

By: Harrison

H.B. No. 118

A BILL TO BE ENTITLED

AN ACT

relating to diversity, equity, and inclusion initiatives at public institutions of higher education.

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

SECTION 1. Sections 51.3525(c)-(j), Education Code, are amended to read as follows:

~~(c) Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:~~

~~(1) highlights the institution's work in supporting:~~

~~(A) first-generation college students;~~

~~(B) low-income students; or~~

~~(C) underserved student populations; or~~

~~(2) certifies compliance with state and federal antidiscrimination laws.~~

~~(d) Subsection (b) (1) may not be construed to apply to:~~

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- ~~(1) academic course instruction;~~
- ~~(2) scholarly research or a creative work by an institution of higher education's students, faculty, or other research personnel or the dissemination of that research or work;~~
- ~~(3) an activity of a student organization registered with or recognized by an institution of higher education;~~
- ~~(4) guest speakers or performers on short-term engagements;~~
- ~~(5) a policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;~~
- ~~(6) data collection; or~~
- ~~(7) student recruitment or admissions.~~

(e c) An institution of higher education may not spend money appropriated to the institution for a state fiscal year until the governing board of the institution submits to the legislature and the Texas Higher Education Coordinating Board a report certifying the board's compliance with this section during the preceding state fiscal year.

(~~f~~ d) In the interim between each regular session of the legislature, the governing board of each institution of higher education, or the board's designee, shall testify before the

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standing legislative committees with primary jurisdiction over  
higher education at a public hearing of the committee regarding the  
board's compliance with this section.

(~~§~~ e) The state auditor shall periodically conduct a  
compliance audit of each institution of higher education to  
determine whether the institution has spent state money in  
violation of this section. The state auditor shall adopt a  
schedule by which the state auditor will conduct compliance audits  
under this subsection. The schedule must ensure that each  
institution of higher education is audited at least once every four  
years.

(~~h~~ f) If the state auditor determines pursuant to a  
compliance audit conducted under Subsection (~~§~~ e) that an  
institution of higher education has spent state money in violation  
of this section, the institution:

(1) must cure the violation not later than the 180th day  
after the date on which the determination is made; and

(2) if the institution fails to cure the violation  
during the period described by Subdivision (1), is ineligible to  
receive formula funding increases, institutional enhancements, or  
exceptional items during the state fiscal biennium immediately  
following the state fiscal biennium in which the determination is  
made.

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(~~f~~ g) A student or employee of an institution of higher education who is required to participate in training in violation of Subsection (b) (1) (E) may bring an action against the institution for injunctive or declaratory relief.

(~~j~~ h) The Texas Higher Education Coordinating Board, in coordination with institutions of higher education, shall conduct a biennial study to identify the impact of the implementation of this section on the application rate, acceptance rate, matriculation rate, retention rate, grade point average, and graduation rate of students at institutions of higher education, disaggregated by race, sex, and ethnicity. Not later than December 1 of each even-numbered year, the coordinating board shall submit to the legislature a report on the results of the study and any recommendations for legislative or other action. This subsection expires September 1, 2029.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.