

1-1 By: Creighton, et al. S.B. No. 18
 1-2 (In the Senate - Filed March 10, 2023; March 13, 2023, read
 1-3 first time and referred to Committee on Education; April 6, 2023,
 1-4 reported favorably by the following vote: Yeas 9, Nays 3;
 1-5 April 6, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Creighton	X			
1-8 Campbell	X			
1-9 Bettencourt	X			
1-10 Birdwell			X	
1-11 Flores	X			
1-12 King	X			
1-13 LaMantia		X		
1-14 Menéndez		X		
1-15 Middleton	X			
1-16 Parker	X			
1-17 Paxton	X			
1-18 Springer	X			
1-19 West		X		

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to tenure and employment status at public institutions of
 1-24 higher education in this state.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter 2, Chapter 51, Education Code, is
 1-27 amended by adding Section 51.9415 to read as follows:

1-28 Sec. 51.9415. TENURE AND FACULTY EMPLOYMENT STATUS. (a) In
 1-29 this section, "institution of higher education" has the meaning
 1-30 assigned by Section 61.003.

1-31 (b) An institution of higher education may not grant an
 1-32 employee of the institution tenure or any type of permanent
 1-33 employment status.

1-34 (c) Subsection (b) does not apply to a faculty member or
 1-35 other employee of the institution of higher education who is
 1-36 employed by or under contract for employment with the institution
 1-37 on September 1, 2023, and who was awarded tenure or any type of
 1-38 permanent employment status by the institution before September 1,
 1-39 2023, provided that the person remains continuously employed or
 1-40 continuously under a contract of employment beginning September 1,
 1-41 2023.

1-42 (d) This section does not prohibit the board of regents of
 1-43 an institution of higher education from establishing an alternate
 1-44 system of tiered employment status for faculty members provided
 1-45 that the system clearly defines each position and requires each
 1-46 faculty member to undergo an annual performance evaluation.

1-47 SECTION 2. Section 21.801(d), Education Code, is amended to
 1-48 read as follows:

1-49 (d) The public institution of higher education shall:

1-50 (1) reward faculty instructing in the teacher
 1-51 residency program;

1-52 (2) identify faculty who can prepare teachers to
 1-53 impact student achievement in high-need schools;

1-54 (3) provide institutional support of faculty who work
 1-55 with the teacher residency program by providing time to teach the
 1-56 courses [~~and valuing the faculty's contributions with rewards in~~
 1-57 ~~the university tenure process]; and~~

1-58 (4) develop and implement a program that acknowledges
 1-59 and elevates the significance and professional nature of teaching
 1-60 at the primary and secondary levels.

1-61 SECTION 3. Section 51.943(c), Education Code, is amended to

2-1 read as follows:

2-2 (c) For the purposes of this section, an institution of
 2-3 higher education is not required to provide an annual contract to
 2-4 tenured [~~tenure or tenure-track~~] faculty, but must provide tenured
 2-5 [~~tenure and tenure-track~~] faculty with [~~any~~] written notification
 2-6 [~~required in the institution's tenure policy~~] of any [~~a~~] change in a
 2-7 term of employment according to the policies of the institution,
 2-8 but no later than the 30th day prior to the change.

2-9 SECTION 4. Section 51.948(b), Education Code, is amended to
 2-10 read as follows:

2-11 (b) A contract entered into by a governing board under this
 2-12 section may not:

- 2-13 (1) provide for employment for more than three years;
- 2-14 (2) allow for severance or other payments on the
 2-15 termination of the contract to exceed an amount equal to the
 2-16 discounted net present cash value of the contract on termination at
 2-17 a market interest rate agreed upon in the contract; or
- 2-18 (3) allow for development leave that is inconsistent
 2-19 with Section 51.105 [~~, or~~
 2-20 [~~(4) award tenure in any way that varies from the~~
 2-21 ~~institution's general policy on the award of tenure~~].

