

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S..B. No. _____

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the governance of public institutions of higher
3 education, including review of curriculum and certain degree and
4 certificate programs, a faculty council or senate, training for
5 members of the governing board, and the establishment of the Texas
6 Higher Education Coordinating Board Office of the Ombudsman;
7 authorizing a civil penalty.

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

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

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

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

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

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

1 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 distort significant historical events or
11 include a curriculum that:

12 (A) teaches identity politics;

13 (B) teaches that individuals of one race are
14 inherently superior to individuals of another race or that
15 individuals of one race bear personal or collective responsibility
16 for actions committed by other individuals of the same race;

17 (C) is based on a theory that systemic racism,
18 sexism, oppression, or privilege is inherent in the institutions of
19 the United States or this state or was created to maintain social,
20 political, or economic inequities; or

21 (D) requires or attempts to require students to
22 adopt an ideology.

23 (c) In reviewing the general education curriculum and other
24 graduation requirements for an institution of higher education
25 under Subsection (b), the governing board of the institution shall
26 consider the potential costs the curriculum or requirements may
27 impose on students, including for additional tuition, fees, and

1 time a student must spend to complete an undergraduate degree
2 program at the institution.

3 (d) 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 (e) Not later than January 1 of each year, the governing
14 board of each institution of higher education shall certify the
15 governing board's compliance with this section to the Texas Higher
16 Education Coordinating Board and each standing legislative
17 committee and subcommittee with primary jurisdiction over higher
18 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 review to determine the return on
27 investment for students and manageable student debt levels for

1 degree programs at each institution of higher education; and

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

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

- 12 (1) "reward";
13 (2) "monitor";
14 (3) "sanction"; or
15 (4) "sunset".

16 (d) The governing board of each institution of higher
17 education shall assign a performance rating to each degree program
18 offered by the institution based on the coordinating board's
19 recommendation under Subsection (c).

20 (e) An institution of higher education may not use money
21 appropriated by the legislature to provide a degree program that
22 receives a "sanction" rating under Subsection (d) beginning with
23 the academic year immediately following the academic year in which
24 the rating was received.

25 (f) An institution of higher education may not enroll
26 students in a degree program that receives a "sunset" rating under
27 Subsection (d) beginning with the academic year immediately

1 following the academic year in which the rating was received. The
2 institution shall notify each student enrolled in the program at
3 the time the program receives the rating of the rating and give the
4 student the opportunity to complete the student's degree. The
5 institution shall consolidate or eliminate the program after the
6 last student enrolled in the program is awarded a degree.

7 SECTION 2. Section 51.352, Education Code, is amended by
8 adding Subsections (g) and (h) to read as follows:

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

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

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

19 (2) curriculum;

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

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

24 SECTION 3. Subchapter G, Chapter 51, Education Code, is
25 amended by adding Sections 51.3522 and 51.3541 to read as follows:

26 Sec. 51.3522. FACULTY COUNCIL OR SENATE. (a) In this
27 section, "faculty council or senate" means a representative faculty

1 organization.

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

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

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

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

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

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

17 (c) A faculty council or senate is advisory only and may not
18 be delegated the final decision-making authority on any matter. A
19 faculty council or senate shall represent the entire faculty of the
20 institution of higher education and advise the institution
21 administration and any system administration regarding matters
22 related to the general welfare of the institution. A faculty
23 council or senate may not issue any statement or publish a report on
24 any matter not directly related to the council's or senate's duties
25 to advise the institution administration.

26 (d) Service on the faculty council or senate is an
27 additional duty of the faculty member's employment. Members of the

1 faculty council or senate are not entitled to compensation or
2 reimbursement of expenses.

3 (e) A member of the faculty council or senate appointed by
4 the president of the institution of higher education in accordance
5 with Subsection (b)(3)(A) may serve up to six consecutive one-year
6 terms and then may only be reappointed after the second anniversary
7 of the last day of the member's most recent term. A member of the
8 faculty council or senate elected by a vote of the faculty of the
9 member's respective college or school serves a two-year term,
10 staggered in a manner that allows approximately one-half of the
11 elected members to be elected each year, and may only be reelected
12 after the second anniversary of the last day of the member's most
13 recent term.

