

1-1 By: Branch (Senate Sponsor - Birdwell) H.J.R. No. 130
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on Higher
1-4 Education; May 12, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 12, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.J.R. No. 130 By: Birdwell

1-8 HOUSE JOINT RESOLUTION

1-9 meeting requirements of the United States Department of Education
1-10 concerning federal student aid by naming private institutions of
1-11 higher education in the State of Texas that are authorized to
1-12 operate educational programs beyond secondary education, including
1-13 programs leading to a degree or certificate.

1-14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 WHEREAS, On October 29, 2010, the United States Department of
1-16 Education released Final Regulations on Program Integrity Issues in
1-17 an effort to strengthen federal student aid programs at
1-18 postsecondary institutions; one provision seeks to clarify the
1-19 minimum a state must do to authorize a postsecondary institution so
1-20 that the institution is able to participate in federal student aid
1-21 and other federal funding programs; and

1-22 WHEREAS, Specifically, 34 C.F.R. Section 600.9 was amended to
1-23 require that postsecondary institutions be "established by name as
1-24 an educational institution by a State through a charter, statute,
1-25 constitutional provision, or other action" and that they be
1-26 "authorized to operate educational programs beyond secondary
1-27 education, including programs leading to a degree or certificate";
1-28 and

1-29 WHEREAS, Section 61.003, Texas Education Code, cites state
1-30 universities by name and Section 61.063, Texas Education Code,
1-31 establishes a process for naming public community colleges, but
1-32 state law regards private institutions of higher education
1-33 differently; and

1-34 WHEREAS, Rather than naming them, Section 61.003, Texas
1-35 Education Code, defines "private or independent institutions of
1-36 higher education" as those institutions organized under the Texas
1-37 Non-Profit Corporation Act, now part of the Texas Business
1-38 Organizations Code, that are exempt from taxation under Article
1-39 VIII, Section 2, Texas Constitution, and Section 501(c)(3),
1-40 Internal Revenue Code of 1986, and that are accredited by the
1-41 Commission on Colleges of the Southern Association of Colleges and
1-42 Schools, the Liaison Committee on Medical Education, or the
1-43 American Bar Association; and

1-44 WHEREAS, Such institutions are exempt from Section 61.301,
1-45 Texas Education Code, which provides for the "regulation of private
1-46 postsecondary educational institutions," because they are
1-47 accredited by an accrediting agency recognized by the Texas Higher
1-48 Education Coordinating Board; and

1-49 WHEREAS, The state is home to many institutions covered by
1-50 Section 61.003, Texas Education Code, some of which have educated
1-51 students since the mid-1800s, and all of which have been in
1-52 operation for at least 20 years; each is eligible to participate in
1-53 one or more state-funded student financial aid programs subject to
1-54 audit by the Texas Higher Education Coordinating Board, and those
1-55 that participate in such programs provide student enrollment and
1-56 graduation data to the coordinating board for accountability
1-57 purposes; moreover, consumer complaints about the institutions can
1-58 be made to the Office of the Attorney General, consumer protection
1-59 division, and complaints concerning financial impropriety and
1-60 ethical misconduct can be made to the Office of the Attorney
1-61 General, charitable trust division; and

1-62 WHEREAS, The state's private postsecondary educational
1-63 institutions include: Abilene Christian University, Amberton

2-1 University, Austin College, Baylor University, Baylor College of
2-2 Medicine, the College of St. Thomas More, Concordia University
2-3 Texas, Dallas Baptist University, East Texas Baptist University,
2-4 Hardin-Simmons University, Houston Baptist University, Howard
2-5 Payne University, Huston-Tillotson University, Jacksonville
2-6 College, Jarvis Christian College, Le Tourneau University, Lon
2-7 Morris College, Lubbock Christian University, McMurry University,
2-8 Our Lady of the Lake University, Parker University, Paul Quinn
2-9 College, Rice University, St. Edward's University, St. Mary's
2-10 University, Schreiner University, Southern Methodist University,
2-11 South Texas College of Law, Southwestern University, Southwestern
2-12 Adventist University, Southwestern Assemblies of God University,
2-13 Southwestern Christian College, Texas Chiropractic College, Texas
2-14 Christian University, Texas College, Texas Lutheran University,
2-15 Texas Wesleyan University, Trinity University, University of
2-16 Dallas, University of the Incarnate Word, University of Mary
2-17 Hardin-Baylor, University of St. Thomas, Wayland Baptist
2-18 University, and Wiley College; now, therefore, be it

2-19 RESOLVED, That the 82nd Legislature of the State of Texas
2-20 hereby notify the United States Department of Education that the
2-21 aforementioned colleges and universities are authorized in the
2-22 State of Texas to operate educational programs beyond secondary
2-23 education, including programs leading to a degree or certificate,
2-24 and that therefore the State of Texas has met the conditions of 34
2-25 C.F.R. Section 600.9; and, be it further

2-26 RESOLVED, That the Texas secretary of state forward official
2-27 copies of this resolution to the secretary of education, to the
2-28 president of each college and university named, to the president of
2-29 the Senate and the speaker of the House of Representatives of the
2-30 United States Congress, and to all the members of the Texas
2-31 delegation to Congress with the request that this resolution be
2-32 entered in the Congressional Record as a memorial to the Congress of
2-33 the United States of America.

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