

BILL ANALYSIS

H.J.R. 130
By: Branch
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Observers note that every college or university is required under federal law to be authorized by a state to participate in federal student aid programs. Recently adopted federal regulations have expanded this requirement to clarify the role of the states in assuring the integrity of such programs, and there is concern that certain institutions are not currently in compliance. Some observers have suggested that the most efficient way to validate the status of Texas' independent institutions of higher education for purposes of complying with the expanded federal regulations is for the legislature to notify the United States Department of Education that these institutions are duly authorized and to cite the ways in which these institutions meet the expanded regulations. H.J.R. 130 seeks to serve as that notification, as the two-thirds majority vote required for passage functions as an adequate demonstration of the required state action.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.J.R. 130 requires the 82nd Legislature to notify the United States Department of Education that the colleges and universities named in the resolution are authorized in Texas to operate educational programs beyond secondary education, including programs leading to a degree or certificate, and that therefore the state has met the conditions of certain federal regulations relating to the legal authorization of institutions of higher education to operate such programs. The resolution requires the Texas secretary of state to forward official copies of the resolution to the secretary of education, the president of each college and university named in the resolution, the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all members of the Texas delegation to Congress with the request that the resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

EFFECTIVE DATE

Effective immediately.