

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

1 review committee under Subsection (b), the governing board of the  
2 institution of higher education may consider recommendations from  
3 the institution's president.

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

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

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

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

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

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

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

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

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

27 (g) The governing board of an institution of higher

1 education shall approve or deny on an individual basis any  
2 recommendation made by the institution's general education review  
3 committee under Subsection (b)(2).

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

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

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

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

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

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

1 institution;

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

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

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

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

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

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

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

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

1           (7) [~~(5)~~] ensure that its formal position on matters  
2 of importance to the institutions under its governance is made  
3 clear to the coordinating board when such matters are under  
4 consideration by the coordinating board.

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

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

18           (i) An institution of higher education may not spend money  
19 appropriated to the institution for a state fiscal year until the  
20 governing board of the institution submits to the legislature and  
21 the Texas Higher Education Coordinating Board a report certifying  
22 the board's compliance with Subsections (d)(2), (3), (4), (5), (6),  
23 and (7) during the preceding state fiscal year.

24           (j) The governing board of each institution of higher  
25 education shall annually submit to the governor, the lieutenant  
26 governor, the speaker of the house of representatives, and each  
27 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

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

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

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

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

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

26                  (g) The president of the institution of higher education,  
27 with the advice and consent of the governing board, shall appoint a

1 presiding officer, associate presiding officer, and secretary from  
2 the members of the faculty council or senate.

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

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

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

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

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

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

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

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

27 (n) The names of the members in attendance must be recorded



1 at a meeting in which the faculty council or senate conducts  
2 business related to:

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

5 (2) policies related to curriculum and academic  
6 standards.

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

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

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

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

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

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

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

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

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

12           (2) consider imposing strict eligibility  
13 requirements, including:

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

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

18                   (C) avoiding conflicts of interest.

19       SECTION 4. Subchapter [2](#), Chapter [51](#), Education Code, is  
20 amended by adding Section 51.989 to read as follows:

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

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

1 consolidation or elimination.

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

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

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

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

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

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

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

25 (e) The governing board of an institution of higher  
26 education shall approve or deny any decision made by the president  
27 or provost of the institution to consolidate or eliminate a minor

1 degree or certificate program as a result of the review conducted  
2 under this section.

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

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

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

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

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

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

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

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

27 (6) the requirements of the open meetings law, Chapter

1 551, Government Code, and the open records law, Chapter 552,  
2 Government Code;

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

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

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

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

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

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

20 (B) this state; and

21 (C) taxpayers of this state; and

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

24 (i) On completion of a training program under this section,  
25 a member of a governing board shall provide a sworn statement  
26 affirming the member's understanding of the member's duties and  
27 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;

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

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

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

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

15           CHAPTER 454. OFFICE OF EXCELLENCE IN HIGHER EDUCATION

16           Sec. 454.001. DEFINITIONS. In this chapter:

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

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

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

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

26           Sec. 454.003. DIRECTOR. The director of the office is  
27 appointed by the governor with the advice and consent of the senate

1 and serves at the pleasure of the governor.

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

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

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

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



1 conclusions of the investigation.

2 (e) The office may:

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

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

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

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

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

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

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

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

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

1 than June 1, 2027.

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

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

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

13           SECTION 11. This Act takes effect immediately if it  
14 receives a vote of two-thirds of all the members elected to each  
15 house, as provided by Section 39, Article III, Texas Constitution.  
16 If this Act does not receive the vote necessary for immediate  
17 effect, this Act takes effect September 1, 2025.