

By: Branch

H.J.R. No. 130

A JOINT RESOLUTION

1 meeting requirements of the United States Department of Education  
2 concerning federal student aid by naming private institutions of  
3 higher education in the State of Texas that are authorized to  
4 operate educational programs beyond secondary education, including  
5 programs leading to a degree or certificate.

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

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

14 WHEREAS, Specifically, 34 C.F.R. Section 600.9 was amended to  
15 require that postsecondary institutions be "established by name as  
16 an educational institution by a State through a charter, statute,  
17 constitutional provision, or other action" and that they be  
18 "authorized to operate educational programs beyond secondary  
19 education, including programs leading to a degree or certificate";  
20 and

21 WHEREAS, Section 61.003, Texas Education Code, cites state  
22 universities by name and Section 61.063, Texas Education Code,  
23 establishes a process for naming public community colleges, but  
24 state law regards private institutions of higher education

1 differently; and

2           WHEREAS, Rather than naming them, Section 61.003, Texas  
3 Education Code, defines "private or independent institutions of  
4 higher education" as those institutions organized under the Texas  
5 Non-Profit Corporation Act, now part of the Texas Business  
6 Organizations Code, that are exempt from taxation under Article  
7 VIII, Section 2, Texas Constitution, and Section 501(c)(3),  
8 Internal Revenue Code of 1986, and that are accredited by the  
9 Commission on Colleges of the Southern Association of Colleges and  
10 Schools, the Liaison Committee on Medical Education, or the  
11 American Bar Association; and

12           WHEREAS, Such institutions are exempt from Section 61.301,  
13 Texas Education Code, which provides for the "regulation of private  
14 postsecondary educational institutions," because they are  
15 accredited by an accrediting agency recognized by the Texas Higher  
16 Education Coordinating Board; and

17           WHEREAS, The state is home to many institutions covered by  
18 Section 61.003, Texas Education Code, some of which have educated  
19 students since the mid-1800s, and all of which have been in  
20 operation for at least 20 years; each is eligible to participate in  
21 one or more state-funded student financial aid programs subject to  
22 audit by the Texas Higher Education Coordinating Board, and those  
23 that participate in such programs provide student enrollment and  
24 graduation data to the coordinating board for accountability  
25 purposes; moreover, consumer complaints about the institutions can  
26 be made to the Office of the Attorney General, consumer protection  
27 division, and complaints concerning financial impropriety and

1 ethical misconduct can be made to the Office of the Attorney  
2 General, charitable trust division; and

3       WHEREAS, The state's private postsecondary educational  
4 institutions include: Abilene Christian University, Amberton  
5 University, Austin College, Baylor University, Baylor College of  
6 Medicine, the College of St. Thomas More, Concordia University  
7 Texas, Dallas Baptist University, East Texas Baptist University,  
8 Hardin-Simmons University, Houston Baptist University, Howard  
9 Payne University, Huston-Tillotson University, Jacksonville  
10 College, Jarvis Christian College, Le Tourneau University, Lon  
11 Morris College, Lubbock Christian University, McMurry University,  
12 Our Lady of the Lake University, Parker College of Chiropractic,  
13 Paul Quinn College, Rice University, St. Edward's University, St.  
14 Mary's University, Schreiner University, Southern Methodist  
15 University, South Texas College of Law, Southwestern University,  
16 Southwestern Adventist University, Southwestern Assemblies of God  
17 University, Southwestern Christian College, Texas Chiropractic  
18 College, Texas Christian University, Texas College, Texas Lutheran  
19 University, Texas Wesleyan University, Trinity University,  
20 University of Dallas, University of the Incarnate Word, University  
21 of Mary Hardin-Baylor, University of St. Thomas, Wayland Baptist  
22 University, and Wiley College; now, therefore, be it

23       RESOLVED, That the 82nd Legislature of the State of Texas  
24 hereby notify the United States Department of Education that the  
25 aforementioned colleges and universities are authorized in the  
26 State of Texas to operate educational programs beyond secondary  
27 education, including programs leading to a degree or certificate,

1 and that therefore the State of Texas has met the conditions of 34  
2 C.F.R. Section 600.9; and, be it further

3         RESOLVED, That the Texas secretary of state forward official  
4 copies of this resolution to the secretary of education, to the  
5 president of each college and university named, to the president of  
6 the Senate and the speaker of the House of Representatives of the  
7 United States Congress, and to all the members of the Texas  
8 delegation to Congress with the request that this resolution be  
9 entered in the Congressional Record as a memorial to the Congress of  
10 the United States of America.