

1-1 By: Creighton, Hagenbuch S.B. No. 37
1-2 (In the Senate - Filed March 13, 2025; March 17, 2025, read
1-3 first time and referred to Committee on Education K-16;
1-4 April 8, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 1; April 8, 2025,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	Creighton	X		
1-10	Campbell	X		
1-11	Bettencourt	X		
1-12	Hagenbuch	X		
1-13	Hinojosa of Nueces	X		
1-14	King	X		
1-15	Menéndez		X	
1-16	Middleton	X		
1-17	Parker	X		
1-18	Paxton	X		
1-19	West		X	

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 37 By: Paxton

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to the governance of public institutions of higher
1-24 education, including review of curriculum and certain degree and
1-25 certificate programs, a faculty council or senate, training for
1-26 members of the governing board, and the establishment of the Texas
1-27 Higher Education Coordinating Board Office of the Ombudsman;
1-28 authorizing a civil penalty.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 SECTION 1. Subchapter F, Chapter 51, Education Code, is
1-31 amended by adding Sections 51.315 and 51.316 to read as follows:

1-32 Sec. 51.315. GENERAL EDUCATION CURRICULUM REVIEW. (a) In
1-33 this section:

1-34 (1) "General education curriculum" means a core
1-35 curriculum, as that term is defined by Section 61.821, and any other
1-36 curriculum or competency all undergraduate students of an
1-37 institution of higher education are required to complete before
1-38 receiving an undergraduate degree.

1-39 (2) "Governing board" and "institution of higher
1-40 education" have the meanings assigned by Section 61.003.

1-41 (b) The governing board of each institution of higher
1-42 education shall conduct a comprehensive review of the general
1-43 education curriculum and other graduation requirements established
1-44 by the institution at least once every five years. In reviewing an
1-45 institution's core curriculum, the governing board shall ensure
1-46 courses in the curriculum:

1-47 (1) are foundational and fundamental to a sound
1-48 postsecondary education;

1-49 (2) are necessary to prepare students for civic and
1-50 professional life;

1-51 (3) equip students for participation in the workforce
1-52 and in the betterment of society;

1-53 (4) ensure a breadth of knowledge in compliance with
1-54 applicable accreditation standards; and

1-55 (5) do not distort significant historical events or
1-56 include a curriculum that:

1-57 (A) teaches identity politics;

1-58 (B) teaches that individuals of one race are
1-59 inherently superior to individuals of another race or that
1-60 individuals of one race bear personal or collective responsibility

for actions committed by other individuals of the same race;

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

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

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

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

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

(2) institution administrators;

(3) community leaders;

(4) industry representatives; and

(5) other individuals selected by the governing board.

(e) Not later than January 1 of each year, the governing board of each institution of higher education shall certify the governing board's compliance with this section to the Texas Higher Education Coordinating Board and each standing legislative committee and subcommittee with primary jurisdiction over higher education.

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

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

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

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

(1) conduct a review to determine the return on investment for students and manageable student debt levels for degree programs at each institution of higher education; and

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

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

(1) "reward";

(2) "monitor";

(3) "sanction"; or

(4) "sunset".

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

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

(f) An institution of higher education may not enroll students in a degree program that receives a "sunset" rating under Subsection (d) beginning with the academic year immediately following the academic year in which the rating was received. The institution shall notify each student enrolled in the program at the time the program receives the rating of the rating and give the

student the opportunity to complete the student's degree. The institution shall consolidate or eliminate the program after the last student enrolled in the program is awarded a degree.

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

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

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

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

(2) curriculum;

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

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

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

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

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

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

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

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

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

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

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

(d) Service on the faculty council or senate is an additional duty of the faculty member's employment. Members of the faculty council or senate are not entitled to compensation or reimbursement of expenses.

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

(f) A faculty member serving on the faculty council or senate may be immediately removed from the council or senate for failure to conduct the member's responsibilities within the council's or senate's parameters, including by using the member's position for personal political advocacy, failing to attend council

or senate meetings, or engaging in other similar misconduct as determined by the governing board of the institution of higher education. A member of a faculty council or senate may be removed on recommendation of the institution's provost and approval by the institution's president.

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

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

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

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

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

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

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

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

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

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

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

(2) policies related to curriculum and academic standards.

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

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

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

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

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

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

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

(b) Only the president or provost of an institution of higher education, university system administration, or the president's, provost's, or administration's designee may be involved in decision-making regarding review of a faculty

grievance, including under Section [51.960](#), or the faculty discipline process.

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

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

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

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

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

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

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

SECTION 5. Section [61.031](#), Education Code, is reenacted and amended to read as follows:

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

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

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

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

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

(1) Subchapter [E-2](#), Chapter [51](#);

(2) Sections [51.315](#) and [51.316](#);

(3) Section [51.3522](#);

(4) Section [51.3525](#);

(5) Section [51.3541](#);

(6) Section [51.9315](#);

(7) Section [51.942](#);

(8) Section [51.9431](#);

(9) Section [61.0522](#); and

(10) Section [752.053](#), Government Code.