2-22 SECTION 5. Section 51.9745(a), Education Code, is amended
 2-23 to read as follows:

2-24 (a) Each general academic teaching institution, as defined
 2-25 by Section 61.003, shall make available to the public on the
 2-26 institution's Internet website the following information for the
 2-27 institution:

- 2-28 (1) the student/faculty ratio;
- 2-29 (2) the percentage of all full-time equivalent faculty
 2-30 members with teaching responsibility who are tenured [~~or tenure~~
 2-31 ~~track~~];
- 2-32 (3) the percentage of semester credit hours taken by
 2-33 students classified as freshmen or sophomores that are taught by
 2-34 tenured [~~and tenure-track~~] faculty members;
- 2-35 (4) the number of faculty members in each of the
 2-36 following faculty ranks, including a breakdown for each rank
 2-37 showing the numbers of faculty members by race, ethnicity, and
 2-38 gender:
 - 2-39 (A) professor;
 - 2-40 (B) associate professor;
 - 2-41 (C) assistant professor;
 - 2-42 (D) instructor;
 - 2-43 (E) nontenured [~~or nontenure-track~~]; and
 - 2-44 (F) teaching assistant;
- 2-45 (5) average faculty salaries by rank;
- 2-46 (6) the amount of money appropriated by the
 2-47 legislature per full-time equivalent faculty member and full-time
 2-48 equivalent student;
- 2-49 (7) the total revenue the institution spent per
 2-50 full-time equivalent faculty member and full-time equivalent
 2-51 student;
- 2-52 (8) the amount of federal and private research
 2-53 expenditures per tenured [~~or tenure-track~~] full-time equivalent
 2-54 faculty member;
- 2-55 (9) the number and percentage of faculty members
 2-56 holding extramural research grants;
- 2-57 (10) the number and names of awards to faculty members
 2-58 from nationally recognized entities, including those identified by
 2-59 The Center for Measuring University Performance; and
- 2-60 (11) the number of endowed professorships or chairs.

2-61 SECTION 6. Section 51A.053(c), Education Code, is amended
 2-62 to read as follows:

2-63 (c) Except as otherwise provided by the coordinating board
 2-64 under Subsection (a), the resume must include the following
 2-65 information relating to the most recent state fiscal year for which
 2-66 the information is available:

- 2-67 (1) under the heading "ENROLLMENT":
 - 2-68 (A) the total number of students enrolled in the
 2-69 institution during the fall semester that ended in the fiscal year

3-1 covered by the resume;

3-2 (B) the percentage of undergraduate students

3-3 enrolled in the institution for the first time during the fall

3-4 semester that ended in the fiscal year covered by the resume who are

3-5 transfer students; and

3-6 (C) a clearly identifiable link to the

3-7 information described by Paragraph (A) disaggregated by student

3-8 ethnicity;

3-9 (2) under the heading "DEGREES AWARDED":

3-10 (A) the number of bachelor's degrees, number of

3-11 master's degrees, number of doctoral degrees, and number of

3-12 professional degrees awarded by the institution; and

3-13 (B) a clearly identifiable link to the

3-14 information described by Paragraph (A) disaggregated by student

3-15 ethnicity;

3-16 (3) under the heading "COSTS":

3-17 (A) the average annual total academic costs for a

3-18 resident undergraduate student enrolled in 30 semester credit hours

3-19 at the institution;

3-20 (B) clearly identifiable links to information

3-21 regarding:

3-22 (i) the rate or rates of tuition per

3-23 semester credit hour charged by the institution; and

3-24 (ii) any mandatory fees, as defined by the

3-25 coordinating board, imposed by the institution;

3-26 (C) the average cost of on-campus room and board

3-27 per student; and

3-28 (D) the average cost to a resident undergraduate

3-29 student enrolled in 30 semester credit hours for total academic

3-30 costs and on-campus room and board, excluding the cost of books,

3-31 supplies, transportation, or other expenses;

3-32 (4) under the heading "FINANCIAL AID":

3-33 (A) the percentage of undergraduate students

3-34 enrolled in the institution who receive need-based grants or

3-35 scholarships;

3-36 (B) the percentage of undergraduate students

3-37 enrolled in the institution who receive need-based grants,

3-38 scholarships, loans, or work-study funds;

3-39 (C) the percentage of undergraduate students

3-40 enrolled in the institution who receive student loans;

3-41 (D) the average amount of an undergraduate

3-42 student's need-based grant and scholarship package;

3-43 (E) the average amount of an undergraduate

3-44 student's need-based grant, scholarship, loan, and work-study

3-45 package; and

3-46 (F) the average amount of an undergraduate

3-47 student's student loans;

3-48 (5) under the heading "ADMISSIONS":

