

By: Creighton

S.B. No. 37

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the governance of public institutions of higher
3 education, including review of curriculum and certain degree and
4 certificate programs, the powers and duties of a faculty council or
5 senate, training for members of the governing board, and the
6 establishment of the Office of Excellence in Higher Education.

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

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

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

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

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

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

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

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

24 (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

1 governing board for the applicable academic year on:

2 (1) the hiring of administration and faculty;

3 (2) curriculum;

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

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

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

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

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

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

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

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

26 (A) one member appointed by the president of the
27 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.

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

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

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

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

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

19 (4) the comprehensive performance evaluation process
20 incorporate commonly recognized academic due process rights,
21 including notice of the manner and scope of the comprehensive
22 performance evaluation, the opportunity to provide documentation
23 during the comprehensive performance evaluation process, and,
24 before a faculty member may be subject to disciplinary action on the
25 basis of a comprehensive performance evaluation conducted under
26 this subsection, notice of specific charges and an opportunity for
27 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.