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

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

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

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

(A) relevant dates;

(B) identifying information regarding the

6-1 individuals involved; and

6-2 (C) any supporting evidence in the individual's
6-3 possession.

6-4 (e) The office [~~board~~] shall maintain a file on each written
6-5 complaint filed with the board. The file must include:

6-6 (1) the name of the person who filed the complaint;

6-7 (2) the date the complaint is received by the board;

6-8 (3) the subject matter of the complaint;

6-9 (4) the name of each person contacted in relation to
6-10 the complaint;

6-11 (5) a summary of the results of the review or
6-12 investigation of the complaint; and

6-13 (6) an explanation of the reason the file was closed,
6-14 if the office [~~board~~] closed the file without taking action other
6-15 than to investigate the complaint.

6-16 (f) [~~(b)~~] The office [~~board~~] shall provide to the person
6-17 filing the complaint and to each person who is a subject of the
6-18 complaint a copy of the office's [~~board's~~] policies and procedures
6-19 relating to complaint investigation and resolution.

6-20 (g) The office shall notify the governing board of the
6-21 institution of higher education that is the subject of a complaint
6-22 of noncompliance that meets the requirements under Subsection (d)
6-23 not later than the fifth day after the date the office receives the
6-24 complaint. The governing board of the institution shall respond to
6-25 the complaint not later than the 25th day after the date the
6-26 governing board receives the notice.

6-27 (h) In investigating a complaint of noncompliance regarding
6-28 an institution of higher education received under this section, the
6-29 office may request information from the institution. The governing
6-30 board of the institution shall respond in writing to the office's
6-31 written request for information not later than the 30th day after
6-32 the date the institution receives the request.

6-33 (i) Based on findings related to an investigation under this
6-34 section, the office shall submit to the governing board of the
6-35 institution of higher education that is the subject of an
6-36 investigation under this section a report on the investigation that
6-37 includes the office's final determination regarding the
6-38 investigation and requirements for action based on the conclusions
6-39 of the investigation.

6-40 (j) [~~(c)~~] The office [~~board~~], at least quarterly until
6-41 final disposition of the complaint, shall notify the person filing
6-42 the complaint and each person who is a subject of the complaint of
6-43 the status of the investigation unless the notice would jeopardize
6-44 an undercover investigation.

6-45 (k) If, not later than the 30th day after the date the office
6-46 submits the report under Subsection (i) to the governing board of an
6-47 institution of higher education that is the subject of an
6-48 investigation under this section, the office determines the
6-49 governing board has not resolved any noncompliance issues
6-50 identified in the report, the office shall submit to the attorney
6-51 general a report on the noncompliance that includes the office's
6-52 requirements for action.

6-53 (l) On receipt of a report under Subsection (k), the
6-54 attorney general may ensure the institution of higher education's
6-55 compliance by acting to impose penalties on the institution,
6-56 including:

6-57 (1) filing a civil suit against the institution to
6-58 compel the institution's compliance or to collect a civil penalty
6-59 not to exceed \$1,000; or

6-60 (2) recommending to the legislature that the
6-61 institution's appropriations be withheld.

6-62 (m) [~~(d)~~] Notwithstanding any other provision of law,
6-63 information that relates to a current, former, or prospective
6-64 applicant or student of an educational institution and that is
6-65 obtained, received, or held by the office [~~board~~] for the purpose of
6-66 providing assistance with access to postsecondary education is
6-67 confidential and excepted from disclosure under Chapter 552,
6-68 Government Code, and may only be released in conformity with the
6-69 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.

Section 1232g). The office [~~board~~] may withhold information prohibited from being disclosed under this subsection without requesting a decision from the attorney general under Subchapter G, Chapter 552, Government Code.

(n) The office may:

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The advisory committee consists of:

(1) three members appointed by the governor;

(2) two members appointed by the lieutenant governor;

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

(4) the commissioner of higher education serving as an ex officio member.

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

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

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

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

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

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

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

(d) The content of the instruction at the training program

shall focus on the official role and duties of the members of governing boards and shall provide training in the areas of budgeting, policy development, ethics, and governance. Topics covered by the training program must include:

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

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

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

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

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

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

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

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

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

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

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

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

(B) this state; and

(C) taxpayers of this state; and

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

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

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

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

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

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

SECTION 11. A faculty council or senate established at a public institution of higher education before the effective date of this Act is abolished on October 1, 2025, unless:

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

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

SECTION 12. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

9-1 If this Act does not receive the vote necessary for immediate
9-2 effect, this Act takes effect September 1, 2025.

9-3 * * * * *