

By: Creighton, et al.

S.B. No. 37

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, a faculty council or senate, training for members of the governing board, and the establishment of the Texas Higher Education Coordinating Board Office of the Ombudsman; authorizing a civil penalty.

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

SECTION 1. Subchapter F, Chapter 51, Education Code, is amended by adding Sections 51.315 and 51.316 to read as follows:

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

(1) "General education curriculum" means a core curriculum, as that term is defined by Section 61.821, and any other curriculum or competency all undergraduate students of an institution of higher education are required to complete before receiving an undergraduate degree.

(2) "Governing board" and "institution of higher education" have the meanings assigned by Section 61.003.

(b) The governing board of each institution of higher education shall conduct a comprehensive review of the general education curriculum and other graduation requirements established by the institution at least once every five years. In reviewing an institution's general education curriculum, the governing board

1 shall ensure courses in the curriculum:

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

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

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

8 (4) ensure a breadth of knowledge in compliance with
9 applicable accreditation standards; and

10 (5) do not require or attempt to require a student to
11 adopt a belief that any race, sex, or ethnicity or social,
12 political, or religious belief is inherently superior to any other
13 race, sex, or ethnicity or social, political, or religious belief,
14 or to adopt any other similar ideology.

15 (c) In reviewing the general education curriculum and other
16 graduation requirements for an institution of higher education
17 under Subsection (b), the governing board of the institution shall
18 consider the potential costs the curriculum or requirements may
19 impose on students, including for additional tuition, fees, and
20 time a student must spend to complete an undergraduate degree
21 program at the institution.

22 (d) Each individual in a leadership position that oversees
23 curriculum or student affairs for the institution of higher
24 education shall annually submit to the governing board of the
25 institution an update regarding any changes to the general
26 education curriculum offered at the institution. The governing
27 board may reserve the right to overturn any decision made by the

1 individuals described by this subsection regarding any changes to
2 the general education curriculum offered at the institution.

3 (e) The governing board of an institution of higher
4 education may appoint a committee to assist the governing board in
5 carrying out its duties under this section, including by making
6 recommendations to the governing board. Members of the committee
7 may include:

8 (1) faculty employed full-time by the institution;

9 (2) institution administrators;

10 (3) community leaders;

11 (4) industry representatives; and

12 (5) other individuals selected by the governing board.

13 (f) Not later than January 1 of each year a review is
14 conducted under this section, the governing board of each
15 institution of higher education shall certify the governing board's
16 compliance with this section to the Texas Higher Education
17 Coordinating Board and each standing legislative committee and
18 subcommittee with primary jurisdiction over higher education.

19 Sec. 51.316. DEGREE PROGRAM REVIEW PROCEDURE. (a) In this
20 section:

21 (1) "Coordinating board" means the Texas Higher
22 Education Coordinating Board.

23 (2) "Governing board" and "institution of higher
24 education" have the meanings assigned by Section [61.003](#).

25 (b) Every five years, the coordinating board shall:

26 (1) conduct a credential of value review to determine
27 the return on investment for students, including a review of

1 manageable student debt levels for degree programs at each
2 institution of higher education; and

3 (2) prepare and provide to the governing board of each
4 institution of higher education a report on the review conducted
5 under Subdivision (1) for the institution.

6 (c) After each review under Subsection (b)(1), the
7 coordinating board shall determine recommended thresholds for each
8 reviewed degree program based on the coordinating board's
9 manageable student debt and return on investment analysis under
10 that subdivision in a manner consistent with the goals of the
11 coordinating board's long-range master plan for higher education
12 and recommend one of the following value ratings for the program:

13 (1) "meets";

14 (2) "conditional"; or

15 (3) "does not meet".

16 (d) The governing board of each institution of higher
17 education shall assign a value rating to each degree program
18 offered by the institution based on the coordinating board's
19 recommendation under Subsection (c). The governing board may not
20 delegate its authority under this subsection.

21 (e) Each institution of higher education shall publish
22 prominently on the institution's Internet website a list of each
23 degree program offered by the institution and the value rating
24 assigned under Subsection (d) for that program.

