



LEGISLATIVE UPDATE May 2, 2025

The legislative session has literally and figuratively entered the fourth quarter, with lengthening floor agendas and looming deadlines. We can now more clearly see which bills will not move this session, which bills are likely to pass, and which bills hang in the balance. Some of the bills still in play are of great concern to the membership of TFA. These include:

SB 412 by Senator Middleton relating to affirmative defense to prosecution for certain offenses involving material or conduct that is obscene or otherwise harmful to children.

<https://capitol.texas.gov/tlodocs/89R/billtext/pdf/SB00412H.pdf#navpanes=0>

This bill is very nearly passed, and is assured of becoming law. It repeals certain affirmative defenses to prosecution related to providing material considered obscene to a minor, including "for a bona fide educational purpose." Our members, of course, do not want to provide any such materials to minors. However, the result may be faculty having to carefully some curriculum choices, that, though clearly reasonable in an education context, could be construed to be obscene in a social context. Members are urged to read both the bill and the current statute (linked above) to seek a clear understanding of the change.

SB 530 by Senator Sparks, relating to accreditation of certain postsecondary educational institutions in this state of of certain programs offered by those institutions.

<https://capitol.texas.gov/tlodocs/89R/billtext/pdf/SB00530H.pdf#navpanes=0>

This bill will pass into law. SB 530 removes the Southern Association of Colleges and Schools (SACS) from the statute as a required option for accrediting institutions in Texas. The bill does not eliminate SACS as a choice, and was characterized as bringing Texas into compliance with federal law. The result may be that some institutions select different accrediting entities moving forward. TFA members should pay special attention to accrediting schedules, entities, and process as this bill's full impact becomes known.

SB 1798 by Senator Middleton, HB 232 by Representative Patterson

<https://capitol.texas.gov/tlodocs/89R/billtext/pdf/SB01798I.pdf#navpanes=0>
<https://capitol.texas.gov/tlodocs/89R/billtext/pdf/HB00232I.pdf#navpanes=0>

These bill relate to tuition paid by undocumented students. They effectively end the Dream Act, which allowed "dreamers," undocumented students, to receive in-state tuition. The bills also, in practical terms, put institutions into the broader immigration argument. As of this writing, both bills are pending in their respective chambers' committees, so there is still a strong chance to work on them.

SB 2615 by Senator Creighton relating to restricting remote work by employees of public institutions of higher education.

<https://capitol.texas.gov/tlodocs/89R/billtext/pdf/SB02615S.pdf#navpanes=0>

Though containing a few limited exceptions, SB 2615 would effectively kill hybrid or remote positions at institutions of higher education for virtually all faculty and staff. The bill is a statutory codification of a recent executive order from Governor Abbott. As of this writing, it is on the Senate intent calendar, and should be heard by the full Senate shortly. The bill does not have a House companion, meaning that it must pass both the House Higher Education Committee and the House floor by May 27th. You can call the House Higher Education Committee with your opinions on this bill now to get ahead of it as it comes out of the Senate.

SB 37 by Senator Creighton relating to the governance of public institutions of higher education, including review of curriculum and certain degree programs, a faculty council or senate, training for members of the governing board, and the establishment of the Texas Higher Education Coordinating Board Office of the Ombudsman, authorizing a civil penalty.

<https://capitol.texas.gov/tlodocs/89R/billtext/pdf/SB00037E.pdf#navpanes=0>

SB 37 is the omnibus reform bill for public higher education. TFA has been working in opposition to this bill since its filing. We are very concerned about virtually every provision of the bill, including restrictions on curriculum, legislative mandates for boards to interfere with normal institutional operations, restrictions on faculty senates, and the creating of a special investigative unit, misnamed the Office of the Ombudsman, with very unusual powers related to both information demands and direct relationship to the Attorney General's office outside of any normal organizational structure. Taken as a whole, we think the bill is simultaneously a political attack on public higher education institutions as they currently exist, and ironically, a move to structurally politicize what should be places of academic excellence, open thought, and free inquiry. The bill has passed the Senate, and is currently referred to the House Higher Education Committee. Call the House Higher Education Committee now to register your opinion and concerns

What You Can Do

We strongly urge TFA members to read all of the bills listed, both for the sake of understanding and compliance for this that become law, and for the sake of opposition to those still in the legislative process. The time for opposition is quickly coming to an end. If you want to register your opinion, act now by contacting your legislators, committees of jurisdiction, and the legislature as a whole. Your representatives in the capitol are working to stop or mitigate the bills listed above that are still in play- your voice will lend crucial strength to this efforts.

House Higher Education Committee:

<https://capitol.texas.gov/Committees/MembershipCmte.aspx?LegSess=89R&CmteCode=C290>

Senate Education K-16 Committee:

<https://capitol.texas.gov/Committees/MembershipCmte.aspx?LegSess=89R&CmteCode=C532>