

By: Creighton, et al.

S.B. No. 18

A BILL TO BE ENTITLED

AN ACT

relating to tenure and employment status at public institutions of higher education in this state.

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

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.9415 to read as follows:

Sec. 51.9415. TENURE AND FACULTY EMPLOYMENT STATUS. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education may not grant an employee of the institution tenure or any type of permanent employment status.

(c) Subsection (b) does not apply to a faculty member or other employee of the institution of higher education who is employed by or under contract for employment with the institution on September 1, 2023, and who was awarded tenure or any type of permanent employment status by the institution before September 1, 2023, provided that the person remains continuously employed or continuously under a contract of employment beginning September 1, 2023.

(d) This section does not prohibit the board of regents of an institution of higher education from establishing an alternate system of tiered employment status for faculty members provided that the system clearly defines each position and requires each

1 faculty member to undergo an annual performance evaluation.

2 SECTION 2. Section 21.801(d), Education Code, is amended to  
3 read as follows:

4 (d) The public institution of higher education shall:

5 (1) reward faculty instructing in the teacher  
6 residency program;

7 (2) identify faculty who can prepare teachers to  
8 impact student achievement in high-need schools;

9 (3) provide institutional support of faculty who work  
10 with the teacher residency program by providing time to teach the  
11 courses [~~and valuing the faculty's contributions with rewards in~~  
12 ~~the university tenure process~~]; and

13 (4) develop and implement a program that acknowledges  
14 and elevates the significance and professional nature of teaching  
15 at the primary and secondary levels.

16 SECTION 3. Section 51.943(c), Education Code, is amended to  
17 read as follows:

18 (c) For the purposes of this section, an institution of  
19 higher education is not required to provide an annual contract to  
20 tenured [~~tenure or tenure-track~~] faculty, but must provide tenured  
21 [~~tenure and tenure-track~~] faculty with [~~any~~] written notification  
22 [~~required in the institution's tenure policy~~] of any [~~a~~] change in a  
23 term of employment according to the policies of the institution,  
24 but no later than the 30th day prior to the change.

25 SECTION 4. Section 51.948(b), Education Code, is amended to  
26 read as follows:

27 (b) A contract entered into by a governing board under this

1 section may not:

- 2 (1) provide for employment for more than three years;
- 3 (2) allow for severance or other payments on the
- 4 termination of the contract to exceed an amount equal to the
- 5 discounted net present cash value of the contract on termination at
- 6 a market interest rate agreed upon in the contract; or
- 7 (3) allow for development leave that is inconsistent
- 8 with Section 51.105 [~~or~~
- 9 [~~(4) award tenure in any way that varies from the~~
- 10 ~~institution's general policy on the award of tenure]~~.

11 SECTION 5. Section 51.9745(a), Education Code, is amended  
12 to read as follows:

13 (a) Each general academic teaching institution, as defined  
14 by Section 61.003, shall make available to the public on the  
15 institution's Internet website the following information for the  
16 institution:

- 17 (1) the student/faculty ratio;
- 18 (2) the percentage of all full-time equivalent faculty
- 19 members with teaching responsibility who are tenured [~~or tenure~~
- 20 ~~track]~~;
- 21 (3) the percentage of semester credit hours taken by
- 22 students classified as freshmen or sophomores that are taught by
- 23 tenured [~~and tenure track]~~ faculty members;
- 24 (4) the number of faculty members in each of the
- 25 following faculty ranks, including a breakdown for each rank
- 26 showing the numbers of faculty members by race, ethnicity, and
- 27 gender:

- 1 (A) professor;
- 2 (B) associate professor;
- 3 (C) assistant professor;
- 4 (D) instructor;
- 5 (E) nontenured [~~or nontenure track~~]; and
- 6 (F) teaching assistant;
- 7 (5) average faculty salaries by rank;
- 8 (6) the amount of money appropriated by the
- 9 legislature per full-time equivalent faculty member and full-time
- 10 equivalent student;
- 11 (7) the total revenue the institution spent per
- 12 full-time equivalent faculty member and full-time equivalent
- 13 student;
- 14 (8) the amount of federal and private research
- 15 expenditures per tenured [~~or tenure track~~] full-time equivalent
- 16 faculty member;
- 17 (9) the number and percentage of faculty members
- 18 holding extramural research grants;
- 19 (10) the number and names of awards to faculty members
- 20 from nationally recognized entities, including those identified by
- 21 The Center for Measuring University Performance; and
- 22 (11) the number of endowed professorships or chairs.

