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| BILL ANALYSIS |

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| C.S.S.B. 2615 |
| By: Creighton |
| Higher Education |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE**  The COVID-19 pandemic led to widespread adoption of remote work policies in many fields, including higher education. While certain institutions of higher education maintain remote work options, the bill sponsor has informed the committee that students and faculty may benefit from in-person collaboration and access. A 2019 study published in *The Review of Higher Education* demonstrated that engagement with faculty and peers positively impacts student outcomes among a nationally representative sample of community college students. C.S.S.B. 2615 proposes to standardize telework policies for public institutions of higher education by requiring in-person work for most roles with certain exceptions. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill. |
| **ANALYSIS**  C.S.S.B. 2615 amends the Education Code to prohibit a public institution of higher education from allowing telework for an employee except as provided by the bill's provisions. The bill defines "telework" as a work arrangement that allows an employee of an institution of higher education to conduct on a regular basis all or some institutional business at a place other than the employee's regular or assigned temporary place of employment during all or a portion of the employee's established work hours. Accordingly, the bill authorizes an institution of higher education to allow telework for an employee on a temporary or permanent basis if the employee, as follows:   * has a temporary illness; * has a temporary or permanent medical condition or disability requiring the institution to make a reasonable accommodation under state or federal law for the telework; * is employed in a nonteaching position and:   + has demonstrated the ability to work well with minimal supervision;   + has a deep understanding of the employee's duties and responsibilities;   + has demonstrated the ability to manage the employee's time;   + has a record of thoroughly and efficiently accomplishing the employee's duties; and   + is employed in a position that does not require the employee's day-to-day physical presence at the institution or in-person interaction with students, administration, or other employees; * is employed in a teaching position but is not a faculty member of the institution; * is employed in a teaching position and is currently assigned to teach only a course or program that the institution has:   + approved for remote instruction in accordance with the institution's academic oversight or faculty governance procedures; and   + designated as distance education or as a dual credit course or program provided by the institution; * is employed as a faculty member and is on a temporary research assignment located off the institution's campus; or * is employed as a faculty member who provides telehealth services as part of the employee's assigned clinical, research, or instructional duties.   The bill defines "faculty" by reference to statutory provisions relating to faculty development leaves of absence. The bill expressly does not prohibit an employee of an institution of higher education from providing instruction for a dual credit course or program at the campus of a public school district or open-enrollment charter school. The bill authorizes the Texas Higher Education Coordinating Board to adopt rules as necessary to implement the bill's provisions.  C.S.S.B. 2615 applies beginning with the 2025-2026 academic year. |
| **EFFECTIVE DATE**  On passage, or, if the bill does not receive the necessary vote, September 1, 2025. |
| **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**  While C.S.S.B. 2615 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.  The substitute replaces references relating to "remote work," as in the engrossed, with references to "telework." Accordingly, the substitute defines "telework," which the engrossed did not. The substitute expands the conditions under which an institution of higher education may allow telework for an employee on a temporary or permanent basis to include the following, which the engrossed did not include:   * the employee is employed in a teaching position but is not a faculty member of the institution; * the employee is employed in a teaching position and is currently assigned to teach only a course or program that the institution has:   + approved for remote instruction in accordance with the institution's academic oversight or faculty governance procedures; and   + designated as distance education or as a dual credit course or program provided by the institution; * the employee is employed as a faculty member and is on a temporary research assignment located off the institution's campus; or * the employee is employed as a faculty member who provides telehealth services as part of the employee's assigned clinical, research, or instructional duties.   The substitute includes provisions defining "faculty" and establishing that the bill's provisions do not prohibit an employee of an institution of higher education from providing instruction for a dual credit course or program at the campus of a public school district or open-enrollment charter school, which were absent from the engrossed. |
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