3-49 (A) the middle 50 percent test score range of

3-50 first-time undergraduate students at the institution whose

3-51 Scholastic Assessment Test (SAT) scores were in the 25th to 75th

3-52 percentile of students' scores at that institution;

3-53 (B) the middle 50 percent test score range of

3-54 first-time undergraduate students at the institution whose

3-55 American College Test (ACT) scores were in the 25th to 75th

3-56 percentile of students' scores at that institution; and

3-57 (C) the percentage of the students who applied

3-58 for first-time undergraduate admission to the institution who were

3-59 offered admission to the institution;

3-60 (6) under the heading "INSTRUCTION":

3-61 (A) the student/faculty ratio at the

3-62 institution;

3-63 (B) the percentage of organized undergraduate

3-64 classes offered by the institution in which fewer than 20 students

3-65 are enrolled;

3-66 (C) the percentage of organized undergraduate

3-67 classes offered by the institution in which more than 50 students

3-68 are enrolled; and

3-69 (D) the percentage of teaching faculty members of

4-1 the institution who are tenured [~~or tenure-track~~];
 4-2 (7) under the heading "BACCALAUREATE SUCCESS":
 4-3 (A) four-year, five-year, and six-year
 4-4 graduation rates for full-time bachelor's degree-seeking students
 4-5 at the institution, and links to that information disaggregated by
 4-6 student ethnicity;
 4-7 (B) the average number of fall and spring
 4-8 semesters of enrollment attempted by a student to obtain a
 4-9 bachelor's degree; and
 4-10 (C) the retention rate of first-time, full-time,
 4-11 degree-seeking entering undergraduate students enrolled in the
 4-12 institution after one academic year and after two academic years;
 4-13 (8) under the heading "FIRST-TIME LICENSURE OR
 4-14 CERTIFICATION EXAMINATION PASS RATES," the first-time licensure or
 4-15 certification examination pass rates in the fields of education,
 4-16 law, pharmacy, nursing, and engineering of students enrolled in the
 4-17 institution or who have graduated from the institution; and
 4-18 (9) under the heading "FUNDING":
 4-19 (A) the total amount of money appropriated by the
 4-20 legislature to the institution, including money appropriated for
 4-21 faculty and staff health coverage and retirement benefits, for that
 4-22 state fiscal year and the corresponding percentage of the
 4-23 institution's operating budget for that state fiscal year that the
 4-24 total amount of money appropriated by the legislature represents;
 4-25 (B) the total amount of federal funds from all
 4-26 federal sources, including grants and research funds, received by
 4-27 the institution in that state fiscal year and the corresponding
 4-28 percentage of the institution's operating budget for that state
 4-29 fiscal year that the total amount of federal funds represents;
 4-30 (C) the total academic costs charged to students
 4-31 by the institution in that state fiscal year and the corresponding
 4-32 percentage of the institution's operating budget for that state
 4-33 fiscal year that the total academic costs represent; and
 4-34 (D) the total amount of money from any source
 4-35 available to the institution in that state fiscal year.
 4-36 SECTION 7. Section 61.057, Education Code, is amended to
 4-37 read as follows:
 4-38 Sec. 61.057. PROMOTION OF TEACHING EXCELLENCE. To achieve
 4-39 excellence in the teaching of students at institutions and agencies
 4-40 of higher education, the board shall:
 4-41 (1) develop and recommend:
 4-42 (A) minimum faculty compensation plans, basic
 4-43 increment programs, and incentive salary increases;
 4-44 (B) minimum standards for faculty appointment,
 4-45 advancement, promotion, and retirement;
 4-46 (C) general policies for faculty teaching loads,
 4-47 and division of faculty time between teaching, research,
 4-48 administrative duties, and special assignments;
 4-49 (D) faculty improvement programs, including a
 4-50 plan for sabbatical leaves, appropriate for the junior and senior
 4-51 colleges and universities, respectively; and
 4-52 (E) minimum standards for academic freedom[~~7~~]
 4-53 and academic responsibility[~~7~~ and tenure];
 4-54 (2) pursue vigorously and continuously a goal of
 4-55 having all college and university academic classes taught by
 4-56 persons holding the minimum of an earned master's degree or its
 4-57 equivalent in academic training, creative work, or professional
 4-58 accomplishment;
 4-59 (3) explore, promote, and coordinate the use of
 4-60 educational television among institutions of higher education and
 4-61 encourage participation by public and private schools and private
 4-62 institutions of higher education in educational television;
 4-63 (4) conduct, and encourage the institutions of higher
 4-64 education to conduct, research into new methods, materials, and
 4-65 techniques for improving the quality of instruction and for the
 4-66 maximum utilization of all available teaching techniques, devices,
 4-67 and resources, including but not limited to large classes, team
 4-68 teaching, programmed instruction, interlibrary exchanges, joint
 4-69 libraries, specially-designed facilities, visual aids, and other

