

By: Hunter

H.B. No. 3974

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the exemption of certain maritime courses of  
3 instruction from proprietary school certification.

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

5 SECTION 1. Section 132.002(a), Education Code, is amended  
6 to read as follows:

7 (a) The following schools or educational institutions may  
8 be exempted from this chapter by the commission under Subsection  
9 (d):

10 (1) a school or educational institution supported by  
11 taxation from either a local or state source;

12 (2) a nonprofit school owned, controlled, operated,  
13 and conducted by a bona fide religious, denominational,  
14 eleemosynary, or similar public institution exempt from property  
15 taxation under the laws of this state;

16 (3) a school or training program that offers  
17 instruction of purely avocational or recreational subjects as  
18 determined by the commission;

19 (4) a course or courses of instruction or study  
20 sponsored by an employer for the training and preparation of its own  
21 employees, and for which no tuition fee is charged to the student;

22 (5) a course or courses of study or instruction  
23 sponsored by a recognized trade, business, or professional  
24 organization for the instruction of the members of the organization

1 with a closed membership;

2           (6) a private college or university that awards a  
3 recognized baccalaureate, or higher degree, and that maintains and  
4 operates educational programs for which a majority of the credits  
5 given are transferable to a college, junior college, or university  
6 supported entirely or partly by taxation from either a local or  
7 state source;

8           (7) a school or course that is otherwise regulated and  
9 approved under and pursuant to any other law or rulemaking process  
10 of this state or approved for continuing education credit by an  
11 organization that accredits courses for the maintenance of a  
12 license, except as provided by Subsection (c);

13           (8) an aviation school or instructor approved by and  
14 under the supervision of the Federal Aviation Administration;

15           (9) a school that offers intensive review of a  
16 student's acquired education, training, or experience to prepare  
17 the student for an examination, other than a high school  
18 equivalency examination, that the student by law may not take  
19 unless the student has completed or substantially completed a  
20 particular degree program, or that the student is required to take  
21 as a precondition for enrollment in or admission to a particular  
22 degree program;

23           (10) a private school offering primary or secondary  
24 education, which may include a kindergarten or prekindergarten  
25 program, and that satisfies the compulsory attendance requirements  
26 of Section 25.085 pursuant to Section 25.086(a)(1);

27           (11) a course or courses of instruction by bona fide

1 electrical trade associations for the purpose of preparing students  
2 for electrical tests required for licensing and for the purpose of  
3 providing continuing education to students for the renewal of  
4 electrical licenses;

5 (12) a nonprofit arts organization that has as its  
6 primary purpose the provision of instruction in the dramatic arts  
7 and the communications media to persons younger than 19 years of  
8 age;

9 (13) a course or training program conducted by a  
10 nonprofit association of air conditioning and refrigeration  
11 contractors approved by the Air Conditioning and Refrigeration  
12 Contractors Advisory Board to provide instruction for technical,  
13 business, or license examination preparation programs relating to  
14 air conditioning and refrigeration contracting, as that term is  
15 defined by Chapter 1302, Occupations Code;

16 (14) a course of instruction by a plumbing trade  
17 association to prepare students for a plumbing test or program  
18 required for licensing, certification, or endorsement or to provide  
19 continuing education approved by the Texas State Board of Plumbing  
20 Examiners; ~~and~~

21 (15) a course of instruction in the use of  
22 technological hardware or software if the course is offered to a  
23 purchaser of the hardware or software or to the purchaser's  
24 employee by a person who manufactures and sells, or develops and  
25 sells, the hardware or software, and if the seller is not primarily  
26 in the business of providing courses of instruction in the use of  
27 the hardware or software, as determined by the commission; and

1           (16) a maritime school that is approved by and is under  
2 the supervision of the United States Coast Guard.

3           SECTION 2. The change in law made by this Act applies only  
4 to a course of instruction beginning on or after the effective date  
5 of this Act. A course of instruction beginning before the effective  
6 date of this Act is governed by the law in effect when the course  
7 began, and the former law is continued in effect for that purpose.

8           SECTION 3. This Act takes effect September 1, 2009.