

BILL ANALYSIS

Senate Research Center

S.B. 906
By: Ogden
Education
4-6-97
As Filed

DIGEST

Currently, Texas law does not establish limitations on the governing boards of general academic teaching institutions. Recent problems in Texas with the governing boards of institutions of higher education may have been caused by ambiguities in certain provisions of the Education Code. This bill exempts certain qualifying students from the TASP test if the governing board of an institution of higher education establishes certain admission standards; this bill also requires a governing board to hold a public hearing before tuition and fees may be increased.

PURPOSE

As proposed, S.B. 906 exempts certain qualifying students from the TASP Test if the governing board of an institution of higher education establishes certain admission standards; this bill also requires a governing board to hold a public hearing before tuition and fees may be increased.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE 1. ADMISSION STANDARDS OF AND TESTING AND REMEDIAL EDUCATION BY GENERAL ACADEMIC TEACHING INSTITUTIONS

SECTION 1.01. Amends Section 51.306, Education Code, by adding Subsection (x), to provide that this section is optional for a student who meets or exceeds admission standards at a general academic teaching institution (institution) for which the governing board has set admission standards that assures that at least 90 percent of the students admitted are prepared to do college level work.

SECTION 1.02. Amends Section 51.3061, Education Code, to define "agency," "general academic teaching institution," and "institution of higher education." Redefines "agency." Makes conforming and nonsubstantive changes.

ARTICLE 2. LIMITATION ON GOVERNING BOARDS OF GENERAL ACADEMIC TEACHING INSTITUTIONS AND UNIVERSITY SYSTEMS

SECTION 2.01. Amends Chapter 51, Education Code, by adding Subchapter S, as follows:

SUBCHAPTER S. LIMITATION ON GOVERNING BOARDS OF GENERAL ACADEMIC TEACHING INSTITUTIONS AND UNIVERSITY SYSTEMS

Sec. 51.781. APPLICATION. Requires this subchapter to apply to the governing board of each institution (governing board) and of each university system (system) that includes one or more institutions.

Sec. 51.782. DEFINITIONS. Defines "general academic teaching institution" and "university system."

Sec. 51.783. **LIMITATION ON EXPENDITURES BY GOVERNING BOARD.** Requires the legislature by appropriation to determine the amount of funds each governing board is authorized to spend annually in the performance of its duties. Prohibits a governing board from spending money not appropriated for the performance of its duties. Authorizes a governing board to spend more than the amount provided by Subsection (a), if the expenditure is approved under Chapter 317, Government Code. Provides that this section does not apply to money spent by a member of a governing board on the member's behalf in the performance of the member's duties if the member is not reimbursed for that expenditure.

Sec. 51.784. **NAMING OF BUILDING OR FACILITY BY GOVERNING BOARD.** Prohibits a governing board from naming or approving the name of a building or other facility in honor of the board or a person related to a member of the board within the first degree by affinity or consanguinity as determined under Chapter 573, Government Code, under certain conditions.

Sec. 51.785. **EMPLOYMENT OF MEMBER OF GOVERNING BOARD BY INSTITUTION OR SYSTEM.** Prohibits an institution or a system meeting certain conditions from employing certain persons under certain conditions. Prohibits an institution or university system meeting certain conditions from employing a member of the governing board as a faculty member or employee.

Sec. 51.786. **CONTRACTING WITH MEMBER OF GOVERNING BOARD BY INSTITUTION OR SYSTEM.** Sets forth prohibitions for an institution or a system regarding contracts with certain entities. Sets forth prohibitions for contracts with businesses in which members may have a substantial interest. Sets forth ownership conditions for which a person may have a substantial interest in a business entity under this section. Provides that this section does not apply to an employment contract. Defines "business entity."

Sec. 51.787. **PURCHASE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.** Authorizes alcoholic beverages to be purchased for consumption at a function of the governing board of an institution or a system that includes one or more institutions only with money given and deposited into an account for that purpose. Provides that consumption of alcohol is subject to certain rules.

Sec. 51.788. **TERM LIMITS.** Prohibits a person who has been appointed to or is serving a six-year term from being appointed to or serving on that governing board for that term. Sets forth persons who are prohibited from serving.

SECTION 2.02. Amends Chapter 130A, Education Code, by adding Section 130.0055, as follows:

Sec. 130.0055. **NAMING OF BUILDING OR FACILITY BY GOVERNING BOARD.** Provides that Section 51.784 applies to the governing board of a public junior college to the same extent as it applies to the governing board of an institution.

**ARTICLE 3. REQUIREMENT OF HEARING BEFORE
INCREASING TUITION OR FEES OF GENERAL
ACADEMIC TEACHING INSTITUTION OR UNIVERSITY SYSTEM**

SECTION 3.01. Amends Section 54.051, Education Code, by adding Subsection (o), to require the governing board of an institution or a system that includes one or more institutions to hold a public hearing before increasing a tuition rate.

SECTION 3.02. Amends Chapter 54E, Education Code, by adding Section 54.5001, to require the governing board of an institution or a system that includes one or more institutions to hold a public hearing before increasing the amount of a fee.

**ARTICLE 4. TRANSITION; EFFECTIVE DATE;
EMERGENCY CLAUSE**

SECTION 4.01. Makes application of this Act prospective.

SECTION 4.02. Effective date: September 1, 1997.

SECTION 4.03. Emergency clause.