25 (f) For each degree program that receives a "does not meet"
26 rating under Subsection (d), the governing board, not later than
27 the first academic year that begins after the rating is issued,

1 shall:

2 (1) close the degree program if the program is not a
3 program described by Subdivision (2), provide notice of the closure
4 to each student enrolled in the program at the time the program
5 receives the rating, and give the student the opportunity to
6 complete the student's degree;

7 (2) continue the degree program if the program is on a
8 list of programs determined by the coordinating board as necessary
9 to meet state workforce demands or is in a high-demand field, as
10 defined by coordinating board rule; or

11 (3) require the institution of higher education to
12 redesign the degree program to achieve a rating of at least
13 "conditional" and seek reevaluation by the coordinating board.

14 (g) The coordinating board shall reevaluate and issue a new
15 rating to a degree program identified under Subsection (f)(3) not
16 later than the 180th day after the date an institution of higher
17 education submits the redesigned program to the coordinating board.
18 If the program is rated as "does not meet" after reevaluation under
19 this subsection, the governing board of the institution shall take
20 the action required under Subsection (f)(1) not later than the
21 first academic year that begins after the coordinating board's new
22 rating is issued.

23 (h) The governing board of each institution of higher
24 education shall annually submit to the governor, the lieutenant
25 governor, the speaker of the house of representatives, and each
26 member of the legislature a report documenting the status of each
27 degree program offered by each institution under the governing

1 board's authority that has received a rating of "does not meet"
2 under Subsection (d), including each action taken by the governing
3 board under Subsection (f) regarding the program.

4 (i) An institution of higher education may not spend money
5 appropriated to the institution for a state fiscal year until the
6 governing board of the institution submits to the legislature and
7 the coordinating board a report certifying the governing board's
8 compliance with this section during the preceding state fiscal
9 year.

10 (j) An institution of higher education may not use money
11 appropriated by the legislature to provide a degree program that
12 receives a "does not meet" rating beginning with the academic year
13 immediately following the academic year in which the program
14 received a final rating of "does not meet" under Subsection (f) or
15 (g), as applicable.

16 (k) The coordinating board shall adopt rules necessary to
17 administer this section.

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

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

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

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

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

6 (4) approve or deny the hiring of an individual for the
7 position of provost or dean by each institution under the board's
8 control and management;

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

13 (6) [~~(5)~~] ensure that its formal position on matters
14 of importance to the institutions under its governance is made
15 clear to the coordinating board when such matters are under
16 consideration by the coordinating board.

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

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

26 (1) any hiring of administration and faculty in which
27 the board was involved;

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

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

5 SECTION 3. Subchapter [G](#), Chapter [51](#), Education Code, is
6 amended by adding Sections 51.35205, 51.3522, 51.3523, and 51.3541
7 to read as follows:

8 Sec. 51.35205. ADDITIONAL RESPONSIBILITIES OF GOVERNING
9 BOARD. (a) In this section, "governing board" and "institution
10 of higher education" have the meanings assigned by Section [61.003](#).

11 (b) The governing board of an institution of higher
12 education shall approve or deny on an individual basis or in
13 accordance with Subsection (d)(3) each posting or other
14 advertisement for a tenured faculty position in a field related to
15 liberal arts, communications, education, and social work at each
16 institution under the governing board's authority.

17 (c) The governing board of an institution of higher
18 education shall post on the institution's Internet website notice
19 of each meeting at which a posting or other advertisement for a
20 tenured faculty position described by Subsection (b) will be
21 considered at least seven business days before the meeting.

22 (d) The governing board of an institution of higher
23 education may establish a subcommittee on educational excellence
24 composed of members of the governing board. The subcommittee may:

25 (1) consider whether to approve or deny the hiring of
26 an individual for the position of provost or dean by each
27 institution under the board's control and management;

1 (2) consider each posting or other advertisement for a
2 tenured faculty position described by Subsection (b);

3 (3) present the subcommittee's decisions regarding the
4 hiring of an individual for the position of provost or dean under
5 Subdivision (1) and the posting or other advertisements considered
6 under Subdivision (2) for approval en bloc by the full governing
7 board; and

8 (4) annually approve or overturn any changes made to
9 the general education curriculum in accordance with Section 51.315.

