

**SPECIAL PROVISIONS RELATING ONLY TO
STATE AGENCIES OF HIGHER EDUCATION**
(Continued)

the end of each fiscal year a list of counties whose indigent residents have been served by each institution; the total amount of reimbursement received by each institution from each county pursuant to the Indigent Health Care and Treatment Act; and the total cost, by county, of services provided by each institution for which counties are liable pursuant to the Indigent Health Care and Treatment Act. In addition, each institution shall report annually (no later than March 1st) to the Legislative Budget Board and Governor on the status of contract agreements or negotiations with each county whose indigent residents have been served by the institution.

Sec. 22. Ethics Policy.

1. None of the funds appropriated by this Act may be expended by an institution of higher education until its governing board has adopted an ethics policy which includes the requirements of Texas Government Code Section 572.051. The ethics policy shall apply to the board of regents and its staff, the administration, staff, and faculty of the institutions under the board's governance.
2. The ethics policy adopted by each board of regents shall also include specific provisions regarding sexual harassment.

Sec. 23. Driscoll Children's Hospital. No funds appropriated to a health-related institution of higher education shall be used to replace or duplicate the Driscoll Children's Hospital in caring for children with special health-care needs, including pediatric cardiovascular diseases, or in assuming the direct care of those children. This rider language shall not restrict the traditional referral patterns utilized by physicians to refer patients to health related institutions.

Sec. 24. Participation in Drug Development Research Projects. A public university may not expend funds appropriated by this Act, including appropriations of grants or gifts, to conduct a drug development research protocol involving a person who is receiving mental health services under a protective custody order, pursuant to Chapter 574, Health and Safety Code. This rider is not intended to limit or prohibit provisions for treatment established under §576.022, Health and Safety Code.

Sec. 25. Post Tenure Review. None of the funds appropriated by this Act may be expended by an institution of higher education until its governing board has filed with the Texas Higher Education Coordinating Board policies and procedures regarding post tenure review which have been adopted by the board of regents. Post tenure policies shall include review procedures to determine that a tenured faculty member is performing consistently at an acceptable, professional level and a mechanism whereby a faculty member is informed of any deficiencies and provided opportunities to effectively improve his or her performance.

Sec. 26. General Academic Funding.^{1,2} Appropriations made in this Act for formula funding for general academic institutions will consist of four formulas and supplemental items.

1. **Instruction and Operation Formula.** The Instruction and Operations Formula shall provide funding for faculty salaries, including nursing, departmental operating expense, library, instructional administration, research enhancement, student services, and institutional support. These funds are distributed on a weighted semester credit hour basis. The rate per weighted semester credit hour for the 2022-23 biennium is \$55.66 in fiscal year 2022 and fiscal year 2023.

Weighting is determined by the following matrix:

	Lower Div.	Upper Div.	Masters	Doctoral	Special Professional
Liberal Arts	1.00	1.82	4.72	14.74	
Science	1.38	2.75	7.67	22.30	
Fine Arts	1.39	2.70	7.49	9.73	
Teacher Ed	1.40	1.91	2.34	8.70	
Agriculture	1.64	2.33	8.51	15.18	
Engineering	1.83	2.85	7.28	19.68	
Home Economics	1.04	1.82	3.65	13.66	
Law					5.56
Social Services	1.63	1.91	2.41	28.72	
Library Science	2.73	1.99	3.50	16.55	
Vocational Training	1.38	3.46			
Physical Training	1.54	1.60			
Health Services	0.93	1.60	2.72	11.99	3.17

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Pharmacy	5.95	4.48	47.05	48.02	4.69
Business Admin	1.13	1.82	3.47	35.95	
Optometry					5.76
Teacher Ed Practice	1.98	2.30			
Technology	1.89	2.42	4.86	36.15	
Nursing	1.35	2.07	2.68	10.71	
Developmental Ed	1.00				
Veterinary Medicine					22.77

2. **Teaching Experience Supplement.** For the 2022-23 biennium, an additional weight of 10 percent is added to lower division and upper division semester credit hours taught by tenured and tenure-track faculty. Furthermore, it is the intent of the Legislature that the weight shall increase by 10 percent per biennium, up to 50 percent.
3. **Infrastructure Support.** Funding associated with plant-related formulas and utilities shall be distributed by the infrastructure support formula which is driven by the predicted square feet for universities' educational and general activities produced by the Space Projection Model developed by the Coordinating Board. The portion of the formula related to utilities is adjusted to reflect differences in unit costs for purchased utilities, including electricity, natural gas, water and wastewater, and thermal energy. The average rate per square foot is \$5.47 in fiscal year 2022 and fiscal year 2023.
4. **Supplemental Non-formula Items.** Institutions shall receive a direct reimbursement as applicable for staff group insurance (other educational and general income portion), workers' compensation insurance, unemployment compensation insurance, public education grants, organized activities, scholarships, tuition revenue bond payments, and facility lease charges. Institutions may receive an appropriation for non-formula support items. Revenue derived from board authorized tuition would still be appropriated to the institutions levying the additional charges.
5. The General Academic Instruction and Operations and Infrastructure formulas shall incorporate the Higher Education Coordinating Board's October 2006 recommendations for mission-specific formula funding for Texas A&M University at Galveston.
6. **Small Institution Supplement.** The Small Institution Supplement, as a set-aside within the General Academic Institution Infrastructure Formula, shall provide supplemental funding to general academic institutions with headcounts of fewer than 10,000 students. For the 2022-2023 biennium, general academic institutions with a headcount of fewer than 5,000 students shall receive a small institution supplement of \$2,633,133. The small institution supplement shall decrease proportionate to the increase in headcount above 5,000 until the institution reaches 10,000 headcount. Once an institution reaches 10,000 headcount, it shall no longer be eligible for this supplement.

These formulas and supplemental items shall be reviewed and updated by study committees appointed by the Higher Education Coordinating Board and recommended changes forwarded to the Legislature, Legislative Budget Board, and Governor by June 1, 2022.

Sec. 27. Health Related Institutions Funding.^{3, 4, 5, 6} Appropriations made in this Act for formula funding for health related institutions shall consist of four formulas plus supplemental non-formula items.

1. **Instruction and Operations Support Formula.** The Instruction and Operations Support Formula shall provide funding on a per student or full-time equivalent basis. Funding for each instructional program is based on the following funding weights per student, with a base value per weighted student of \$9,622 in fiscal year 2022 and fiscal year 2023:

<u>Program</u>	<u>Weight Per Student</u>
Allied Health	1.000
Biomedical Science	1.018
Nursing	1.138
Pharmacy	1.670
Public Health	1.721