23 SECTION 6. Section [51A.053\(c\)](#), Education Code, is amended  
24 to read as follows:

25 (c) Except as otherwise provided by the coordinating board  
26 under Subsection (a), the resume must include the following  
27 information relating to the most recent state fiscal year for which

1 the information is available:

2 (1) under the heading "ENROLLMENT":

3 (A) the total number of students enrolled in the  
4 institution during the fall semester that ended in the fiscal year  
5 covered by the resume;

6 (B) the percentage of undergraduate students  
7 enrolled in the institution for the first time during the fall  
8 semester that ended in the fiscal year covered by the resume who are  
9 transfer students; and

10 (C) a clearly identifiable link to the  
11 information described by Paragraph (A) disaggregated by student  
12 ethnicity;

13 (2) under the heading "DEGREES AWARDED":

14 (A) the number of bachelor's degrees, number of  
15 master's degrees, number of doctoral degrees, and number of  
16 professional degrees awarded by the institution; and

17 (B) a clearly identifiable link to the  
18 information described by Paragraph (A) disaggregated by student  
19 ethnicity;

20 (3) under the heading "COSTS":

21 (A) the average annual total academic costs for a  
22 resident undergraduate student enrolled in 30 semester credit hours  
23 at the institution;

24 (B) clearly identifiable links to information  
25 regarding:

26 (i) the rate or rates of tuition per  
27 semester credit hour charged by the institution; and

1                   (ii) any mandatory fees, as defined by the  
2 coordinating board, imposed by the institution;

3                   (C) the average cost of on-campus room and board  
4 per student; and

5                   (D) the average cost to a resident undergraduate  
6 student enrolled in 30 semester credit hours for total academic  
7 costs and on-campus room and board, excluding the cost of books,  
8 supplies, transportation, or other expenses;

9                   (4) under the heading "FINANCIAL AID":

10                   (A) the percentage of undergraduate students  
11 enrolled in the institution who receive need-based grants or  
12 scholarships;

13                   (B) the percentage of undergraduate students  
14 enrolled in the institution who receive need-based grants,  
15 scholarships, loans, or work-study funds;

16                   (C) the percentage of undergraduate students  
17 enrolled in the institution who receive student loans;

18                   (D) the average amount of an undergraduate  
19 student's need-based grant and scholarship package;

20                   (E) the average amount of an undergraduate  
21 student's need-based grant, scholarship, loan, and work-study  
22 package; and

23                   (F) the average amount of an undergraduate  
24 student's student loans;

25                   (5) under the heading "ADMISSIONS":

26                   (A) the middle 50 percent test score range of  
27 first-time undergraduate students at the institution whose

1 Scholastic Assessment Test (SAT) scores were in the 25th to 75th  
2 percentile of students' scores at that institution;

3 (B) the middle 50 percent test score range of  
4 first-time undergraduate students at the institution whose  
5 American College Test (ACT) scores were in the 25th to 75th  
6 percentile of students' scores at that institution; and

7 (C) the percentage of the students who applied  
8 for first-time undergraduate admission to the institution who were  
9 offered admission to the institution;

10 (6) under the heading "INSTRUCTION":

11 (A) the student/faculty ratio at the  
12 institution;

13 (B) the percentage of organized undergraduate  
14 classes offered by the institution in which fewer than 20 students  
15 are enrolled;

16 (C) the percentage of organized undergraduate  
17 classes offered by the institution in which more than 50 students  
18 are enrolled; and

19 (D) the percentage of teaching faculty members of  
20 the institution who are tenured [~~or tenure-track~~];

21 (7) under the heading "BACCALAUREATE SUCCESS":

22 (A) four-year, five-year, and six-year  
23 graduation rates for full-time bachelor's degree-seeking students  
24 at the institution, and links to that information disaggregated by  
25 student ethnicity;

26 (B) the average number of fall and spring  
27 semesters of enrollment attempted by a student to obtain a

1 bachelor's degree; and

2 (C) the retention rate of first-time, full-time,  
3 degree-seeking entering undergraduate students enrolled in the  
4 institution after one academic year and after two academic years;

5 (8) under the heading "FIRST-TIME LICENSURE OR  
6 CERTIFICATION EXAMINATION PASS RATES," the first-time licensure or  
7 certification examination pass rates in the fields of education,  
8 law, pharmacy, nursing, and engineering of students enrolled in the  
9 institution or who have graduated from the institution; and

10 (9) under the heading "FUNDING":

11 (A) the total amount of money appropriated by the  
12 legislature to the institution, including money appropriated for  
13 faculty and staff health coverage and retirement benefits, for that  
14 state fiscal year and the corresponding percentage of the  
15 institution's operating budget for that state fiscal year that the  
16 total amount of money appropriated by the legislature represents;

17 (B) the total amount of federal funds from all  
18 federal sources, including grants and research funds, received by  
19 the institution in that state fiscal year and the corresponding  
20 percentage of the institution's operating budget for that state  
21 fiscal year that the total amount of federal funds represents;

22 (C) the total academic costs charged to students  
23 by the institution in that state fiscal year and the corresponding  
24 percentage of the institution's operating budget for that state  
25 fiscal year that the total academic costs represent; and

26 (D) the total amount of money from any source  
27 available to the institution in that state fiscal year.

