

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

Amend C.S.S.B. 37 (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 51.315(b), Education Code (page 1, line 45), strike "core curriculum" and substitute "general education curriculum".

(2) In SECTION 1 of the bill, in added Section 51.315(b), Education Code (page 1, line 55, through page 2, line 7), strike Subdivision (5) and substitute the following:

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

(3) In SECTION 1 of the bill, in added Section 51.315, Education Code (page 2, between lines 14 and 15), insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

(\_\_\_\_) Each individual in a leadership position that oversees curriculum or student affairs for the institution of higher education shall annually submit to the governing board of the institution an update regarding any changes to the general education curriculum offered at the institution. The governing board may reserve the right to overturn any decision made by the individuals described by this subsection regarding any changes to the general education curriculum offered at the institution.

(4) In SECTION 1 of the bill, in added Section 51.315(e), Education Code (page 2, line 25), between "year" and the underlined comma, insert "a review is conducted under this section".

(5) In SECTION 1 of the bill, in added Section 51.316(b), Education Code (page 2, lines 38 through 40), strike Subdivision

1 (1) and substitute the following:

2 (1) conduct a credential of value review to determine  
3 the return on investment for students, including a review of  
4 manageable student debt levels for degree programs at each  
5 institution of higher education; and

6 (6) In SECTION 1 of the bill, in added Section 51.316(c),  
7 Education Code (page 2, line 49), strike "higher education  
8 strategic plan" and substitute "long-range master plan for higher  
9 education".

10 (7) In SECTION 1 of the bill, in added Section 51.316(c),  
11 Education Code (page 2, line 50), strike "performance" and  
12 substitute "value".

13 (8) In SECTION 1 of the bill, in added Section 51.316(c),  
14 Education Code (page 2, lines 51 through 54), strike Subdivisions  
15 (1) through (4) and substitute the following:

- 16 (1) "meets";  
17 (2) "conditional"; or  
18 (3) "does not meet".

19 (9) In SECTION 1 of the bill, in added Section 51.316(d),  
20 Education Code (page 2, line 56), strike "performance" and  
21 substitute "value".

22 (10) In SECTION 1 of the bill, in added Section 51.316(d),  
23 Education Code (page 2, line 58), immediately following the  
24 underlined period, insert "The governing board may not delegate its  
25 authority under this subsection.".

26 (11) In SECTION 1 of the bill, in added Section 51.316,  
27 Education Code (page 2, line 59, through page 3, line 3), strike  
28 Subsections (e) and (f) and substitute the following:

29 (e) Each institution of higher education shall publish  
30 prominently on the institution's Internet website a list of each  
31 degree program offered by the institution and the value rating

1 assigned under Subsection (d) for that program.

2 (f) For each degree program that receives a "does not meet"  
3 rating under Subsection (d), the governing board, not later than  
4 the first academic year that begins after the rating is issued,  
5 shall:

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

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

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

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

27 (h) The governing board of each institution of higher  
28 education shall annually submit to the governor, the lieutenant  
29 governor, the speaker of the house of representatives, and each  
30 member of the legislature a report documenting the status of each  
31 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 (12) In SECTION 2 of the bill, in the recital for amended  
19 Section 51.352, Education Code (page 3, line 5), strike the text and  
20 substitute "amending Subsection (d) and adding Subsections (g) and  
21 (h) to read as follows:".

22 (13) In SECTION 2 of the bill, in amended Section 51.352,  
23 Education Code (page 3, between lines 5 and 6), insert the  
24 following:

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

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

30 (2) appoint the chancellor or other chief executive  
31 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          (14) In SECTION 2 of the bill, in added Section 51.352(g),  
18 Education Code (page 3, line 7), between "any" and "decision",  
19 insert "hiring".

20          (15) In SECTION 2 of the bill, in added Section 51.352(h),  
21 Education Code (page 3, line 16), strike the text of Subdivision (2)  
22 and renumber subsequent subdivisions of the subsection  
23 accordingly.

24          (16) In SECTION 3 of the bill, in the recital for amended  
25 Subchapter G, Chapter 51, Education Code (page 3, line 22), strike  
26 "51.3522" and substitute "51.35205, 51.3522, 51.3523,".

27          (17) In SECTION 3 of the bill, in amended Subchapter G,  
28 Chapter 51, Education Code (page 3, between lines 22 and 23), insert  
29 the following:

30          Sec. 51.35205. ADDITIONAL RESPONSIBILITIES OF GOVERNING  
31 BOARD. (a) In this section, "governing board" and "institution

1 of higher education" have the meanings assigned by Section 61.003.

