

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, On October 29, 2010, the United States Department of
2 Education released Final Regulations on Program Integrity Issues in
3 an effort to strengthen federal student aid programs at
4 postsecondary institutions, and one provision seeks to clarify the
5 minimum a state must do to authorize a postsecondary institution so
6 that the institution is able to participate in federal student aid
7 and other federal funding programs; and

8 WHEREAS, Specifically, 34 C.F.R. Section 600.9 was amended to
9 require that a postsecondary institution "is established by name as
10 an educational institution by a State through a charter, statute,
11 constitutional provision, or other action issued by an appropriate
12 State agency or State entity and is authorized to operate
13 educational programs beyond secondary education, including
14 programs leading to a degree or certificate"; and

15 WHEREAS, Texas law authorizes career schools or colleges to
16 operate educational programs beyond secondary education, including
17 programs leading to a degree or certificate; and

18 WHEREAS, Section 61.003, Education Code, cites state
19 universities by name, and Section 61.063, Texas Education Code,
20 establishes a process for naming public community colleges, but
21 state law regards private institutions of higher education and
22 private career schools or colleges differently; and

23 WHEREAS, Rather than naming them, Section 132.001, Education
24 Code, defines "career school or college" as "any business

1 enterprise operated for a profit or on a nonprofit basis that
2 maintains a place of business within this state or solicits
3 business within this state, that is not specifically exempted by
4 this chapter, and (A) that offers or maintains a course or courses
5 of instruction or study; or (B) at which place of business such a
6 course or courses of instruction or study are available through
7 classroom instruction or by distance education, or both, to a
8 person for the purpose of training or preparing the person for a
9 field of endeavor in a business, trade, technical, or industrial
10 occupation, or for a vocational or personal improvement"; and

11 WHEREAS, Each career school or college is established by name
12 as an educational institution by the State of Texas by actions
13 issued by an appropriate state agency, including the Texas
14 Workforce Commission or the Texas Higher Education Coordinating
15 Board, and is legally authorized by the State of Texas to operate
16 educational programs beyond secondary education, including
17 programs leading to a degree or certificate; and

18 WHEREAS, The state has a process to review and appropriately
19 act on complaints concerning a career school or college, including
20 enforcing applicable state laws; and

21 WHEREAS, Career schools or colleges comply with applicable
22 state approval or licensure requirements and are established by the
23 state on the basis of an authorization to conduct business in the
24 state; now, therefore, be it

25 RESOLVED, That the 82nd Legislature of the State of Texas
26 hereby notify the United States Department of Education that the
27 career schools or colleges that are established and authorized to

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1 operate by name as an educational institution by the State of Texas
2 by actions issued by an appropriate state agency, including the
3 Texas Workforce Commission or the Texas Higher Education
4 Coordinating Board, are legally authorized by the State of Texas to
5 operate educational programs beyond secondary education, including
6 programs leading to a degree or certificate, and that therefore the
7 State of Texas has met the conditions of 34 C.F.R. Section 600.9;
8 and, be it further

9 RESOLVED, That the Texas secretary of state forward official
10 copies of this resolution to the secretary of education, to the
11 president of each career school or college named, to the president
12 of the Senate and the speaker of the House of Representatives of the
13 United States Congress, and to all the members of the Texas
14 delegation to Congress with the request that this resolution be
15 entered in the Congressional Record as a memorial to the Congress of
16 the United States of America.

Patrick
Torres
Legler

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President of the Senate

Speaker of the House

I certify that H.C.R. No. 129 was adopted by the House on May 18, 2011, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.C.R. No. 129 was adopted by the Senate on May 25, 2011, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor