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By:  Shaheen H.B. No. 4499

A BILL TO BE ENTITLED

AN ACT

relating to the governance of public institutions of higher education, including review of curriculum and certain degree and certificate programs, the powers and duties of a faculty council or senate, training for members of the governing board, and the establishment of the Office of Excellence in Higher Education.

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

SECTION 1.  Subchapter F, Chapter 51, Education Code, is amended by adding Section 51.315 to read as follows:

Sec. 51.315.  GENERAL EDUCATION REVIEW COMMITTEE. (a) In this section:

(1)  "Core curriculum" has the meaning assigned by Section 61.821.

(2)  "Institution of higher education" has the meaning assigned by Section 61.003.

(b)  The governing board of each institution of higher education shall appoint a general education review committee at each institution of higher education under the governing board's control and management to:

(1)  annually review the core curriculum at the institution; and

(2)  make recommendations regarding maintaining or eliminating courses in the institution's core curriculum.

(c)  In appointing the members of the general education review committee under Subsection (b), the governing board of the institution of higher education may consider recommendations from the institution's president.

(d)  Members of an institution of higher education's general education review committee may include local industry partners and tenured faculty of the institution.

(e)  In reviewing the institution's core curriculum under Subsection (b)(1), the general education review committee of an institution of higher education shall ensure courses in the curriculum:

(1)  are foundational and fundamental to a sound postsecondary education;

(2)  are necessary to prepare students for civic and professional life;

(3)  equip students for participation in the workforce and in the betterment of society; and

(4)  do not endorse specific public policies, ideologies, or legislation.

(f)  The general education review committee of an institution of higher education shall:

(1)  identify competencies in addition to successful completion of the core curriculum that the institution may require students to demonstrate; and

(2)  make recommendations to maintain or eliminate additional competencies required by the institution in accordance with Subdivision (1).

(g)  The governing board of an institution of higher education shall approve or deny on an individual basis any recommendation made by the institution's general education review committee under Subsection (b)(2).

(h)  An institution of higher education shall make recommendations made by the institution's general education review committee publicly available on the institution's Internet website for at least 30 business days before the date of a meeting at which the institution's governing board intends to consider the recommendations.

(i)  Not later than September 1 of each year, the governing board of each institution of higher education shall certify the governing board's compliance with this section to the Office of Excellence in Higher Education established under Chapter 454, Government Code.

(j)  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 governing board's compliance with this section during the preceding state fiscal year.

SECTION 2.  Section 51.352, Education Code, is amended by amending Subsection (d) and adding Subsections (g), (h), (i), and (j) to read as follows:

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

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

(2)  appoint the chancellor or other chief executive officer of the system, if the board governs a university system;

(3)  appoint the president or other chief executive officer of each institution under the board's control and management [~~and evaluate the chief executive officer of each component institution and assist the officer in the achievement of performance goals~~];

(4)  approve or deny the hiring of an individual for the position of vice president, provost, associate or assistant provost, dean, or a similar leadership position by each institution under the board's control and management;

(5)  regularly evaluate the chief executive officer, president, and each individual who holds a leadership position described by Subdivision (4) at each institution under the board's control and management to assist the individual in achieving performance goals, including:

(A)  maintaining or increasing student retention and graduation rates;

(B)  maintaining or increasing the amount of money available for research; and

(C)  making efforts to ensure a variety of perspectives are represented among administration and faculty;

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

(7) [~~(5)~~]  ensure that its formal position on matters of importance to the institutions under its governance is made clear to the coordinating board when such matters are under consideration by the coordinating board.

(g)  The governing board of an institution of higher education may overturn any decision made by the administration of a campus under the board's control and management.

(h)  The governing board of an institution of higher education shall post on the institution's Internet website notice of any meeting at which the board will consider finalists for a position described by Subsection (d)(4) at least 30 business days before the date of the meeting. The notice must include the curriculum vitae for each individual under consideration for the position at the meeting that lists the individual's postsecondary education, teaching experience, significant professional publications, and professional or academic association memberships.

(i)  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 Subsections (d)(2), (3), (4), (5), (6), and (7) during the preceding state fiscal year.

(j)  The governing board of each institution of higher education shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature a report regarding decisions made by the governing board for the applicable academic year on:

(1)  the hiring of administration and faculty;

(2)  curriculum;

(3)  any review and evaluation of the institution's administration; and

(4)  any other subject as determined by the governing board.

SECTION 3.  Subchapter G, Chapter 51, Education Code, is amended by adding Sections 51.3522, 51.3523, and 51.3524 to read as follows:

Sec. 51.3522.  FACULTY COUNCIL OR SENATE. (a) In this section, "faculty council or senate" means a representative faculty organization directly elected by the general faculty or colleges and schools of an institution of higher education.

(b)  Only the governing board of an institution of higher education may establish a faculty council or senate at the institution. Before establishing the faculty council or senate, the governing board must adopt a policy governing the election of the faculty council's or senate's members that:

(1)  ensures adequate representation of each college and school of the institution;

(2)  requires the members to be tenured faculty members; and

(3)  limits the number of members to not more than two representatives from each college or school, including:

(A)  one member appointed by the president of the institution; and

(B)  one member elected by a vote of the faculty of the member's respective college or school.

(c)  A faculty council or senate is advisory only. A faculty council or senate shall represent the entire faculty of the institution of higher education and advise the institution administration and any system administration regarding matters related to the general welfare of the institution. A faculty council or senate may not publish a report on any matter not directly related to the council's or senate's duties.

(d)  Before the adoption or implementation of each proposal or recommendation made by the faculty council or senate, the governing board of the institution of higher education, the institution administration, and any system administration must review the proposal or recommendation. The institution shall, under the direction of the institution's governing board, have final decision-making authority regarding the adoption or implementation of a proposal or recommendation made by the council or senate.

(e)  Service on the faculty council or senate is an additional duty of the faculty member's employment.  Members of the faculty council or senate are not entitled to compensation or reimbursement of expenses.

(f)  A member of the faculty council or senate serves a one-year term and may be reappointed only after the fourth anniversary of the member's most recent term of service.

(g)  The president of the institution of higher education, with the advice and consent of the governing board, shall appoint a presiding officer, associate presiding officer, and secretary from the members of the faculty council or senate.

(h)  The presiding officer appointed under Subsection (g) shall preside over meetings of the faculty council or senate and represent the council or senate in official communications with the institution administration and any system administration.

(i)  Chapter 2110, Government Code, does not apply to a faculty council or senate.

(j)  Chapter 551, Government Code, applies to a faculty council or senate. A faculty council or senate may meet by telephone conference call or video conference call subject to the requirements of that chapter.

(k)  The faculty council or senate shall broadcast over the Internet live video and audio, as applicable, of each open meeting of the council or senate if more than 50 percent of the members of the council or senate are in attendance.

(l)  The faculty council or senate shall adopt rules for establishing a quorum.

(m)  The following shall be made available to the public on the institution of higher education's Internet website not later than the seventh day before a meeting of the faculty council or senate:

(1)  an agenda for the meeting with sufficient detail to indicate the items on which final action is contemplated; and

(2)  any curriculum proposals reviewed by the council or senate that will be discussed or voted on at the meeting.

(n)  The names of the members in attendance must be recorded at a meeting in which the faculty council or senate conducts business related to:

(1)  a vote of no confidence regarding an institution or system administrator; or

(2)  policies related to curriculum and academic standards.

Sec. 51.3523.  ADDITIONAL RESPONSIBILITIES FOR MEMBERS OF GOVERNING BOARD. (a) The governing board of an institution of higher education shall approve or deny each of the following on an individual basis:

(1)  each recommendation made by a faculty council or senate at an institution of higher education under the board's control and management on a matter related to curriculum or academic standards or policies; and

(2)  each posting or other advertisement for a tenured faculty position in a field other than science, technology, engineering, or mathematics at each institution under the board's control and management.

(b)  The governing board of an institution of higher education shall post on the institution's Internet website notice of each meeting at which a posting or other advertisement for a tenured faculty position in a field other than science, technology, engineering, or mathematics will be considered at least seven business days before the meeting.