10 Sec. 51.3522. FACULTY COUNCIL OR SENATE. (a) In this
11 section, "faculty council or senate" means a representative faculty
12 organization.

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

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

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

21 (3) limits the number of members to not more than 60
22 with at least two representatives from each college or school,
23 including:

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

26 (B) the remaining members elected by a vote of
27 the faculty of the member's respective college or school.

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

10 (d) Service on the faculty council or senate is an
11 additional duty of the faculty member's employment. Members of the
12 faculty council or senate are not entitled to compensation or
13 reimbursement of expenses for their role as members of the faculty
14 council or senate.

15 (e) A member of the faculty council or senate appointed by
16 the president of the institution of higher education in accordance
17 with Subsection (b)(3)(A) may serve up to six consecutive one-year
18 terms and then may only be reappointed after the second anniversary
19 of the last day of the member's most recent term. A member of the
20 faculty council or senate elected by a vote of the faculty of the
21 member's respective college or school serves a two-year term,
22 staggered in a manner that allows approximately one-half of the
23 elected members to be elected each year, and may only be reelected
24 after the second anniversary of the last day of the member's most
25 recent term.

26 (f) A faculty member serving on the faculty council or
27 senate may be immediately removed from the council or senate for

failure to conduct the member's responsibilities within the council's or senate's parameters, including by using the member's position for political advocacy, failing to attend council or senate meetings, or engaging in other similar misconduct. A member of a faculty council or senate may be removed on recommendation of the institution's provost and approval by the institution's president.

(g) The president of the institution of higher education, with the approval 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) The faculty council or senate shall conduct meetings at which a quorum is present in a manner that is open to the public and in accordance with procedures prescribed by the president of the institution of higher education.

(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.

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

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

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

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

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

14 (2) policies related to curriculum and academic
15 standards.

16 (o) This section may not be construed to limit a faculty
17 member of an institution of higher education from exercising the
18 faculty member's freedom of association protected by the United
19 States or Texas Constitution.

20 Sec. 51.3523. SHARED GOVERNANCE. (a) In this section,
21 "governing board" and "institution of higher education" have the
22 meanings assigned by Section [61.003](#).

23 (b) Institutions of higher education in this state shall be
24 governed by a principle of shared governance, which refers to a
25 structured decision-making process in which the governing board of
26 the institution exercises ultimate authority and responsibility
27 for institutional oversight, financial stewardship, and policy

1 implementation, while allowing for appropriate consultation with
2 faculty, administrators, and other stakeholders on matters related
3 to academic policy and institutional operations. The principle of
4 shared governance may not be construed to diminish the authority of
5 the governing board to make final decisions in the best interest of
6 the institution, students, and taxpayers.

7 (c) Administrators at institutions of higher education must
8 make decisions in a manner that promotes efficiency,
9 accountability, and responsiveness to state priorities, workforce
10 needs, and the institution's institutional mission. Faculty and
11 staff may provide recommendations on academic matters, but that
12 input is only advisory in nature, ensuring that governing boards
13 and institutional leadership retain clear and ultimate
14 decision-making authority. Shared governance structures may not be
15 used to obstruct, delay, or undermine necessary institutional
16 reforms or serve as a mechanism for advancing ideological or
17 political agendas.

18 Sec. 51.3541. RESPONSIBILITY OF PRESIDENT. (a) In this
19 section, "governing board," "institution of higher education," and
20 "university system" have the meanings assigned by Section [61.003](#).

21 (b) The president of an institution of higher education, in
22 consultation with the chancellor of any university system of which
23 the institution is a component, shall conduct annual evaluations
24 for individuals who hold the positions of vice president, provost,
25 dean, or a similar leadership position that oversees curriculum or
26 student affairs for the institution and report to the institution's
27 governing board regarding any decision to remove an individual from

1 a position.

2 (c) The president of an institution of higher education may
3 not delegate the president's responsibilities under this section to
4 any other individual.

5 SECTION 4. Subchapter 2, Chapter 51, Education Code, is
6 amended by adding Sections 51.9431 and 51.989 to read as follows:

7 Sec. 51.9431. GRIEVANCE, HIRING, AND DISCIPLINE
8 DECISION-MAKING AUTHORITY. (a) In this section, "governing
9 board," "institution of higher education," and "university system"
10 have the meanings assigned by Section 61.003.