14 (f) A faculty member serving on the faculty council or
15 senate may be immediately removed from the council or senate for
16 failure to conduct the member's responsibilities within the
17 council's or senate's parameters, including by using the member's
18 position for personal political advocacy, failing to attend council
19 or senate meetings, or engaging in other similar misconduct as
20 determined by the governing board of the institution of higher
21 education. A member of a faculty council or senate may be removed on
22 recommendation of the institution's provost and approval by the
23 institution's president.

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

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

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

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

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

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

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

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

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

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

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

3 (2) policies related to curriculum and academic
4 standards.

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

9 Sec. 51.3541. RESPONSIBILITY OF PRESIDENT. (a) In this
10 section, "governing board" and "institution of higher education"
11 have the meanings assigned by Section 61.003.

12 (b) The president of an institution of higher education
13 shall approve or deny the hiring of an individual for the position
14 of vice president, provost, dean, or a similar leadership position
15 that oversees curriculum or student affairs for the institution.

16 (c) The president of an institution of higher education
17 shall conduct annual evaluations for individuals who hold the
18 positions described by Subsection (b) at the institution and report
19 to the institution's governing board regarding any recommendations
20 for removing an individual from a position.

21 (d) The president of an institution of higher education may
22 not delegate the president's responsibilities under this section to
23 any other individual.

24 SECTION 4. Subchapter Z, Chapter 51, Education Code, is
25 amended by adding Sections 51.9431 and 51.989 to read as follows:

26 Sec. 51.9431. GRIEVANCE, HIRING, AND DISCIPLINE
27 DECISION-MAKING AUTHORITY. (a) In this section, "governing

1 board," "institution of higher education," and "university system"
2 have the meanings assigned by Section 61.003.

3 (b) Only the president or provost of an institution of
4 higher education, university system administration, or the
5 president's, provost's, or administration's designee may be
6 involved in decision-making regarding review of a faculty
7 grievance, including under Section 51.960, or the faculty
8 discipline process.

9 (c) A faculty member of an institution of higher education
10 may not have final decision-making authority on any decision
11 regarding the hiring of an individual for employment by the
12 institution.

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

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

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

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

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

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

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

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

12 (1) "Office" means the Texas Higher Education
13 Coordinating Board Office of the Ombudsman established under this
14 section.

15 (2) "Ombudsman" means the individual serving as
16 ombudsman for the office.

17 (b) The board shall establish the Texas Higher Education
18 Coordinating Board Office of the Ombudsman to serve as an
19 intermediary between the legislature and the public and
20 institutions of higher education, including by answering questions
21 from the legislature and the public regarding the obligations of an
22 institution of higher education to students, faculty, employees,
23 and the public.

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

27 (1) Subchapter E-2, Chapter 51;

- 1 (2) Sections 51.315 and 51.316;
- 2 (3) Section 51.3522;
- 3 (4) Section 51.3525;
- 4 (5) Section 51.3541;
- 5 (6) Section 51.9315;
- 6 (7) Section 51.942;
- 7 (8) Section 51.9431;
- 8 (9) Section 61.0522; and
- 9 (10) Section 752.053, Government Code.

10 (d) An individual with reason to believe an institution of
11 higher education has failed to comply with a provision listed under
12 Subsection (c) may submit a notarized, written complaint to the
13 office by mail that:

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

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

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

20 (A) relevant dates;

21 (B) identifying information regarding the
22 individuals involved; and

23 (C) any supporting evidence in the individual's
24 possession.

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

- 27 (1) the name of the person who filed the complaint;

- 1 (2) the date the complaint is received by the board;
- 2 (3) the subject matter of the complaint;
- 3 (4) the name of each person contacted in relation to
4 the complaint;
- 5 (5) a summary of the results of the review or
6 investigation of the complaint; and
- 7 (6) an explanation of the reason the file was closed,
8 if the office [~~board~~] closed the file without taking action other
9 than to investigate the complaint.

