

## **BILL ANALYSIS**

Senate Research Center  
84R2536 KEL-F

S.B. 24  
By: Zaffirini  
Higher Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this legislation is to expand and enhance the training required for the members of governing boards of institutions of higher education in Texas. Current law requires each regent to complete a training course developed by the Texas Higher Education Coordinating Board (THECB) within the regent's first two years of service. S.B. 24 requires that training be completed during the regent's first year, and further requires THECB to develop an intensive short orientation course offered online and required to be completed by new regents before they vote on budgetary and personnel matters. Certain topics now authorized to be covered by the training are made mandatory, such as ethics, the limitations of the powers of governing boards, and the requirements of the federal Family Educational Rights and Privacy Act of 1974 (FERPA), and THECB is made responsible for documenting a regent's compliance with the training requirements.

As proposed, S.B. 24 amends current law relating to training for members of the governing board of a public institution of higher education.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

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

(a) Requires each member of a governing of an institution of higher education to attend, during the member's first year of service, rather than the 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 the Texas Higher Education Coordinating Board's (THECB) rules to 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. 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) does not apply to the courses required by this subsection.

(a-2) Prohibits a member of the governing board of an institution of higher education who holds an appointive position and whose first year of service on the

governing board begins on or after September 1, 2015, from voting on a budgetary or personnel matter related to system administration or institutions 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 that, rather than authorizes, topics covered by the training program include:

(1)-(2) Makes no substantive changes;

(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 subsections;

(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) Makes a nonsubstantive change.

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

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

Sec. 61.0841. INTENSIVE SHORT COURSE FOR APPOINTED MEMBERS OF GOVERNING BOARDS. (a) Requires THECB to develop an intensive short orientation course for members of the governing boards of institutions of higher education who hold appointive positions. Requires that the orientation course be offered as an online interactive course and authorizes the course to also be offered in the form of a written document or in a one-on-one or group setting.

(b) Requires that the instruction in the orientation course include:

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

(2) 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;

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

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

SECTION 3. Effective date: September 1, 2015.