

**PRESENTED AT**

**34<sup>th</sup> Annual School Law Conference**

February 28-March 1, 2019  
Austin, TX

## **Community Colleges**

**Amy Magee**

Author Contact Information:

Amy Magee

Texas Association of School Boards  
Austin, TX

[colleges@tasb.org](mailto:colleges@tasb.org)

[colleges.tasb.org](http://colleges.tasb.org)

800-580-1488

## Community Colleges

### TASB Community College Services

The state's 50 community colleges play a fundamental role in the education of the Texas workforce. Students are increasingly turning to community colleges as an affordable alternative for a terminal degree, to take courses intended to transfer, or to simply prepare for attending college. The Texas Legislature and school districts recognize the value of relationships with the colleges, expanding dual credit and other partnership opportunities to benefit secondary students. Fundamental education in Texas has become P-14.

### Community College Basics

---

Early community colleges were considered to be the continuation of secondary education. A large number fell within the boundaries and management of independent school districts and were overseen by the Texas Education Agency (TEA). In the 1960's, community colleges began to be seen as institutions of higher education. Supervisory authority was shifted from TEA to the agency that is now the Texas Higher Education Coordinating Board (THECB). The colleges started to break away from management by school districts or other entities, a multi-decade movement with some, such as Houston Community College becoming independent as late as 1989. Tuttle, H. Stanton, *Junior-College Movement*, Texas State Historical Assoc., [tshaonline.org/handbook/online/articles/kdj02](http://tshaonline.org/handbook/online/articles/kdj02).

Today, Texas is home to 50 public community colleges, many of which maintain multiple campuses. As a consequence of their history, the community colleges are subject to a patchwork of laws that do not always apply on their face to colleges. Community colleges may at times be considered institutions of higher education, school districts, political subdivisions, state agencies, or other entities. Those laws are then subject to further interpretations by THECB or other entities that are often unpublished. The policies, procedures, and practices of the colleges also vary to a degree not seen with many other entities.

**Service areas:** Community colleges serve a local taxing district but the colleges also provide some level of services to a statutorily defined service area that reaches beyond the taxing district boundaries. Tex. Educ. Code ch. 130, subch. J.

**Board of trustees:** The colleges are governed by a board typically consisting of seven or nine trustees. Trustees are elected at-large or from single-member districts by the majority of the voters to serve a 6 year term. Two colleges, Blinn College and Weatherford College, also have additional board members appointed by the commissioners of counties in their service areas. Tex. Educ. Code §§ 130.082, .0822-.0823, .0827-.0829; Tex. Atty. Gen. Op. No. M-1101 (1972).

**Accrediting body:** The colleges are accredited by the Southern Association of Colleges and

Schools Commission on Colleges (SACSCOC). Colleges must be accredited to participate in the federal financial aid program. All of the colleges with the exception of Alamo Colleges and Dallas County Community College District (DCCCD) are accredited district-wide. At Alamo Colleges and DCCCD, each campus within the college district is individually accredited. For more information on accreditation, visit the SACSCOC Website at [sacscoc.org](http://sacscoc.org).

## **Employees**

### **What employment arrangements may a community college enter into with employees?**

The board of trustees of a community college may employ faculty and other employees based on a recommendation from the college chief executive officer (CEO), the college president or chancellor, or may delegate the employment authority. Tex. Educ. Code § 130.082(d). Community colleges generally have flexibility in the form of employment arrangements they may utilize, subject to a few restrictions.

**At-will:** Most hourly, and some salaried, employees serve community colleges on an at-will basis. At-will employees are those who do not have a written contract or other agreement for employment for a set period of time. Either party may terminate an at-will employment relationship at any time, for any reason or no reason, so long as it is not an illegal reason, such as race, sex, or age discrimination. *Winters v. Houston Chronicle Publ'g Co.*, 795 S.W.2d 723 (Tex. 1990); *Garcia v. Reeves County*, 32 F.3d 200 (5th Cir. 1994).

**Term contracts:** A term contract is a written employment agreement between a community college and an employee. Though many of the contract terms are left to the discretion of the college, state statutes do provide further guidance regarding the structure and issuance of contracts to administrators and faculty. In the case of administrators, Texas Education Code section 51.948 provides that an administrator's contract may not include an employment term of more than three years and that the salary of an administrator who is reassigned to a faculty position may not exceed the salary of similarly qualified faculty who perform similar duties to the former administrator. Section 51.948 also places restrictions on severance pay, developmental leave, and the award of tenure. Tex. Educ. Code § 51.948.

In the case of faculty, Texas Education Code section 51.943 provides that if a community college chooses to reappoint a non-tenured or tenure-track faculty member, as defined by the statute, for a subsequent year, the college must issue the faculty member a contract no later than 30 days before the first day of the academic year. If a contract is not timely issued to the faculty member, the college must provide the faculty member notice described in Section 51.943. If the community college does not provide the faculty member a contract prior to the 61st day after the first day of the academic year, the faculty member must be employed under the terms and conditions of employment that applied to the faculty member the year prior, unless the community college and faculty member enter into a different contract after that time. Tex. Educ. Code § 51.943.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Community Colleges

Also available as part of the eCourse

[Hooked on CLE: November 2019](#)

First appeared as part of the conference materials for the

34<sup>th</sup> Annual School Law Conference session

"Community Colleges"