

By: Creighton, et al.

S.B. No. 18

(In the Senate - Filed March 10, 2023; March 13, 2023, read first time and referred to Committee on Education; April 6, 2023, reported favorably by the following vote: Yeas 9, Nays 3; April 6, 2023, sent to printer.)

COMMITTEE VOTE

_____	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>PNV</u>
<u>Creighton</u> _____	<u>X</u>	_____	_____	_____
<u>Campbell</u> _____	<u>X</u>	_____	_____	_____
<u>Bettencourt</u> _____	<u>X</u>	_____	_____	_____
<u>Birdwell</u> _____	_____	_____	<u>X</u>	_____
<u>Flores</u> _____	<u>X</u>	_____	_____	_____
<u>King</u> _____	<u>X</u>	_____	_____	_____
<u>LaMantia</u> _____	_____	<u>X</u>	_____	_____
<u>Menéndez</u> _____	_____	<u>X</u>	_____	_____
<u>Middleton</u> _____	<u>X</u>	_____	_____	_____
<u>Parker</u> _____	<u>X</u>	_____	_____	_____
<u>Paxton</u> _____	<u>X</u>	_____	_____	_____
<u>Springer</u> _____	<u>X</u>	_____	_____	_____
<u>West</u> _____	_____	<u>X</u>	_____	_____

A BILL TO BE ENTITLED

AN ACT

relating to tenure and employment status at public institutions of higher education in this state.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9415 to read as follows:

Sec. 51.9415. TENURE AND FACULTY EMPLOYMENT STATUS. (a)

In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education may not grant an employee of the institution tenure or any type of permanent employment status.

(c) Subsection (b) does not apply to a faculty member or other employee of the institution of higher education who is employed by or under contract for employment with the institution on September 1, 2023, and who was awarded tenure or any type of permanent employment status by the institution before September 1, 2023, provided that the person remains continuously employed or continuously under a contract of employment beginning September 1, 2023.

(d) This section does not prohibit the board of regents of an institution of higher education from establishing an alternate system of tiered employment status for faculty members provided that the system clearly defines each position and requires each faculty member to undergo an annual performance evaluation.

SECTION 2. Section 21.801(d), Education Code, is amended to read as follows:

(d) The public institution of higher education shall:

(1) reward faculty instructing in the teacher residency program;

(2) identify faculty who can prepare teachers to impact student achievement in high-need schools;

(3) provide institutional support of faculty who work with the teacher residency program by providing time to teach the

courses [~~and valuing the faculty's contributions with rewards in the university tenure process~~]; and

(4) develop and implement a program that acknowledges and elevates the significance and professional nature of teaching at the primary and secondary levels.

SECTION 3. Section 51.943(c), Education Code, is amended to read as follows:

(c) For the purposes of this section, an institution of higher education is not required to provide an annual contract to tenured [~~tenure or tenure track~~] faculty, but must provide tenured [~~tenure and tenure track~~] faculty with [any] written notification [~~required in the institution's tenure policy~~] of any [a] change in a term of employment according to the policies of the institution, but no later than the 30th day prior to the change.

SECTION 4. Section 51.948(b), Education Code, is amended to read as follows:

(b) A contract entered into by a governing board under this section may not:

(1) provide for employment for more than three years;

(2) allow for severance or other payments on the termination of the contract to exceed an amount equal to the discounted net present cash value of the contract on termination at a market interest rate agreed upon in the contract; or

(3) allow for development leave that is inconsistent with Section 51.105[; ~~or~~

~~[(4) award tenure in any way that varies from the institution's general policy on the award of tenure].~~

SECTION 5. Section 51.9745(a), Education Code, is amended to read as follows:

(a) Each general academic teaching institution, as defined by Section 61.003, shall make available to the public on the institution's Internet website the following information for the institution:

(1) the student/faculty ratio;

(2) the percentage of all full-time equivalent faculty members with teaching responsibility who are tenured [~~or tenure track~~];

(3) the percentage of semester credit hours taken by students classified as freshmen or sophomores that are taught by tenured [~~and tenure track~~] faculty members;

(4) the number of faculty members in each of the following faculty ranks, including a breakdown for each rank showing the numbers of faculty members by race, ethnicity, and gender:

(A) professor;

(B) associate professor;

(C) assistant professor;

(D) instructor;

(E) nontenured [~~or nontenure track~~]; and

(F) teaching assistant;

(5) average faculty salaries by rank;

(6) the amount of money appropriated by the legislature per full-time equivalent faculty member and full-time equivalent student;

(7) the total revenue the institution spent per full-time equivalent faculty member and full-time equivalent student;

(8) the amount of federal and private research expenditures per tenured [~~or tenure track~~] full-time equivalent faculty member;

(9) the number and percentage of faculty members holding extramural research grants;

(10) the number and names of awards to faculty members from nationally recognized entities, including those identified by The Center for Measuring University Performance; and

(11) the number of endowed professorships or chairs.

