

By: Eissler

H.B. No. 1337

A BILL TO BE ENTITLED

AN ACT

relating to the use of the term "seminary" in the official name or title of a private postsecondary educational institution.

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

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

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

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

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

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

(c-1) A person may use the term "seminary" in the official name or title of an institution only if the institution satisfies the requirements for the use of the term prescribed by Section

1 61.3131.

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

4 Sec. 61.3131. USE OF TERM "SEMINARY" IN NAME OF  
5 INSTITUTION. (a) A person may use the term "seminary" in the  
6 official name or title of an institution only if the institution:

7 (1) is fully accredited by a recognized accrediting  
8 agency;

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

11 (3) satisfies the requirements prescribed by  
12 Subsection (b).

13 (b) A person may use the term "seminary" in the official  
14 name or title of an institution if the institution:

15 (1) is organized as or operated by a nonprofit  
16 corporation under the Texas Non-Profit Corporation Act (Article  
17 1396-1.01 et seq., Vernon's Texas Civil Statutes);

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

22 (3) is under the direction of a board of directors or  
23 trustees;

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

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

1 the institution;

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

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

7 (c) The chief academic officer of an institution that seeks  
8 to use the term "seminary" in the official name or title of the  
9 institution under Subsection (b) shall:

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

12 (2) provide to the board a copy of the institution's  
13 current course catalog.

14 (d) An institution that uses the term "seminary" in its  
15 official name or title under Subsection (b) and that does not  
16 qualify to use the term under Subsection (a)(1) or (2) shall place  
17 the following statement in a prominent position on the front page of  
18 any general bulletin, course catalog, schedule of the institution,  
19 or website and on any advertisement for the institution: "The  
20 (insert name of institution) is not accredited by an accrediting  
21 agency recognized by the Texas Higher Education Coordinating Board  
22 and has not received from the Texas Higher Education Coordinating  
23 Board a certificate of authority to confer or offer to confer a  
24 degree or credits toward a degree. If you have questions relating  
25 to the state law applying to the institution, you may contact the  
26 Texas Higher Education Coordinating Board, P.O. Box 12788, Austin,  
27 Texas 78711, or telephone (512) 427-6101." The board by rule may

1 provide for the statement to provide a different address or  
2 telephone number as appropriate.

3 (e) An institution that is authorized by this section to use  
4 the term "seminary" in its official name or title may confer or  
5 offer to confer degrees or credits toward degrees for a "Master of  
6 Divinity," "Doctor of Ministry," or "Master of Ministry." The  
7 board may approve other degrees named or designated with  
8 distinctively religious terms in order to permit the institution to  
9 describe its programs in terms that are appropriate to its faith.  
10 To prevent fraud or deception, a degree may not be named or  
11 designated in a way that implies preparation or qualification for  
12 any occupational license issued by the state or any political  
13 subdivision of the state unless the institution is accredited to  
14 grant such a degree by a recognized accrediting agency or holds a  
15 certificate of authority to grant such a degree.

16 (f) Not later than September 1 of each even-numbered year,  
17 an institution that uses the term "seminary" in its official name  
18 or title under Subsection (b) and that is not authorized to use the  
19 term under Subsection (a)(1) or (2) shall submit a report to the  
20 board in the form prescribed by the board regarding the  
21 institution's continued compliance with the requirements  
22 prescribed by Subsection (b).

23 (g) An institution that uses the term "seminary" in its  
24 official name or title under this section may not represent that the  
25 institution is accredited unless the institution is accredited by a  
26 recognized accrediting agency.

27 (h) The board may seek any remedy available for a violation

1 of this subchapter against an institution using a term under this  
2 section if the institution:

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

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

6 (3) makes or sanctions deceptive or misleading  
7 advertisement or other representations.

8 SECTION 3. The Texas Higher Education Coordinating Board  
9 shall adopt initial rules for the administration of Section  
10 61.3131, Education Code, as added by this Act, as soon as  
11 practicable after the effective date of this Act. The coordinating  
12 board may adopt the initial rules for that purpose in the manner  
13 provided by law for emergency rules.

14 SECTION 4. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2007.