1 SECTION 7. Section 61.057, Education Code, is amended to  
2 read as follows:

3 Sec. 61.057. PROMOTION OF TEACHING EXCELLENCE. To achieve  
4 excellence in the teaching of students at institutions and agencies  
5 of higher education, the board shall:

6 (1) develop and recommend:

7 (A) minimum faculty compensation plans, basic  
8 increment programs, and incentive salary increases;

9 (B) minimum standards for faculty appointment,  
10 advancement, promotion, and retirement;

11 (C) general policies for faculty teaching loads,  
12 and division of faculty time between teaching, research,  
13 administrative duties, and special assignments;

14 (D) faculty improvement programs, including a  
15 plan for sabbatical leaves, appropriate for the junior and senior  
16 colleges and universities, respectively; and

17 (E) minimum standards for academic freedom[~~7~~]  
18 and academic responsibility[~~7~~ and ~~tenure~~];

19 (2) pursue vigorously and continuously a goal of  
20 having all college and university academic classes taught by  
21 persons holding the minimum of an earned master's degree or its  
22 equivalent in academic training, creative work, or professional  
23 accomplishment;

24 (3) explore, promote, and coordinate the use of  
25 educational television among institutions of higher education and  
26 encourage participation by public and private schools and private  
27 institutions of higher education in educational television;

1           (4) conduct, and encourage the institutions of higher  
2 education to conduct, research into new methods, materials, and  
3 techniques for improving the quality of instruction and for the  
4 maximum utilization of all available teaching techniques, devices,  
5 and resources, including but not limited to large classes, team  
6 teaching, programmed instruction, interlibrary exchanges, joint  
7 libraries, specially-designed facilities, visual aids, and other  
8 innovations that offer promise for superior teaching or for meeting  
9 the need for new faculty members to teach anticipated larger  
10 numbers of students; and

11           (5) assume initiative and leadership in providing  
12 through the institutions of higher education in the state those  
13 programs and offerings which will achieve the objectives set forth  
14 in Section 61.002 of this code.

15           SECTION 8. Section 61.0902(b), Education Code, is amended  
16 to read as follows:

17           (b) Not later than the next November 1 following the  
18 completion of an academic year, each general academic teaching  
19 institution shall provide to the board one or more reports  
20 containing data related to:

21           (1) the qualifications of the entering freshman class  
22 for the academic year covered by the report, including:

23                   (A) the average Texas Academic Skills Program  
24 Test scores of the class;

25                   (B) the average scores of the class on each  
26 generally recognized test or assessment used in college and  
27 university undergraduate admissions, including the Scholastic

1 Assessment Test and the American College Test;

2 (C) the range of scores of the class from the 25th  
3 to the 75th percentile on each generally recognized test or  
4 assessment used in college and university undergraduate  
5 admissions, including the Scholastic Assessment Test and the  
6 American College Test;

7 (D) the overall grade point average of the class  
8 for the academic year covered by the report;

9 (E) the number of students in the class who  
10 graduated in the top 10 percent of the student's high school  
11 graduating class; and

12 (F) enrollment percentages by ethnicity; and

13 (2) student performance and institution efficiency,  
14 including:

15 (A) the retention rate of full-time students  
16 after the completion of one academic year at the institution;

17 (B) the percentage of full-time degree-seeking  
18 undergraduate students who earn a baccalaureate degree before the  
19 sixth anniversary of the date of the student's first enrollment at  
20 the institution;

21 (C) the percentage of lower-division semester  
22 credit hours taught by tenured [~~or tenure-track~~] faculty;

23 (D) the percentage of undergraduate classes with  
24 fewer than 20 students;

25 (E) the percentage of undergraduate classes with  
26 more than 50 students;

27 (F) the student-to-faculty ratio for

1 undergraduate students;

2 (G) the percentage of students receiving  
3 financial aid;

4 (H) the average cost of tuition and fees for an  
5 undergraduate student enrolled for 12 semester credit hours;

6 (I) the average cost of on-campus room and board  
7 for an academic year, excluding summer sessions;

8 (J) the number of disciplines in which master's  
9 degrees are offered;

10 (K) the number of disciplines in which doctoral  
11 degrees are offered;

12 (L) a description of any departments, schools, or  
13 certificate or degree programs of the institution that have a  
14 statewide or national reputation for excellence; and

15 (M) statistics regarding job placement rates for  
16 students awarded certificates or degrees by the institution.

17 SECTION 9. Section 141.001(3), Education Code, is amended  
18 to read as follows:

19 (3) "Faculty member" means a person who is tenured [~~or~~  
20 ~~is in a tenure track position~~] and [~~is~~] employed by a public senior  
21 college or university.

22 SECTION 10. Section 142.001(5), Education Code, is amended  
23 to read as follows:

24 (5) "Faculty member" means a person who is tenured by  
25 an eligible institution [~~or is in a tenure track position~~] or who is  
26 a research professional employed by an eligible institution.

27 SECTION 11. Section 51.942(f), Education Code, is repealed.

1 SECTION 12. This Act takes effect January 1, 2024.