

1-1 By: Zaffirini S.B. No. 1741  
 1-2 (In the Senate - Filed March 8, 2013; March 25, 2013, read  
 1-3 first time and referred to Committee on Higher Education;  
 1-4 April 16, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 16, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1741 By: Zaffirini

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to training for and complaints regarding members of the  
 1-20 governing board of a public institution of higher education.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 61.084, Education Code, is amended by  
 1-23 amending Subsections (a) and (d) and adding Subsections (a-1),  
 1-24 (a-2), and (h) to read as follows:

1-25 (a) The board by rule shall establish a training program for  
 1-26 members of the governing boards of institutions of higher  
 1-27 education. Each member of a governing board of an institution of  
 1-28 higher education shall attend, during the member's first year [~~two~~  
 1-29 ~~years~~] of service as a member of a governing board of an institution  
 1-30 of higher education, at least one training program under this  
 1-31 section. A member of a governing board who is required to attend a  
 1-32 training program under this section may attend additional training  
 1-33 programs under this section.

1-34 (a-1) The board's rules must require a governing board  
 1-35 member who holds an appointive position to attend, as part of the  
 1-36 training program, the intensive short orientation course developed  
 1-37 under Section 61.0841 and any available training course sponsored  
 1-38 or coordinated by the office of the governor with a curriculum  
 1-39 designed for training newly appointed state officers, board  
 1-40 members, or high-level executive officials. The rules must require  
 1-41 the member to attend those courses the first time they are offered  
 1-42 following the date the member takes the oath of office, regardless  
 1-43 of whether that attendance is required under other law. The rules  
 1-44 may provide a governing board member with additional time to attend  
 1-45 those courses if the member for good cause is unable to attend the  
 1-46 courses the first time they are offered. Subsection (g) does not  
 1-47 apply to the courses required by this subsection.

1-48 (a-2) A member of the governing board of an institution of  
 1-49 higher education who holds an appointive position is prohibited  
 1-50 from voting on a budgetary or personnel matter related to system  
 1-51 administration or institutions of higher education until the member  
 1-52 completes the intensive short orientation course described by  
 1-53 Subsection (a-1).

1-54 (d) The content of the instruction at the training program  
 1-55 shall focus on the official role and duties of the members of  
 1-56 governing boards and shall provide training in the areas of  
 1-57 budgeting, policy development, ethics, and governance. Topics  
 1-58 covered by the training program must [~~may~~] include:

1-59 (1) auditing procedures and recent audits of  
 1-60 institutions of higher education;

2-1 (2) the enabling legislation that creates  
 2-2 institutions of higher education;  
 2-3 (3) the role of the governing board at institutions of  
 2-4 higher education and the relationship between the governing board  
 2-5 and an institution's administration, faculty and staff, and  
 2-6 students, including limitations on the authority of the governing  
 2-7 board;  
 2-8 (4) the mission statements of institutions of higher  
 2-9 education;  
 2-10 (5) disciplinary and investigative authority of the  
 2-11 governing board;  
 2-12 (6) the requirements of the open meetings law, Chapter  
 2-13 551, Government Code, and the open records law, Chapter 552,  
 2-14 Government Code;  
 2-15 (7) the requirements of conflict of interest laws and  
 2-16 other laws relating to public officials;  
 2-17 (8) any applicable ethics policies adopted by  
 2-18 institutions of higher education or the Texas Ethics Commission;  
 2-19 (9) the requirements of laws relating to the  
 2-20 protection of student information under the Family Educational  
 2-21 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or any  
 2-22 other federal or state law relating to the privacy of student  
 2-23 information; and  
 2-24 (10) [~~9~~] any other topic relating to higher  
 2-25 education the board considers important.  
 2-26 (h) The board is responsible for documenting completion of  
 2-27 the requirements provided by this section.  
 2-28 SECTION 2. Subchapter C, Chapter 61, Education Code, is  
 2-29 amended by adding Sections 61.0841 and 61.0842 to read as follows:  
 2-30 Sec. 61.0841. INTENSIVE SHORT COURSE. (a) The board shall  
 2-31 develop an intensive short orientation course for members of the  
 2-32 governing boards of institutions of higher education who hold  
 2-33 appointive positions. The orientation course may be offered in the  
 2-34 form of a written document or online interactive course or may be  
 2-35 offered in a one-on-one or group setting.  
 2-36 (b) The instruction in the orientation course must include:  
 2-37 (1) best practices relating to excellence,  
 2-38 transparency, accountability, and efficiency in the governing  
 2-39 structure and organization of general academic teaching  
 2-40 institutions and university systems;  
 2-41 (2) best practices relating to the manner in which  
 2-42 governing boards and administrators of general academic teaching  
 2-43 institutions and university systems develop and implement major  
 2-44 policy decisions, including the need for impartiality and adequate  
 2-45 internal review in their processes;  
 2-46 (3) matters relating to excellence, transparency,  
 2-47 accountability, and efficiency in the governance and  
 2-48 administration of general academic teaching institutions and  
 2-49 university systems; and  
 2-50 (4) ethics, conflicts of interests, and the proper  
 2-51 role of a board member in the governing structure of general  
 2-52 academic teaching institutions and university systems.  
 2-53 Sec. 61.0842. COMPLAINTS REGARDING GOVERNING BOARD  
 2-54 MEMBERS. (a) The board by rule shall establish a process by which  
 2-55 the board accepts a claim of abuse of power or mismanagement by a  
 2-56 member of a governing board of an institution of higher education.  
 2-57 (b) The process must include a method for anonymously  
 2-58 submitting a claim described by Subsection (a).  
 2-59 (c) If after conducting an initial review the board finds  
 2-60 evidence that supports a full investigation of a claim described by  
 2-61 Subsection (a), the board shall refer the claim to an appropriate  
 2-62 investigative body such as:  
 2-63 (1) the attorney general, the state auditor, or any  
 2-64 other governmental entity with appropriate subject area authority  
 2-65 to investigate the claim; or  
 2-66 (2) any nongovernmental entity under the terms of a  
 2-67 contract entered into for the express purpose of conducting an  
 2-68 investigation of a claim described by Subsection (a).  
 2-69 (d) The investigative body that conducts an investigation

3-1 under Subsection (c) shall submit to the board a report of the  
3-2 findings of the investigation. After reviewing the report, the  
3-3 board shall take any corrective measure the board considers  
3-4 appropriate, such as:

3-5 (1) requiring a governing board member to complete one  
3-6 or more additional training courses;

3-7 (2) issuing a public censure of a governing board  
3-8 member; or

3-9 (3) any other corrective measure the board has the  
3-10 authority to implement.

3-11 (e) The board shall make all claims and reports received  
3-12 under this section available to the public on the board's Internet  
3-13 website.

3-14 SECTION 3. This Act takes effect immediately if it receives  
3-15 a vote of two-thirds of all the members elected to each house, as  
3-16 provided by Section 39, Article III, Texas Constitution. If this  
3-17 Act does not receive the vote necessary for immediate effect, this  
3-18 Act takes effect September 1, 2013.

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