5-1 innovations that offer promise for superior teaching or for meeting
5-2 the need for new faculty members to teach anticipated larger
5-3 numbers of students; and

5-4 (5) assume initiative and leadership in providing
5-5 through the institutions of higher education in the state those
5-6 programs and offerings which will achieve the objectives set forth
5-7 in Section 61.002 of this code.

5-8 SECTION 8. Section 61.0902(b), Education Code, is amended
5-9 to read as follows:

5-10 (b) Not later than the next November 1 following the
5-11 completion of an academic year, each general academic teaching
5-12 institution shall provide to the board one or more reports
5-13 containing data related to:

5-14 (1) the qualifications of the entering freshman class
5-15 for the academic year covered by the report, including:

5-16 (A) the average Texas Academic Skills Program
5-17 Test scores of the class;

5-18 (B) the average scores of the class on each
5-19 generally recognized test or assessment used in college and
5-20 university undergraduate admissions, including the Scholastic
5-21 Assessment Test and the American College Test;

5-22 (C) the range of scores of the class from the 25th
5-23 to the 75th percentile on each generally recognized test or
5-24 assessment used in college and university undergraduate
5-25 admissions, including the Scholastic Assessment Test and the
5-26 American College Test;

5-27 (D) the overall grade point average of the class
5-28 for the academic year covered by the report;

5-29 (E) the number of students in the class who
5-30 graduated in the top 10 percent of the student's high school
5-31 graduating class; and

5-32 (F) enrollment percentages by ethnicity; and

5-33 (2) student performance and institution efficiency,
5-34 including:

5-35 (A) the retention rate of full-time students
5-36 after the completion of one academic year at the institution;

5-37 (B) the percentage of full-time degree-seeking
5-38 undergraduate students who earn a baccalaureate degree before the
5-39 sixth anniversary of the date of the student's first enrollment at
5-40 the institution;

5-41 (C) the percentage of lower-division semester
5-42 credit hours taught by tenured [~~or tenure-track~~] faculty;

5-43 (D) the percentage of undergraduate classes with
5-44 fewer than 20 students;

5-45 (E) the percentage of undergraduate classes with
5-46 more than 50 students;

5-47 (F) the student-to-faculty ratio for
5-48 undergraduate students;

5-49 (G) the percentage of students receiving
5-50 financial aid;

5-51 (H) the average cost of tuition and fees for an
5-52 undergraduate student enrolled for 12 semester credit hours;

5-53 (I) the average cost of on-campus room and board
5-54 for an academic year, excluding summer sessions;

5-55 (J) the number of disciplines in which master's
5-56 degrees are offered;

5-57 (K) the number of disciplines in which doctoral
5-58 degrees are offered;

5-59 (L) a description of any departments, schools, or
5-60 certificate or degree programs of the institution that have a
5-61 statewide or national reputation for excellence; and

5-62 (M) statistics regarding job placement rates for
5-63 students awarded certificates or degrees by the institution.

5-64 SECTION 9. Section 141.001(3), Education Code, is amended
5-65 to read as follows:

5-66 (3) "Faculty member" means a person who is tenured [~~or~~
5-67 ~~is in a tenure track position~~] and [~~is~~] employed by a public senior
5-68 college or university.

5-69 SECTION 10. Section 142.001(5), Education Code, is amended

6-1 to read as follows:

6-2 (5) "Faculty member" means a person who is tenured by
6-3 an eligible institution [~~or is in a tenure track position~~] or who is
6-4 a research professional employed by an eligible institution.

6-5 SECTION 11. Section [51.942](#)(f), Education Code, is repealed.

6-6 SECTION 12. This Act takes effect September 1, 2023.

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