11 (b) Only the president or provost of an institution of
12 higher education, university system administration, or the
13 president's, provost's, or administration's designee may be
14 involved in decision-making regarding review of a faculty
15 grievance, including under Section 51.960, or the faculty
16 discipline process.

17 (c) A faculty member of an institution of higher education
18 may not have final decision-making authority on any decision
19 regarding the hiring of an individual for employment by the
20 institution.

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 of an institution of higher education
25 shall adopt and implement a process for reviewing minor degree and
26 certificate programs offered by the institution to identify
27 programs with low enrollment that may require consolidation or

1 elimination.

2 (c) The criteria for review under Subsection (b) must
3 require that minor degree and certificate programs have specific
4 industry data to substantiate workforce demand to avoid
5 consideration for consolidation or elimination.

6 (d) A minor degree or certificate program that has operated
7 less than six years at the time the president of an institution of
8 higher education conducts the review under this section is exempt
9 from that review.

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

15 (f) The president of an institution of higher education
16 shall conduct a review under this section once every five years.

17 SECTION 5. Section 61.031, Education Code, is reenacted and
18 amended to read as follows:

19 Sec. 61.031. OFFICE OF OMBUDSMAN [~~PUBLIC INFORMATION AND~~
20 ~~COMPLAINTS~~]. (a) In this section:

21 (1) "Office" means the Texas Higher Education
22 Coordinating Board Office of the Ombudsman established under this
23 section.

24 (2) "Ombudsman" means the individual serving as
25 ombudsman for the office.

26 (b) The board shall establish the Texas Higher Education
27 Coordinating Board Office of the Ombudsman to serve as an

intermediary between the legislature and the public and institutions of higher education, including by answering questions from the legislature and the public regarding the obligations of an institution of higher education to students, faculty, employees, and the public.

(b-1) The governor, with the advice and consent of the senate, shall appoint a person to serve as ombudsman. The ombudsman serves at the pleasure of the governor.

(c) The office shall receive and, if necessary, investigate reports regarding an institution of higher education's failure to comply with:

(1) Sections 51.315 and 51.316;

(2) Section 51.3522;

(3) Section [51.3525](#);

(4) Section 51.3541;

(5) Section 51.9431; and

(6) Section 61.0522.

(d) An individual with reason to believe an institution of higher education has failed to comply with a provision listed under Subsection (c) may submit a complaint to the office that:

(1) provides the individual's name and contact information;

(2) states the specific statute the individual believes has been violated; and

(3) includes specific facts supporting the allegation, including:

(A) relevant dates;

1 (B) identifying information regarding the
2 individuals involved; and

3 (C) any supporting evidence in the individual's
4 possession.

5 (d-1) An individual who knowingly submits a false complaint
6 under Subsection (d) shall be held responsible for any costs
7 incurred by the office in conducting an investigation resulting
8 from the false complaint. The office may refuse to investigate a
9 future complaint filed by an individual who is found to have
10 knowingly filed a false complaint.

11 (e) The office ~~[board]~~ shall maintain a file on each written
12 complaint filed with the board. The file must include:

13 (1) the name of the person who filed the complaint;
14 (2) the date the complaint is received by the board;
15 (3) the subject matter of the complaint;
16 (4) the name of each person contacted in relation to
17 the complaint;

18 (5) a summary of the results of the review or
19 investigation of the complaint; and

20 (6) an explanation of the reason the file was closed,
21 if the office ~~[board]~~ closed the file without taking action other
22 than to investigate the complaint.

23 (f) ~~(b)~~ The office ~~[board]~~ shall provide to the person
24 filing the complaint and to each person who is a subject of the
25 complaint a copy of the office's ~~[board's]~~ policies and procedures
26 relating to complaint investigation and resolution.

27 (g) The office shall notify the governing board of the

institution of higher education that is the subject of a complaint of noncompliance that meets the requirements under Subsection (d) not later than the fifth day after the date the office receives the complaint. The governing board of the institution shall respond to the complaint not later than the 175th day after the date the governing board receives the notice unless the office has granted an extension for good cause.