SECTION 6. Section 51A.053(c), Education Code, is amended to read as follows:

(c) Except as otherwise provided by the coordinating board under Subsection (a), the resume must include the following information relating to the most recent state fiscal year for which the information is available:

(1) under the heading "ENROLLMENT":

(A) the total number of students enrolled in the institution during the fall semester that ended in the fiscal year covered by the resume;

(B) the percentage of undergraduate students enrolled in the institution for the first time during the fall semester that ended in the fiscal year covered by the resume who are transfer students; and

(C) a clearly identifiable link to the information described by Paragraph (A) disaggregated by student ethnicity;

(2) under the heading "DEGREES AWARDED":

(A) the number of bachelor's degrees, number of master's degrees, number of doctoral degrees, and number of professional degrees awarded by the institution; and

(B) a clearly identifiable link to the information described by Paragraph (A) disaggregated by student ethnicity;

(3) under the heading "COSTS":

(A) the average annual total academic costs for a resident undergraduate student enrolled in 30 semester credit hours at the institution;

(B) clearly identifiable links to information regarding:

(i) the rate or rates of tuition per semester credit hour charged by the institution; and

(ii) any mandatory fees, as defined by the coordinating board, imposed by the institution;

(C) the average cost of on-campus room and board per student; and

(D) the average cost to a resident undergraduate student enrolled in 30 semester credit hours for total academic costs and on-campus room and board, excluding the cost of books, supplies, transportation, or other expenses;

(4) under the heading "FINANCIAL AID":

(A) the percentage of undergraduate students enrolled in the institution who receive need-based grants or scholarships;

(B) the percentage of undergraduate students enrolled in the institution who receive need-based grants, scholarships, loans, or work-study funds;

(C) the percentage of undergraduate students enrolled in the institution who receive student loans;

(D) the average amount of an undergraduate student's need-based grant and scholarship package;

(E) the average amount of an undergraduate student's need-based grant, scholarship, loan, and work-study package; and

(F) the average amount of an undergraduate student's student loans;

(5) under the heading "ADMISSIONS":

(A) the middle 50 percent test score range of first-time undergraduate students at the institution whose Scholastic Assessment Test (SAT) scores were in the 25th to 75th percentile of students' scores at that institution;

(B) the middle 50 percent test score range of first-time undergraduate students at the institution whose American College Test (ACT) scores were in the 25th to 75th percentile of students' scores at that institution; and

(C) the percentage of the students who applied for first-time undergraduate admission to the institution who were offered admission to the institution;

(6) under the heading "INSTRUCTION":

(A) the student/faculty ratio at the institution;

(B) the percentage of organized undergraduate classes offered by the institution in which fewer than 20 students are enrolled;

(C) the percentage of organized undergraduate classes offered by the institution in which more than 50 students are enrolled; and

(D) the percentage of teaching faculty members of the institution who are tenured [~~or tenure-track~~];

(7) under the heading "BACCALAUREATE SUCCESS":

(A) four-year, five-year, and six-year graduation rates for full-time bachelor's degree-seeking students at the institution, and links to that information disaggregated by student ethnicity;

(B) the average number of fall and spring

semesters of enrollment attempted by a student to obtain a bachelor's degree; and

(C) the retention rate of first-time, full-time, degree-seeking entering undergraduate students enrolled in the institution after one academic year and after two academic years;

(8) under the heading "FIRST-TIME LICENSURE OR CERTIFICATION EXAMINATION PASS RATES," the first-time licensure or certification examination pass rates in the fields of education, law, pharmacy, nursing, and engineering of students enrolled in the institution or who have graduated from the institution; and

(9) under the heading "FUNDING":

(A) the total amount of money appropriated by the legislature to the institution, including money appropriated for faculty and staff health coverage and retirement benefits, for that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total amount of money appropriated by the legislature represents;

(B) the total amount of federal funds from all federal sources, including grants and research funds, received by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total amount of federal funds represents;

(C) the total academic costs charged to students by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total academic costs represent; and

(D) the total amount of money from any source



available to the institution in that state fiscal year.