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

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

13 (d) The governing board of an institution of higher  
14 education may establish a subcommittee on educational excellence  
15 composed of members of the governing board. The subcommittee may:

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

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

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

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

28 (18) In SECTION 3 of the bill, in added Section 51.3522(d),  
29 Education Code (page 3, line 53), between "expenses" and the  
30 underlined period, insert "for their role as members of the faculty  
31 council or senate".

1           (19) In SECTION 3 of the bill, in added Section 51.3522(f),  
2 Education Code (page 3, line 69), strike "personal".

3           (20) In SECTION 3 of the bill, in added Section 51.3522(f),  
4 Education Code (page 4, lines 1 through 3), strike "as determined by  
5 the governing board of the institution of higher education".

6           (21) In SECTION 3 of the bill, in added Section 51.3522(g),  
7 Education Code (page 4, line 7), strike "advice and consent" and  
8 substitute "approval".

9           (22) In SECTION 3 of the bill, in amended Subchapter G,  
10 Chapter 51, Education Code (page 4, between lines 44 and 45), insert  
11 the following:

12           Sec. 51.3523. SHARED GOVERNANCE. (a) In this section,  
13 "governing board" and "institution of higher education" have the  
14 meanings assigned by Section 61.003.

15           (b) Institutions of higher education in this state shall be  
16 governed by a principle of shared governance, which refers to a  
17 structured decision-making process in which the governing board of  
18 the institution exercises ultimate authority and responsibility  
19 for institutional oversight, financial stewardship, and policy  
20 implementation, while allowing for appropriate consultation with  
21 faculty, administrators, and other stakeholders on matters related  
22 to academic policy and institutional operations. The principle of  
23 shared governance may not be construed to diminish the authority of  
24 the governing board to make final decisions in the best interest of  
25 the institution, students, and taxpayers.

26           (c) Administrators at institutions of higher education must  
27 make decisions in a manner that promotes efficiency,  
28 accountability, and responsiveness to state priorities, workforce  
29 needs, and the institution's institutional mission. Faculty and  
30 staff may provide recommendations on academic matters, but that  
31 input is only advisory in nature, ensuring that governing boards

1 and institutional leadership retain clear and ultimate  
2 decision-making authority. Shared governance structures may not be  
3 used to obstruct, delay, or undermine necessary institutional  
4 reforms or serve as a mechanism for advancing ideological or  
5 political agendas.

6 (23) In SECTION 3 of the bill, in added Section 51.3541(a),  
7 Education Code (page 4, line 46), strike "governing board" and  
8 "institution of higher education" and substitute "governing  
9 board," "institution of higher education," and "university  
10 system".

11 (24) In SECTION 3 of the bill, in added Section 51.3541,  
12 Education Code (page 4, lines 48 through 51), strike the text of  
13 Subsection (b) and reletter subsequent subsections of the section  
14 accordingly.

15 (25) In SECTION 3 of the bill, in added Section 51.3541(c),  
16 Education Code (page 4, line 52), immediately following  
17 "education", add ", in consultation with the chancellor of any  
18 university system of which the institution is a component,".

19 (26) In SECTION 3 of the bill, in added Section 51.3541(c),  
20 Education Code (page 4, line 54), strike "described by Subsection  
21 (b) at" and substitute "of vice president, provost, dean, or a  
22 similar leadership position that oversees curriculum or student  
23 affairs for".

24 (27) In SECTION 3 of the bill, in added Section 51.3541(c),  
25 Education Code (page 4, lines 55 and 56), strike "recommendations  
26 for removing" and substitute "decision to remove".

27 (28) In SECTION 4 of the bill, in added Section 51.989(b),  
28 Education Code (page 5, line 11), strike "develop" and substitute  
29 "adopt and implement".

30 (29) In SECTION 4 of the bill, in added Section 51.989(f),  
31 Education Code (page 5, line 28), strike "four" and substitute



1 "five".

2 (30) In SECTION 5 of the bill, in added Section 61.031(c),  
3 Education Code (page 5, lines 48 through 57), strike the text of  
4 Subdivisions (1) through (10) and substitute the following:

5 (1) Sections 51.315 and 51.316;

6 (2) Section 51.3522;

7 (3) Section 51.3525;

8 (4) Section 51.3541;

9 (5) Section 51.9431; and

10 (6) Section 61.0522.

11 (31) In SECTION 5 of the bill, in added Section 61.031(d),  
12 Education Code (page 5, lines 60 and 61), strike "notarized,  
13 written complaint to the office by mail" and substitute "complaint  
14 to the office".

15 (32) In SECTION 5 of the bill, immediately following added  
16 Section 61.031(d), Education Code (page 6, between lines 3 and 4),  
17 insert the following:

18 (d-1) An individual who knowingly submits a false complaint  
19 under Subsection (d) shall be held responsible for any costs  
20 incurred by the office in conducting an investigation resulting  
21 from the false complaint. The office may refuse to investigate a  
22 future complaint filed by an individual who is found to have  
23 knowingly filed a false complaint.

