

By: Eissler

H.B. No. 29

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use of the term "seminary" or "school of theology"
3 in the official name or title of a private postsecondary
4 educational institution.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 61.313, Education Code, is amended by
7 amending Subsections (a) and (c) and adding Subsection (c-1) to
8 read as follows:

9 (a) Unless the institution has been issued a certificate of
10 authority under this subchapter, a person may not:

11 (1) use the term "college," "university,"
12 [~~"seminary,"~~] "school of medicine," "medical school," "health
13 science center," "school of law," "law school," or "law center" in
14 the official name or title of a nonexempt private postsecondary
15 educational institution; or

16 (2) describe an institution using a term listed in
17 Subdivision (1) or a term having a similar meaning.

18 (c) Except as provided by Subsection (c-1), a [A] person may
19 not use the term "college," "university," "seminary," "school of
20 medicine," "medical school," "health science center," "school of
21 law," "law school," [~~or~~] "law center," or "school of theology" in
22 the official name or title of an educational or training
23 establishment.

24 (c-1) A person may use the term "seminary" or "school of

1 theology" in the official name or title of an institution only if
2 the institution satisfies the requirements for the use of the term
3 prescribed by Section 61.3131.

4 SECTION 2. Subchapter G, Chapter 61, Education Code, is
5 amended by adding Section 61.3131 to read as follows:

6 Sec. 61.3131. USE OF TERM "SEMINARY" OR "SCHOOL OF
7 THEOLOGY" IN NAME OF INSTITUTION. (a) A person may use the term
8 "seminary" or "school of theology" in the official name or title of
9 an institution only if the institution:

10 (1) is fully accredited by a recognized accrediting
11 agency;

12 (2) has been issued a certificate of authority to
13 grant degrees under this subchapter; or

14 (3) satisfies the requirements prescribed by
15 Subsection (b).

16 (b) A person may use the term "seminary" or "school of
17 theology" in the official name or title of an institution if the
18 institution:

19 (1) is organized as or operated by a nonprofit
20 corporation under the Texas Non-Profit Corporation Act (Article
21 1396-1.01 et seq., Vernon's Texas Civil Statutes);

22 (2) is operated in conjunction with an organization,
23 or an association of organizations, domiciled in this state whose
24 primary purpose is to maintain and operate a church, synagogue,
25 temple, mosque, or other place of worship;

26 (3) is under the direction of a board of directors or
27 trustees;

1 (4) offers educational programs solely for the purpose
2 of ministerial and religious training;

3 (5) includes in the institution's course catalog a
4 statement describing the religious training purpose or purposes of
5 the institution;

6 (6) ensures that each course has a religious purpose
7 that is described in the institution's course catalog; and

8 (7) ensures that the course titles, curriculum
9 content, and objectives of the institution's educational programs
10 reflect a strictly religious purpose.

11 (c) The chief academic officer of an institution that seeks
12 to use the term "seminary" or "school of theology" in the official
13 name or title of the institution under Subsection (b) shall:

14 (1) notify the board of the institution's intent to use
15 the term; and

16 (2) provide to the board in the manner prescribed by
17 the board:

18 (A) a copy of the institution's current course
19 catalog and any other official publication that describes the
20 purpose of the institution and its programs; and

21 (B) any other information required by the board
22 to assist the board in verifying the institution's compliance with
23 the eligibility requirements prescribed by Subsection (b).

24 (d) An institution that uses the term "seminary" or "school
25 of theology" in its official name or title under Subsection (b)
26 shall place the following statement in a prominent position on the
27 front page of any general bulletin, course catalog, schedule of the

1 institution, or website and on any advertisement for the
2 institution: "The (insert name of institution) is not accredited
3 by an accrediting agency recognized by the Texas Higher Education
4 Coordinating Board and has not received from the Texas Higher
5 Education Coordinating Board a certificate of authority to confer
6 or offer to confer a degree or credits toward a degree. If you have
7 questions relating to the state law applying to the institution,
8 you may contact the Texas Higher Education Coordinating Board,
9 Universities and Health-Related Institutions Division, P.O. Box
10 12788, Austin, Texas 78711, or telephone (512) 427-6200." The
11 board by rule may provide for the statement to provide a different
12 address or telephone number as appropriate.

13 (e) An institution that is authorized by this section to use
14 the term "seminary" or "school of theology" in its official name or
15 title may confer or offer to confer degrees or credits toward
16 degrees for a "Master of Divinity," "Doctor of Ministry," or
17 "Master of Ministry." The board may approve other degrees named or
18 designated with distinctively religious terms in order to permit
19 the institution to describe its programs in terms that are
20 appropriate to its faith. To prevent fraud or deception, a degree
21 may not be named or designated in a way that implies preparation or
22 qualification for any occupational license issued by the state or
23 any political subdivision of the state.

24 (f) Not later than September 1 of each even-numbered year,
25 an institution that uses the term "seminary" or "school of
26 theology" in its official name or title under Subsection (b) shall
27 submit a report to the board in the form prescribed by the board

1 regarding the institution's continued compliance with the
2 requirements prescribed by Subsection (b).

3 (g) An institution that uses the term "seminary" or "school
4 of theology" in its official name or title under this section may
5 not represent that the institution is accredited unless the
6 institution is accredited by a recognized accrediting agency.

7 (h) The board may seek any remedy available for a violation
8 of this subchapter against an institution using a term under this
9 section if the institution:

10 (1) fails to maintain compliance with one or more of
11 the eligibility requirements prescribed by Subsection (a) or (b);

12 (2) provides false information to the board; or

13 (3) makes or sanctions deceptive or misleading
14 advertisement or other representations.

15 SECTION 3. The Texas Higher Education Coordinating Board
16 shall adopt initial rules for the administration of Section
17 61.3131, Education Code, as added by this Act, as soon as
18 practicable after the effective date of this Act. The coordinating
19 board may adopt those initial rules in the manner provided by law
20 for emergency rules.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2005.