

By: Berman

H.B. No. 2800

A BILL TO BE ENTITLED

1 AN ACT

2 relating to exempting certain private nonprofit educational  
3 institutions from state regulation applicable to degree-granting  
4 institutions.

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

6 SECTION 1. Subchapter G, Chapter 61, Education Code, is  
7 amended by adding Section 61.3031 to read as follows:

8 Sec. 61.3031. EXEMPTION FOR CERTAIN PRIVATE NONPROFIT  
9 EDUCATIONAL INSTITUTIONS. (a) The provisions of this subchapter  
10 do not apply to a private educational institution, including a  
11 separate degree-granting program, unit, or school operated by the  
12 institution, that:

13 (1) does not accept state funding of any kind to  
14 support its educational programs;

15 (2) does not accept state-administered federal  
16 funding to support its educational programs;

17 (3) was formed as or is affiliated with or controlled  
18 by a nonprofit corporation or nonprofit unincorporated  
19 organization; and

20 (4) offers bona fide degree programs that require  
21 students to complete substantive course work in order to receive a  
22 degree from the institution.

23 (b) On the written request of a person acting on behalf of an  
24 institution that claims to be exempt from this subchapter as

1 provided by this section, the board may issue a letter certifying a  
2 determination by the board that the institution is not subject to  
3 regulation under this subchapter.

4         SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2009.