



HB1220

House Education Committee

January 19, 2021

Nick Hacker, State Board of Higher Education Chair

Chair Owens and Committee Members: My name is Nick Hacker and I serve as the Chair of the State Board of Higher Education. I am here today in support of HB1220.

This bill will do two things. It will extend executive session capabilities for the State Board of Higher Education when reviewing the System Chancellor's performance and it will provide the Board with additional flexibility in conducting committee work.

With respect to the executive session provision, state law already provides the Board with the option to go into executive session to discuss the appointment and removal of campus presidents. This bill will extend that capability to include the System Chancellor and allow the Board to have candid discussions related to the Chancellor's job performance and expectations as the Board discusses the Chancellor's appointment or removal. In today's world, a single piece of negative but instructive feedback may be left unsaid out of concern that it could quickly go viral and taint an overwhelmingly positive process. Permitting these discussions to take place in executive session will do nothing more than place the Chancellor's status on an equal playing field with the institution presidents – nothing more, nothing less. As with the presidents, the final decision as to the Chancellor's status and contract will still be made in full view of the public, outside of executive session. Plus, the public will still receive ample information regarding the Chancellor's performance, as the Chancellor will still be annually evaluated with three separate performance surveys – one by staff, a second by the Board, and a third by campus presidents – and the results of these surveys will continue to be open public records.

The second goal of this legislation is to allow the Board to conduct its business in public with more efficiency and flexibility. The SBHE is constitutionally limited to eight voting members, even as its mission expands to meet the needs of an everchanging workforce. As a result, the Board is functionally limited by the quorum laws in the number of committees it can field because a committee cannot be comprised of either a quorum of the full Board or of any other committee. This bill will permit committees and the full Board to have overlapping quorums, while continuing to ensure that the business of the Board be carried out in full view of the public. It will also permit the Board the flexibility to have more members present at committee meetings, where valuable and important information is often shared. Of course, the full Board will continue to exercise final authority over all the decisions and matters reached by its committees. As the nature of higher



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education delivery continues its rapid evolution, this bill will provide the Board with needed flexibility to address the future's challenges.

I am available to answer your questions. Thank you.