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

14 (g) The office shall notify the governing board of the
15 institution of higher education that is the subject of a complaint
16 of noncompliance that meets the requirements under Subsection (d)
17 not later than the fifth day after the date the office receives the
18 complaint. The governing board of the institution shall respond to
19 the complaint not later than the 25th day after the date the
20 governing board receives the notice.

21 (h) In investigating a complaint of noncompliance regarding
22 an institution of higher education received under this section, the
23 office may request information from the institution. The governing
24 board of the institution shall respond in writing to the office's
25 written request for information not later than the 30th day after
26 the date the institution receives the request.

27 (i) Based on findings related to an investigation under this

1 section, the office shall submit to the governing board of the
2 institution of higher education that is the subject of an
3 investigation under this section a report on the investigation that
4 includes the office's final determination regarding the
5 investigation and requirements for action based on the conclusions
6 of the investigation.

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

12 (k) If, not later than the 30th day after the date the office
13 submits the report under Subsection (i) to the governing board of an
14 institution of higher education that is the subject of an
15 investigation under this section, the office determines the
16 governing board has not resolved any noncompliance issues
17 identified in the report, the office shall submit to the attorney
18 general a report on the noncompliance that includes the office's
19 requirements for action.

20 (l) On receipt of a report under Subsection (k), the
21 attorney general may ensure the institution of higher education's
22 compliance by acting to impose penalties on the institution,
23 including:

24 (1) filing a civil suit against the institution to
25 compel the institution's compliance or to collect a civil penalty
26 not to exceed \$1,000; or

27 (2) recommending to the legislature that the

1 institution's appropriations be withheld.

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

14 (n) The office may:

15 (1) require cooperation from an institution of higher
16 education in an investigation under this section if the office
17 determines a complaint of noncompliance with a provision listed
18 under Subsection (c) is credible; and

19 (2) publicize a violation of a provision listed under
20 Subsection (c) by an institution of higher education that is
21 confirmed by an investigation.

22 (o) The office shall annually submit a report to the
23 governor, the lieutenant governor, the attorney general, and the
24 chair of each standing legislative committee with jurisdiction over
25 higher education regarding:

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

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

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

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

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

11 SECTION 7. Subchapter C, Chapter 61, Education Code, is
12 amended by adding Section 61.0522 to read as follows:

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

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

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

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

22 (c) The advisory committee consists of:

23 (1) three members appointed by the governor;

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

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

27 (4) the commissioner of higher education serving as an

1 ex officio member.

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

4 (e) The advisory committee shall consider methods for
5 determining foundational component courses and for condensing the
6 number of core curriculum courses required at institutions of
7 higher education.

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

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

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

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

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

24 (d) The content of the instruction at the training program
25 shall focus on the official role and duties of the members of
26 governing boards and shall provide training in the areas of
27 budgeting, policy development, ethics, and governance. Topics

1 covered by the training program must include:

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

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

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

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

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

15 (6) the requirements of the open meetings law, Chapter
16 551, Government Code, and the open records law, Chapter 552,
17 Government Code;

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

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

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

27 (10) an overview of the legislature, the General

1 Appropriations Act, and the state budget as those topics relate to
2 the responsibilities of the governing board;

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

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

8 (B) this state; and

9 (C) taxpayers of this state; and

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

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

16 SECTION 9. This Act applies beginning with the 2025-2026
17 academic year.

18 SECTION 10. Not later than January 1, 2027, the governing
19 board of each public institution of higher education shall:

20 (1) complete the governing board's initial review in
21 accordance with Section 51.315, Education Code, as added by this
22 Act; and

23 (2) certify compliance with Section 51.315, Education
24 Code, as added by this Act, as required by Subsection (e) of that
25 section.

26 SECTION 11. A faculty council or senate established at a
27 public institution of higher education before the effective date of

1 this Act is abolished on October 1, 2025, unless:

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

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

10 SECTION 12. This Act takes effect immediately if it
11 receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.
13 If this Act does not receive the vote necessary for immediate
14 effect, this Act takes effect September 1, 2025.