

SUBJECT: Training for members of higher education governing boards

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 5 ayes — Zerwas, Howard, Alonzo, Crownover, Martinez

0 nays

4 absent — Clardy, Morrison, Raney, C. Turner

SENATE VOTE: On final passage, April 22 — 25-5 (Creighton, Fraser, Kolkhorst, Nelson, V. Taylor)

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Mary Smith, Texas Higher Education Coordinating Board)

BACKGROUND: Education Code, sec. 61.084 establishes training programs for governing board members of higher education institutions. Each member is required to attend at least one training program during the member's first two years of service.

DIGEST: SB 24 would require members of governing boards of higher education institutions to attend at least one training program during the member's first year of service, rather than within two years as in current law.

A governing board member who held an appointive position would be required to attend an intensive short orientation course to be developed by the Texas Higher Education Coordinating Board. The orientation course would have to be offered as an online interactive course and could also be offered as a written document or in a one-on-one or group setting.

Rules developed by the coordinating board would require a member to

attend the orientation course and any relevant training sponsored or coordinated by the governor's office the first time such courses were offered after the member took the oath of office. A member whose first year of service began on or after September 1, 2015, could not vote on a budgetary or personnel matter until the member had completed the intensive short orientation course.

The orientation course would have to include:

- best practices and matters relating to excellence, transparency, accountability, and efficiency in the governing structure and organization of general academic teaching institutions and university systems;
- best practices relating to the manner in which governing boards and administrators develop and implement major policy decisions, including the need for impartiality and adequate internal review; and
- ethics, conflicts of interests, and the proper role of a board member.

The bill would add several new requirements for the content of training programs, including ethics, limitations on the authority of the governing board, and the requirements of federal and state laws governing the privacy of student information.

The coordinating board would be responsible for documenting governing board members' completion of the training requirements.

This bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

SB 24 would establish a new, intensive short orientation course for university system regents to help ensure that newly appointed regents had timely access to training on important governance matters before taking action. Those appointed after the bill took effect would have to take the course before voting on budgetary or personnel matters. The course could be offered in various formats, including as an online interactive course, offering flexibility in meeting the requirement.

The actions of regents help Texas maintain a preeminent higher education system, and it is imperative that governing boards be held to the highest standards of excellence with rigorous training and accountability. The bill resulted from interim hearings of the Joint Oversight Committee on Higher Education, Governance, Excellence, and Transparency during which witnesses testified that regents would benefit from improved training.

The orientation course would supplement other training, such as programs offered by the governor's office for new appointees. The courses would serve different purposes and work together to reinforce a responsible role for regents. The bill would expand the content of programs developed by the coordinating board to include training on ethics, limits on authority of governing boards, and federal and state laws on privacy of student information.

**OPPONENTS
SAY:**

SB 24 could restrain new regents from effectively executing their fiduciary duties until they had completed a particular orientation course. This unnecessary barrier could limit board members' ability to vote on important budgetary or personnel matters related to system administration or institutions of higher education. Board member oversight is critical to holding these institutions accountable, and it should not be constrained by a specific training requirement.