

TFA Texas Faculty Association Higher Ed Legislative Report

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Critical Race Theory bill, Community College Reform Get First Tests in Committees

The House and Senate held substantive hearings this week on several bills, signaling the real beginning of the session's heavy work in committees. The most important bills on the agendas included HB 8 (SB 2539, Senate companion) and SB 16.

COMMUNITY COLLEGE FUNDING REFORM

HB 8, the major community college finance reform bill, was heard in the House Higher Education Committee on May 20. A broad array of witnesses supported the bill, including members of the Commission on Community College Finance, the Texas Association of Community Colleges, business and non-profit groups, and college faculty. The main feature of the bill is the creation of two funding tiers, a basic operations tier that funds the general operations of colleges, and a "performance tier" financed by outcomes measures created by the Commissioner of Higher Education, in consultation with stakeholders in the education process. The new structure will be infused with \$650 million of new funding for community colleges, already in place in both the House and Senate versions of the Appropriations Bill. The bill also gives the Commissioner authority to equalize funding between institutions to a limited degree, to aid smaller property poor schools.

We observed that the bill is really a work in progress in that it gives broad discretion to the Texas Higher Education Coordinating Board for implementation, and strongly advocated for faculty to have a meaningful place at the table to ensure that the professional standards of professors are harmonized with the fortunes of the colleges. Our comments were well received by committee members and Commissioner Keller. In a somewhat unusual move this early in committee work, the committee passed the bill on Monday rather than holding it pending for a week. HB 8 will now make its way to the House floor as early as next week.

SB 2539, the Senate companion to HB 8, received a similar, though much abbreviated hearing on March 23rd. The strategy will be to hold the senate bill until the House bill arrives, substitute HB 8 for SB 2539, and move the house bill with all haste to the Senate floor.

SB 16, THE CRITICAL RACE THEORY BILL

The Senate Education Subcommittee on Higher Education heard SB 16, (captioned) relating to the purpose of public institutions of higher education and a prohibition on compelling students enrolled at those institutions to adopt certain beliefs. The bill seeks to address a concern among some legislators that students are being compelled by college faculty to adopt beliefs regarding an inherent superiority of certain races, genders, political or religious beliefs over others. These assertions are part of the broad social discussion surrounding "Critical Race Theory."

The first part of the hearing involved a very careful exchange between Senator Brian Hughes, the bill's author, and Senator Royce West, who stated plainly that he was working to establish legislative intent that would be useful in lawsuits that would surely result when the legislation passes. The responses from Senator Hughes were very

measured, and generally indicated that he intended the bill to have a very narrow purpose, and no effect whatsoever on academic freedom or subjects taught in colleges.

However, the second witness on the bill, Dr. Carol Swain of the Texas Public Policy Foundation, struck a completely different tone. Over the course of about 40 minutes, she made broad assertions about abuses in the name of diversity, equity, and inclusion, claims of conservative students being “outed” and persecuted by classroom activities, engaged at various times in debates on the history of racism and misunderstandings about many historical issues including the racial components of slavery, conflation of slavery and indentured servitude, and the constitutional concept of Blacks being counted as 3/5 of a person. She seemed to criticize the fact that the history of the Tulsa massacre and the destruction of “Black Wallstreet” fails to emphasize the fact that the Blacks there had been granted the liberty and opportunity to amass such wealth in the first place. She strongly asserted that American higher education has been systematically “infected” with Communism, starting with Communist expatriates from Russia establishing a system to indoctrinate students at Columbia University in the early 20th century and then placing them as faculty at institutions throughout our country. When questioned about specifics regarding abuses in Texas schools intimated by SB 16, she could provide no specific examples, but rather said she had talked to students and travelled all over Texas. Chairman Creighton mentioned an incident involving a guest speaker at North Texas State University being obscenely shouted down by students and a professor in a class, though that incident has also been disputed as an instance of deliberate “trolling” by the speaker. In any case, where Senator Hughes described the bill as very limited and aimed only at actual cases of compulsion, with no record examples, his invited witness, Dr. Swain, inferred the bill is a necessary step to cleanse Communism from every institution and classroom in the state and the country.

A series of witnesses followed opposing the bill, including faculty, students, and a lawyer from the NAACP’s Legal Defense Fund. The subcommittee, after breaking through the middle of the day to attend the Senate floor session, returned and voted to recommend the bill to the full Senate Education Committee for passage. Though there will likely not be public testimony at that hearing, the full membership will have a chance to review the subcommittee’s record and ask questions related to the bill.

WHAT YOU CAN DO

Read SB 16, which can be found at <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB000161.pdf#navpanes=0>

Watch the hearing. A full video of the hearing, including both the morning and afternoon sessions, is available at the following addresses:

https://tlcsenate.granicus.com/MediaPlayer.php?view_id=53&clip_id=17456

https://tlcsenate.granicus.com/MediaPlayer.php?view_id=53&clip_id=17466

SB 16 begins at minute 13 of the first recording, and ends at minute 18 of the second recording.

After watching the hearing and reading the bill, contact member offices of the Senate Education Committee and inform them of your opinion of and position on SB 16. A full list of committee members can be viewed at <https://capitol.texas.gov/Committees/MembershipCmte.aspx?LegSess=88R&CmteCode=C530>

We do not know how quickly the committee will take action on SB 16, so speed is important if you want to take action. We urge you to keep your message polite, straightforward, and substantive, focusing on the bill and not the personalities of the actors in committee. However, the testimony in committee is important, and should be cited if desired to support your opinion of the bill. After all, that is what public hearings are for.