Sec. 51.3524.  INFORMATION FOR GOVERNING BOARD APPOINTEES. In appointing members to the governing board of an institution of higher education, the governor shall:

(1)  provide to each applicant for appointment detailed written information regarding:

(A)  the average number of regular and special-called meetings an appointee may be required to participate in;

(B)  the average amount of time an appointee may be required to dedicate to the appointee's duties outside of regular meetings, including to study materials and research issues brought before the governing board; and

(C)  the average number of reporting requirements for members of governing boards; and

(2)  consider imposing strict eligibility requirements, including:

(A)  requiring an extensive record of service and experience on a state board;

(B)  limiting the number of state boards on which an appointee may concurrently serve; and

(C)  avoiding conflicts of interest.

SECTION 4.  Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.989 to read as follows:

Sec. 51.989.  REVIEW OF MINOR DEGREE AND CERTIFICATE PROGRAMS. (a) In this section, "governing board" and "institution of higher education" have the meanings assigned by Section 61.003.

(b)  The president and provost of an institution of higher education shall jointly develop a process for reviewing minor degree and certificate programs offered by the institution to identify programs with low enrollment that may require consolidation or elimination.

(c)  The criteria for review under Subsection (b) must require that:

(1)  for undergraduate minor degree and certificate programs to avoid consideration for consolidation or elimination:

(A)  at least 10 students have completed the program in the two years preceding the date the review process is conducted; or

(B)  at least five students are enrolled in the program at the time the review process is conducted and at least five students have completed the program in the two years preceding the date the review process is conducted;

(2)  for graduate minor degree and certificate programs to avoid consideration for consolidation or elimination, at least three students are enrolled in the program at the time the review process is conducted and at least three students have completed the program in the two years preceding the date the review process is conducted; and

(3)  minor degree and certificate programs have specific industry data to substantiate workforce demand to avoid consideration for consolidation or elimination.

(d)  A minor degree or certificate program that has operated less than six years at the time the president and provost conduct the review under this section is exempt from that review.

(e)  The governing board of an institution of higher education shall approve or deny any decision made by the president or provost of the institution to consolidate or eliminate a minor degree or certificate program as a result of the review conducted under this section.

(f)  The president and provost of an institution of higher education shall conduct a review under this section once every four years.

SECTION 5.  Section 61.084, Education Code, is amended by amending Subsection (d) and adding Subsection (i) to read as follows:

(d)  The content of the instruction at the training program shall focus on the official role and duties of the members of governing boards and shall provide training in the areas of budgeting, policy development, ethics, and governance. Topics covered by the training program must include:

(1)  auditing procedures and recent audits of institutions of higher education;

(2)  the enabling legislation that creates institutions of higher education;

(3)  the role of the governing board at institutions of higher education and the relationship between the governing board and an institution's administration, faculty and staff, and students, including limitations on the authority of the governing board;

(4)  the mission statements of institutions of higher education;

(5)  disciplinary and investigative authority of the governing board;

(6)  the requirements of the open meetings law, Chapter 551, Government Code, and the open records law, Chapter 552, Government Code;

(7)  the requirements of conflict of interest laws and other laws relating to public officials;

(8)  any applicable ethics policies adopted by institutions of higher education or the Texas Ethics Commission;

(9)  the requirements of laws relating to the protection of student information under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or any other federal or state law relating to the privacy of student information; [~~and~~]

(10)  an overview of the legislature, the General Appropriations Act, and the state budget as those topics relate to the responsibilities of the governing board;

(11)  an emphasis on the commitment the members of the governing board are making to:

(A)  the institutions of higher education under the board's control and management and, if applicable, the university system;

(B)  this state; and

(C)  taxpayers of this state; and

(12)  any other topic relating to higher education the board considers important.

(i)  On completion of a training program under this section, a member of a governing board shall provide a sworn statement affirming the member's understanding of the member's duties and responsibilities.

