

By: Brown of Brazos

H.B. No. 3201

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of certain postsecondary degrees and of  
3 private educational institutions or other persons offering to  
4 confer such degrees, and to the use of those degrees by a person for  
5 certain purposes.

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

7 SECTION 1. The heading to Section 61.3021, Education Code,  
8 is amended to read as follows:

9 Sec. 61.3021. REVIEW OF DEGREE NOT OTHERWISE REGULATED  
10 UNDER ~~[BY]~~ SUBCHAPTER.

11 SECTION 2. Section 61.3021, Education Code, is amended by  
12 amending Subsection (a) and adding Subsection (a-1) to read as  
13 follows:

14 (a) The board by rule shall establish a process for  
15 reviewing and making a determination to approve or disapprove  
16 ~~[approving]~~ a degree that is conferred by a private educational  
17 institution or other person described by Section 61.302(11)(B) or  
18 (C), including a degree that is otherwise exempt from regulation  
19 under Section 61.303(a)(2), but not including a degree that is  
20 exempt from regulation under Section 61.303(a)(1).

21 (a-1) The review process established under Subsection (a)  
22 must include a determination by the board whether the degree is the  
23 equivalent of a degree granted by a private postsecondary  
24 educational institution or other person in accordance with the

1 institution's or other person's accreditation by a recognized  
2 accrediting agency or with the institution's or other person's  
3 certificate of authority under this subchapter.

4 SECTION 3. Section 61.303, Education Code, is amended to  
5 read as follows:

6 Sec. 61.303. EXEMPTIONS. (a) Except as otherwise provided  
7 by Section 61.3021, the [~~The~~] provisions of this subchapter do not  
8 in any way apply to:

9 (1) a private educational institution or other person  
10 that [~~an institution which~~] is fully accredited by a recognized  
11 accrediting agency; [~~r~~] or

12 (2) a private educational institution or other person,  
13 [~~an institution~~] or a degree program offered by the institution or  
14 other person, including an institution or other person described by  
15 Section 61.302(11)(B) or (C) or a degree program offered by that  
16 institution or other person, that has received approval by a state  
17 agency authorizing the institution's or other person's graduates,  
18 or graduates of the degree program, to take a professional or  
19 vocational state licensing examination administered by that  
20 agency.

21 (a-1) The granting of permission by a state agency to one or  
22 more individual graduates [~~a graduate~~] of an institution or other  
23 person or of a particular degree program to take a licensing  
24 examination does not by itself constitute approval of the  
25 institution or other person or of the degree program required for an  
26 exemption under Subsection (a)(2) [~~this subsection~~].

27 (b) The exemption [~~exemptions~~] provided by Subsection

1 (a)(1) applies [~~(a) apply~~] only to the degree level for which an  
2 institution or other person is accredited, and if the [~~an~~]  
3 institution or other person offers to award a degree at a level for  
4 which it is not accredited, the exemption does not apply.

5 (c) An exempt institution or other person may be issued a  
6 certificate of authorization to grant degrees.

7 (d) An exempt institution or other person continues [~~would~~  
8 ~~continue~~] in that status only for the period that the institution or  
9 other person maintains [~~so long as it maintained~~] accreditation by  
10 a recognized accrediting agency or otherwise meets [~~met~~] the  
11 provisions of Subsection (a).

12 (e) The board shall provide for due process and procedures  
13 for revoking the exemption status of an institution or other  
14 person.

15 (f) A private postsecondary educational institution may not  
16 establish or operate a branch campus, extension center, or other  
17 off-campus unit in Texas except as provided by this subsection or  
18 the rules of the board. This subsection does not apply to a private  
19 or independent institution of higher education as defined by  
20 Section 61.003.

21 SECTION 4. Section 32.52(a), Penal Code, is amended to read  
22 as follows:

23 (a) In this section, "fraudulent or substandard degree" has  
24 the meaning assigned by Section 61.302, Education Code, except that  
25 the term does not include a degree awarded for completion of a  
26 degree program that has received approval by a state agency  
27 authorizing graduates of the degree program to take a professional

1 or vocational state licensing examination administered by that  
2 agency.

3 SECTION 5. The change in law made by this Act applies only  
4 to an offense committed on or after the effective date of this Act.  
5 An offense committed before the effective date of this Act is  
6 covered by the law in effect when the offense was committed, and the  
7 former law is continued in effect for that purpose. For purposes of  
8 this section, an offense was committed before the effective date of  
9 this Act if any element of the offense occurred before that date.

10 SECTION 6. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2007.