Subsection (g) does not
6 apply to the courses required by this subsection.

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

13 (d) The content of the instruction at the training program
14 shall focus on the official role and duties of the members of
15 governing boards and shall provide training in the areas of
16 budgeting, policy development, ethics, and governance. Topics
17 covered by the training program must [~~may~~] include:

18 (1) auditing procedures and recent audits of
19 institutions of higher education;

20 (2) the enabling legislation that creates
21 institutions of higher education;

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

27 (4) the mission statements of institutions of higher

1 education;

2 (5) disciplinary and investigative authority of the
3 governing board;

4 (6) the requirements of the open meetings law, Chapter
5 551, Government Code, and the open records law, Chapter 552,
6 Government Code;

7 (7) the requirements of conflict of interest laws and
8 other laws relating to public officials;

9 (8) any applicable ethics policies adopted by
10 institutions of higher education or the Texas Ethics Commission;

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

16 (10) [~~9~~] any other topic relating to higher
17 education the board considers important.

18 (h) The board is responsible for documenting completion of
19 the requirements provided by this section.

20 SECTION 2. Subchapter C, Chapter 61, Education Code, is
21 amended by adding Sections 61.0841 and 61.0842 to read as follows:

22 Sec. 61.0841. INTENSIVE SHORT COURSE. (a) The board shall
23 develop an intensive short orientation course for members of the
24 governing boards of institutions of higher education who hold
25 appointive positions. The orientation course may be offered in the
26 form of a written document or online interactive course or may be
27 offered in a one-on-one or group setting.

1 (b) The instruction in the orientation course must include:

2 (1) best practices relating to excellence,
3 transparency, accountability, and efficiency in the governing
4 structure and organization of general academic teaching
5 institutions and university systems;

6 (2) best practices relating to the manner in which
7 governing boards and administrators of general academic teaching
8 institutions and university systems develop and implement major
9 policy decisions, including the need for impartiality and adequate
10 internal review in their processes;

11 (3) matters relating to excellence, transparency,
12 accountability, and efficiency in the governance and
13 administration of general academic teaching institutions and
14 university systems; and

15 (4) ethics, conflicts of interests, and the proper
16 role of a board member in the governing structure of general
17 academic teaching institutions and university systems.

18 Sec. 61.0842. COMPLAINTS REGARDING GOVERNING BOARD
19 MEMBERS. (a) The board by rule shall establish a process by which
20 the board accepts a claim of abuse of power or mismanagement by a
21 member of a governing board of an institution of higher education.

22 (b) The process must include a method for anonymously
23 submitting a claim described by Subsection (a).

24 (c) If after conducting an initial review the board finds
25 evidence that supports a full investigation of a claim described by
26 Subsection (a), the board shall refer the claim to an appropriate
27 investigative body such as:

1 (1) the attorney general, the state auditor, or any
2 other governmental entity with appropriate subject area authority
3 to investigate the claim; or

4 (2) any nongovernmental entity under the terms of a
5 contract entered into for the express purpose of conducting an
6 investigation of a claim described by Subsection (a).

7 (d) The investigative body that conducts an investigation
8 under Subsection (c) shall submit to the board a report of the
9 findings of the investigation. After reviewing the report, the
10 board shall take any corrective measure the board considers
11 appropriate, such as:

12 (1) requiring a governing board member to complete one
13 or more additional training courses;

14 (2) issuing a public censure of a governing board
15 member; or

16 (3) any other corrective measure the board has the
17 authority to implement.

18 (e) The board shall make all claims and reports received
19 under this section available to the public on the board's Internet
20 website.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2013.