SECTION 7. Section 61.057, Education Code, is amended to read as follows:

Sec. 61.057. PROMOTION OF TEACHING EXCELLENCE. To achieve excellence in the teaching of students at institutions and agencies of higher education, the board shall:

(1) develop and recommend:

(A) minimum faculty compensation plans, basic increment programs, and incentive salary increases;

(B) minimum standards for faculty appointment, advancement, promotion, and retirement;

(C) general policies for faculty teaching loads, and division of faculty time between teaching, research, administrative duties, and special assignments;

(D) faculty improvement programs, including a plan for sabbatical leaves, appropriate for the junior and senior colleges and universities, respectively; and

(E) minimum standards for academic freedom~~[7]~~ and academic responsibility~~[7—and tenure]~~;

(2) pursue vigorously and continuously a goal of having all college and university academic classes taught by persons holding the minimum of an earned master's degree or its equivalent in academic training, creative work, or professional accomplishment;

(3) explore, promote, and coordinate the use of educational television among institutions of higher education and encourage participation by public and private schools and private institutions of higher education in educational television;

(4) conduct, and encourage the institutions of higher education to conduct, research into new methods, materials, and

techniques for improving the quality of instruction and for the maximum utilization of all available teaching techniques, devices, and resources, including but not limited to large classes, team teaching, programmed instruction, interlibrary exchanges, joint libraries, specially-designed facilities, visual aids, and other innovations that offer promise for superior teaching or for meeting the need for new faculty members to teach anticipated larger numbers of students; and

(5) assume initiative and leadership in providing through the institutions of higher education in the state those programs and offerings which will achieve the objectives set forth in Section 61.002 of this code.

SECTION 8. Section 61.0902(b), Education Code, is amended to read as follows:

(b) Not later than the next November 1 following the completion of an academic year, each general academic teaching institution shall provide to the board one or more reports containing data related to:

(1) the qualifications of the entering freshman class for the academic year covered by the report, including:

(A) the average Texas Academic Skills Program Test scores of the class;

(B) the average scores of the class on each generally recognized test or assessment used in college and university undergraduate admissions, including the Scholastic Assessment Test and the American College Test;

(C) the range of scores of the class from the 25th to the 75th percentile on each generally recognized test or assessment used in college and university undergraduate admissions, including the Scholastic Assessment Test and the

American College Test;

(D) the overall grade point average of the class for the academic year covered by the report;

(E) the number of students in the class who graduated in the top 10 percent of the student's high school graduating class; and

(F) enrollment percentages by ethnicity; and

(2) student performance and institution efficiency, including:

(A) the retention rate of full-time students after the completion of one academic year at the institution;

(B) the percentage of full-time degree-seeking undergraduate students who earn a baccalaureate degree before the sixth anniversary of the date of the student's first enrollment at the institution;

(C) the percentage of lower-division semester credit hours taught by tenured [~~or tenure-track~~] faculty;

(D) the percentage of undergraduate classes with fewer than 20 students;

(E) the percentage of undergraduate classes with more than 50 students;

(F) the student-to-faculty ratio for undergraduate students;

(G) the percentage of students receiving financial aid;

(H) the average cost of tuition and fees for an undergraduate student enrolled for 12 semester credit hours;

(I) the average cost of on-campus room and board for an academic year, excluding summer sessions;

(J) the number of disciplines in which master's

degrees are offered;

(K) the number of disciplines in which doctoral degrees are offered;

(L) a description of any departments, schools, or certificate or degree programs of the institution that have a statewide or national reputation for excellence; and

(M) statistics regarding job placement rates for students awarded certificates or degrees by the institution.

SECTION 9. Section 141.001(3), Education Code, is amended to read as follows:

(3) "Faculty member" means a person who is tenured [~~or is in a tenure track position~~] and [is] employed by a public senior college or university.

SECTION 10. Section 142.001(5), Education Code, is amended to read as follows:

(5) "Faculty member" means a person who is tenured by an eligible institution [~~or is in a tenure track position~~] or who is a research professional employed by an eligible institution.

SECTION 11. Section 51.942(f), Education Code, is repealed.

SECTION 12. This Act takes effect September 1, 2023.

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