(h) In investigating a complaint of noncompliance regarding an institution of higher education received under this section, the office may request information from the institution. The governing board of the institution 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. This subsection may not be construed to require an institution to provide privileged information to the office.

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

(j) [~~(c)~~] The office [~~board~~], at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

(k) If, not later than the 180th day after the date the office submits the report under Subsection (i) to the governing board of an institution of higher education that is the subject of an investigation under this section, the office determines the governing board has not resolved any noncompliance issues identified in the report, the office shall submit to the attorney general a report on the noncompliance that includes the office's requirements for action.

(l) On receipt of a report under Subsection (k), the attorney general may ensure the institution of higher education's compliance by acting to impose penalties on the institution, including recommending to the legislature that the institution not be allowed to spend money appropriated to the institution for a state fiscal year until the institution's governing board certifies compliance.

(m) [(d)] Notwithstanding any other provision of law, information that relates to a current, former, or prospective applicant or student of an educational institution and that is obtained, received, or held by the office ~~[board]~~ for the purpose of providing assistance with access to postsecondary education is confidential and excepted from disclosure under Chapter 552, Government Code, and may only be released in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). The office ~~[board]~~ may withhold information prohibited from being disclosed under this subsection without requesting a decision from the attorney general under Subchapter G, Chapter 552, Government Code.

1 (n) The office may:

2 (1) issue a civil investigative demand;

3 (2) require cooperation from an institution of higher
4 education in an investigation under this section if the office
5 determines a complaint of noncompliance with a provision listed
6 under Subsection (c) is credible; and

7 (3) publicize a violation of a provision listed under
8 Subsection (c) by an institution of higher education that is
9 confirmed by an investigation.

10 (o) The office shall annually submit a report to the
11 governor, the lieutenant governor, the attorney general, and the
12 chair of each standing legislative committee with jurisdiction over
13 higher education regarding:

14 (1) the number of reports of noncompliance with a
15 provision listed under Subsection (c) received by the office;

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

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

20 SECTION 6. Sections [61.0512](#)(a), (c), (e), (f), and (h),
21 Education Code, are amended to read as follows:

22 (a) A new degree [~~or certificate~~] program may be added at an
23 institution of higher education only with specific prior approval
24 of the board. A new degree [~~or certificate~~] program is considered
25 approved if the board has not completed a review under this section
26 and acted to approve or disapprove the proposed program before the
27 first anniversary of the date on which an institution of higher

1 education submits a completed application for approval to the
2 board. The board may not summarily disapprove a program without
3 completing the review required by this section. The board shall
4 specify by rule the elements that constitute a completed
5 application and shall make an administrative determination of the
6 completeness of the application not later than the fifth business
7 day after receiving the application. A request for additional
8 information in support of an application that has been determined
9 administratively complete does not toll the period within which the
10 application is considered approved under this section.

11 (c) The board shall review each degree [~~or certificate~~]
12 program offered by an institution of higher education at the time
13 the institution requests to implement a new program to ensure that
14 the program:

15 (1) is needed by the state and the local community and
16 does not unnecessarily duplicate programs offered by other
17 institutions of higher education or private or independent
18 institutions of higher education;

19 (2) has adequate financing from legislative
20 appropriation, funds allocated by the board, or funds from other
21 sources;

22 (3) has necessary faculty and other resources to
23 ensure student success; and

24 (4) meets academic standards specified by law or
25 prescribed by board rule, including rules adopted by the board for
26 purposes of this section, or workforce standards established by the
27 Texas Workforce Investment Council.

1 (e) The board shall review each degree [~~or certificate~~]
2 program offered by an institution of higher education at least
3 every 10 years after a new program is established using the criteria
4 prescribed by Subsection (c).

5 (f) Except as provided by Section 51.316, the [~~The~~] board
6 may not order the consolidation or elimination of any degree [~~or~~
7 ~~certificate~~] program offered by an institution of higher education
8 but may, based on the board's review under Subsections (d) and (e),
9 recommend such action to an institution's governing board. If an
10 institution's governing board does not accept recommendations to
11 consolidate or eliminate a degree [~~or certificate~~] program, the
12 university system or, where a system does not exist, the
13 institution, must identify the programs recommended for
14 consolidation or elimination on the next legislative
15 appropriations request submitted by the system or institution.