SECTION 6.  Section 51.942(c-3), Education Code, is amended to read as follows:

(c-3)  In addition to any other provisions adopted by the governing board, the policies and procedures adopted by the governing board under Subsection (c-1) must include provisions providing that:

(1)  each tenured faculty member at the institution be subject to a comprehensive performance evaluation process conducted no more often than once every year, but no less often than once every six years, after the date the faculty member was granted tenure or received an academic promotion at the institution;

(2)  the comprehensive performance evaluation be based on the professional responsibilities of the faculty member, in teaching, research, service, patient care, and administration, and include peer review of the faculty member;

(3)  the comprehensive performance evaluation process be directed toward the professional development of the faculty member;

(4)  the comprehensive performance evaluation process incorporate commonly recognized academic due process rights, including notice of the manner and scope of the comprehensive performance evaluation, the opportunity to provide documentation during the comprehensive performance evaluation process, and, before a faculty member may be subject to disciplinary action on the basis of a comprehensive performance evaluation conducted under this subsection, notice of specific charges and an opportunity for hearing on those charges;

(5)  a faculty member be subject to revocation of tenure or other appropriate disciplinary action if, during the comprehensive performance evaluation, incompetency, neglect of duty, or other good cause is determined to be present; [~~and~~]

(6)  for a faculty member who receives an unsatisfactory rating in any area of any evaluation conducted under this section, the evaluation process provide for a short-term development plan that includes performance benchmarks for returning to satisfactory performance; and

(7)  a faculty member may not be involved in decision-making in a grievance review process or faculty discipline process.

SECTION 7.  Subtitle D, Title 4, Government Code, is amended by adding Chapter 454 to read as follows:

CHAPTER 454. OFFICE OF EXCELLENCE IN HIGHER EDUCATION

Sec. 454.001.  DEFINITIONS. In this chapter:

(1)  "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(2)  "Office" means the Office of Excellence in Higher Education established under this chapter.

Sec. 454.002.  ESTABLISHMENT. (a) The Office of Excellence in Higher Education is established to address matters of academic discourse at institutions of higher education in this state.

(b)  The office is administratively attached to the Texas Higher Education Coordinating Board.

Sec. 454.003.  DIRECTOR. The director of the office is appointed by the governor with the advice and consent of the senate and serves at the pleasure of the governor.

Sec. 454.004.  POWERS AND DUTIES. (a) The office shall serve as an intermediary between the legislature, the public, and institutions of higher education, including by answering questions from the public and the legislature regarding an institution of higher education's obligations to students, faculty, employees, and the public.

(b)  The office shall be responsible for receiving and, as necessary, investigating reports of noncompliance by institutions of higher education with state law or institution policy. In investigating a report of noncompliance regarding an institution received under this section, the office may request information from the institution or the university system in which the institution is a component, if applicable.

(c)  An institution of higher education shall respond in writing to the office's written request for information not later than the 30th day after the date the institution receives the request. The office shall report an institution that fails to timely respond to a request under this subsection to the governor, the lieutenant governor, and the chair of each standing committee of the legislature with primary jurisdiction over higher education.

(d)  Based on findings related to an investigation under this section, the office shall submit to the attorney general and the governing board of an institution of higher education that is the subject of an investigation under this section a report that includes the office's final determination regarding the investigation and recommendations for action based on the conclusions of the investigation.

(e)  The office may:

(1)  require cooperation from an institution of higher education in an investigation under this section; and

(2)  publicize a violation of law by an institution of higher education that is confirmed by an investigation.

Sec. 454.005.  ANNUAL REPORT. The office shall annually submit a report to the governor, the lieutenant governor, the attorney general, and the chair of each standing committee of the legislature with jurisdiction over higher education regarding:

(1)  the number of reports of noncompliance received by the office;

(2)  the number of investigations conducted by the office; and

(3)  a summary of the results of investigations described by Subdivision (2).

SECTION 8.  (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2025-2026 academic year.

(b)  Sections 51.315(j) and 51.352(i), Education Code, as added by this Act, apply beginning with money appropriated to a public institution of higher education for the state fiscal year beginning September 1, 2026.

SECTION 9.  Each general education review committee established at a public institution of higher education in accordance with Section 51.315, Education Code, as added by this Act, must provide the committee's initial recommendations not later than June 1, 2027.

SECTION 10.  A faculty council or senate established at a public institution of higher education before the effective date of this Act is abolished on October 1, 2025, unless:

(1)  the faculty council or senate was established in the manner prescribed by Section 51.3522, Education Code, as added by this Act; or

(2)  the faculty council's or senate's continuation is ratified by the institution's governing board before that date based on a finding by the governing board that the faculty council or senate meets the requirements of any policy adopted by the governing board under that section.

SECTION 11.  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 September 1, 2025.