

By: Menéndez

S.B. No. 275

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appointment of the chief executive officer of a
3 public institution of higher education or university system.

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

5 SECTION 1. Section 51.352, Education Code, is amended by
6 amending Subsection (d) and adding Subsection (g) to read as
7 follows:

8 (d) In addition to powers and duties specifically granted by
9 this code or other law, each governing board shall:

10 (1) establish, for each institution under its control
11 and management, goals consistent with the role and mission of the
12 institution;

13 (2) appoint the chancellor or other chief executive
14 officer of the system in accordance with Subsection (g), if the
15 board governs a university system;

16 (3) appoint the president or other chief executive
17 officer of each institution under the board's control and
18 management in accordance with Subsection (g) and evaluate the chief
19 executive officer of each component institution and assist the
20 officer in the achievement of performance goals;

21 (4) set campus admission standards consistent with the
22 role and mission of the institution and considering the admission
23 standards of similar institutions nationwide having a similar role
24 and mission, as determined by the coordinating board; and

1 (5) ensure that its formal position on matters of
2 importance to the institutions under its governance is made clear
3 to the coordinating board when such matters are under consideration
4 by the coordinating board.

5 (g) In appointing a chief executive officer under
6 Subsection (d)(2) or (3), a governing board:

7 (1) shall select at least two finalists for the
8 position; and

9 (2) may not take final action or vote on the employment
10 of a person as chief executive officer before the 21st day after the
11 date on which the governing board gives public notice of the
12 finalists as required under Section 552.123, Government Code.

13 SECTION 2. Section 51.913, Education Code, is amended by
14 amending Subsection (b) and adding Subsection (c) to read as
15 follows:

16 (b) The board of regents shall announce the name,
17 background, and qualifications of any individual the board [~~it~~]
18 selects and employs by use of an executive search [~~such a~~]
19 committee. [~~Additionally, public notice of the name or names of the~~
20 ~~finalist or finalists being considered by the search committee must~~
21 ~~be made public record at least 21 days prior to the meeting at which~~
22 ~~final action or vote is to be taken on the employment of the~~
23 ~~individual.~~]

24 (c) In selecting a chief executive officer using an
25 executive search committee, the board of regents must comply with
26 Section 51.352(g).

27 SECTION 3. Section 552.123, Government Code, is amended to

1 read as follows:

2 Sec. 552.123. EXCEPTION: CONFIDENTIALITY OF NAME OF
3 APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER
4 EDUCATION. The name of an applicant for the position of chief
5 executive officer of an institution of higher education, and other
6 information that would tend to identify the applicant, is excepted
7 from the requirements of Section 552.021, except that the governing
8 body of the institution must give public notice of the name [~~or~~
9 ~~names~~] of each finalist [~~the finalists~~] being considered for the
10 position at least 21 days before the date of the meeting at which
11 final action or vote is to be taken on the employment of the person.

12 SECTION 4. The changes in law made by this Act to Sections
13 51.352 and 51.913, Education Code, and Section 552.123, Government
14 Code, apply only to the appointment of a chief executive officer of
15 a public institution of higher education or university system made
16 on or after the effective date of this Act. An appointment of a
17 chief executive officer of a public institution of higher education
18 or university system made before the effective date of this Act is
19 governed by the law in effect on the date the appointment was made,
20 and the former law is continued in effect for that purpose.

21 SECTION 5. This Act takes effect September 1, 2019.