16 (h) In approving a degree [~~or certificate~~] program under
17 this section, the board:

18 (1) for a doctoral program, may not consider
19 undergraduate graduation or persistence rates; and

20 (2) for a baccalaureate degree program proposed to be
21 offered by a public junior college previously authorized by the
22 board to offer baccalaureate degree programs under former Section
23 130.0012:

24 (A) shall approve the degree program within 60
25 days after the date the board receives notice of the degree program
26 if the degree program:

27 (i) is approved by the governing board of

1 the junior college district; and

2 (ii) is not an engineering program; and

3 (B) is considered to have approved the degree
4 program after the date described by Paragraph (A) if the conditions
5 of that paragraph are satisfied.

6 SECTION 7. Section 61.052, Education Code, is amended by
7 adding Subsection (a-1) to read as follows:

8 (a-1) A governing board may exclude from the comprehensive
9 list of courses submitted under Subsection (a) courses that were
10 not taught as an organized class or provided through individual
11 instruction for the preceding two academic years.

12 SECTION 8. Subchapter C, Chapter 61, Education Code, is
13 amended by adding Section 61.0522 to read as follows:

14 Sec. 61.0522. CURRICULUM ADVISORY COMMITTEE. (a) In this
15 section:

16 (1) "Advisory committee" means the curriculum
17 advisory committee established under this section.

18 (2) "Core curriculum" has the meaning assigned by
19 Section 61.821.

20 (b) The board shall establish an advisory committee to
21 review the core curriculum requirements of institutions of higher
22 education.

23 (c) The advisory committee consists of:

24 (1) three members appointed by the governor;

25 (2) two members appointed by the lieutenant governor;

26 (3) two members appointed by the speaker of the house
27 of representatives; and

1 (4) representatives selected by the board in
2 accordance with Subsection (c-1).

3 (c-1) The board shall call for nominations from presidents,
4 chancellors, and chief academic officers at all institutions of
5 higher education for representatives to serve on the advisory
6 committee. The board shall select six representatives from those
7 nominated with nominees drawn equally from two-year and four-year
8 institutions.

9 (d) The governor shall appoint the chair of the advisory
10 committee from among the governor's appointees.

11 (e) The advisory committee shall consider methods for
12 determining foundational component courses and for condensing the
13 number of core curriculum courses required at institutions of
14 higher education.

15 (f) Not later than December 1, 2026, the advisory committee
16 shall produce a report regarding the advisory committee's findings
17 and recommendations under this section and provide the report to
18 the governing boards of institutions of higher education.

19 (g) The board shall adopt rules based on the findings of the
20 advisory committee and ensure the governing boards of institutions
21 of higher education implement those rules.

22 (h) Not later than the start of the 2027-2028 academic year,
23 the governing board of each institution of higher education shall
24 implement the advisory committee's recommendations included in the
25 report provided under Subsection (f).

26 (i) The advisory committee is abolished and this section
27 expires September 1, 2027.

SECTION 9. 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

1 institutions of higher education or the Texas Ethics Commission;

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

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

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

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

15 (B) this state; and

16 (C) taxpayers of this state; and

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

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

23 SECTION 10. This Act applies beginning with the 2025-2026
24 academic year.

25 SECTION 11. Not later than January 1, 2027, the governing
26 board of each public institution of higher education shall:

27 (1) complete the governing board's initial review in

1 accordance with Section 51.315, Education Code, as added by this
2 Act; and

3 (2) certify compliance with Section 51.315, Education
4 Code, as added by this Act, as required by Subsection (f) of that
5 section.

6 SECTION 12. (a) A faculty council or senate established at
7 a public institution of higher education before the effective date
8 of this Act is abolished on October 1, 2025, unless:

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

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

17 (b) A faculty council or senate authorized but not yet
18 established at a public institution of higher education before the
19 effective date of this Act may be established only in the manner
20 prescribed by Section 51.3522, Education Code, as added by this
21 Act.

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