24 (33) In SECTION 5 of the bill, in added Section 61.031(g),  
25 Education Code (page 6, line 25), strike "25th" and substitute  
26 "175th".

27 (34) In SECTION 5 of the bill, in added Section 61.031(g),  
28 Education Code (page 6, line 26), between "notice" and the  
29 underlined period, insert "unless the office has granted an  
30 extension for good cause".

31 (35) In SECTION 5 of the bill, in added Section 61.031(h),

1 Education Code (page 6, line 32), immediately following the  
2 underlined period, add "This subsection may not be construed to  
3 require an institution to provide privileged information to the  
4 office.".

5 (36) In SECTION 5 of the bill, in added Section 61.031(k),  
6 Education Code (page 6, line 45), strike "30th" and substitute  
7 "180th".

8 (37) In SECTION 5 of the bill, in added Section 61.031(l),  
9 Education Code (page 6, lines 56 through 61), strike the text and  
10 substitute the following:

11 including recommending to the legislature that the institution not  
12 be allowed to spend money appropriated to the institution for a  
13 state fiscal year until the institution's governing board certifies  
14 compliance.

15 (38) In SECTION 5 of the bill, in added Section 61.031(n),  
16 Education Code (page 7, between lines 5 and 6), insert the following  
17 appropriately numbered subdivision and renumber subsequent  
18 subdivisions of the subsection accordingly:

19 (\_) issue a civil investigative demand;

20 (39) In SECTION 5 of the bill, in added Section  
21 61.031(o)(2), Education Code (page 7, line 19), between "conducted"  
22 and "by", insert "and substantiated".

23 (40) In SECTION 7 of the bill, in added Section 61.0522(c),  
24 Education Code (page 7, lines 45 and 46), strike the text of  
25 Subdivision (4) and substitute the following:

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

28 (41) In SECTION 7 of the bill, in added Section 61.0522,  
29 Education Code (page 7, between lines 46 and 47), insert the  
30 following:

31 (c-1) The board shall call for nominations from presidents,

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

6 (42) In SECTION 11 of the bill, at the beginning of the  
7 nonamendatory language describing the abolishment of certain  
8 faculty councils or senates (page 8, line 56), between "SECTION  
9 11." and "A faculty council", insert "(a)".

10 (43) In SECTION 11 of the bill, in the nonamendatory  
11 language describing the abolishment of certain faculty councils or  
12 senates (page 8, between lines 66 and 67), insert the following:

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

18 (44) Add the following appropriately numbered SECTION to  
19 the bill and renumber subsequent SECTIONS of the bill accordingly:

20 SECTION \_\_\_\_\_. 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  
28 education submits a completed application for approval to the  
29 board. The board may not summarily disapprove a program without  
30 completing the review required by this section. The board shall  
31 specify by rule the elements that constitute a completed

1 application and shall make an administrative determination of the  
2 completeness of the application not later than the fifth business  
3 day after receiving the application. A request for additional  
4 information in support of an application that has been determined  
5 administratively complete does not toll the period within which the  
6 application is considered approved under this section.

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

11 (1) is needed by the state and the local community and  
12 does not unnecessarily duplicate programs offered by other  
13 institutions of higher education or private or independent  
14 institutions of higher education;

15 (2) has adequate financing from legislative  
16 appropriation, funds allocated by the board, or funds from other  
17 sources;

18 (3) has necessary faculty and other resources to  
19 ensure student success; and

20 (4) meets academic standards specified by law or  
21 prescribed by board rule, including rules adopted by the board for  
22 purposes of this section, or workforce standards established by the  
23 Texas Workforce Investment Council.

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

28 (f) Except as provided by Section 51.316, the [~~The~~] board  
29 may not order the consolidation or elimination of any degree [~~or~~  
30 ~~certificate~~] program offered by an institution of higher education  
31 but may, based on the board's review under Subsections (d) and (e),

1 recommend such action to an institution's governing board. If an  
2 institution's governing board does not accept recommendations to  
3 consolidate or eliminate a degree [~~or certificate~~] program, the  
4 university system or, where a system does not exist, the  
5 institution, must identify the programs recommended for  
6 consolidation or elimination on the next legislative  
7 appropriations request submitted by the system or institution.

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

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

12 (2) for a baccalaureate degree program proposed to be  
13 offered by a public junior college previously authorized by the  
14 board to offer baccalaureate degree programs under former Section  
15 130.0012:

16 (A) shall approve the degree program within 60  
17 days after the date the board receives notice of the degree program  
18 if the degree program:

19 (i) is approved by the governing board of  
20 the junior college district; and

21 (ii) is not an engineering program; and

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