

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1470
By: Watson
Higher Education
4/8/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Institutions of higher education based in Texas have to seek authority from other states in order to offer distance education or online courses and programs across state lines. The same is true of institutions in other states that wish to offer online courses and programs in Texas. This process is often a costly and time consuming process for institutions of higher education. The State Authorization Reciprocity Agreement (SARA), a voluntary agreement among states and institutions, facilitates the process.

S.B. 1470 directs the Texas Higher Education Coordinating Board (THECB) to enter into a state authorization reciprocity agreement and coordinate the statewide application and approval process. Both private and public institutions of higher education would be eligible to participate in SARA following an application to the THECB. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1470 amends current law relating to the establishment of state authorization reciprocity agreements for postsecondary distance learning courses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 61.05121, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.05121, as follows:

Sec. 61.05121. STATE AUTHORIZATION RECIPROCITY AGREEMENT. (a) Authorizes the Texas Higher Education Coordinating Board (THECB) on behalf of the state to enter into a state authorization reciprocity agreement among states, districts, and territories regarding the delivery of postsecondary distance education that establishes comparable standards for the provision of distance education by degree-granting postsecondary educational institutions in each of the states, districts, or territories covered by the agreement to students of the other states, districts, or territories covered under the agreement. Requires THECB to apply to an appropriate organization for that purpose.

(b) Requires THECB to administer an agreement entered into under this section, including by:

(1) establishing an application and approval process for a degree-granting postsecondary educational institution with its principal campus located in this state to participate under the agreement; and

(2) maintaining a dispute resolution procedure for complaints regarding participating postsecondary educational institutions located in this state.

(c) Requires THECB to take appropriate action to terminate the institution's operation within this state if THECB obtains evidence that a public or private postsecondary educational institution established outside this state that is providing courses within this state under a state authorization reciprocity

agreement established under this section is in apparent violation of the agreement or of this code or rules adopted under this section.

(d) Requires THECB to adopt rules to administer this section.

SECTION 2. Amends Section 61.401(2), Education Code, to redefine "coordinating board."

SECTION 3. Amends Section 61.402, Education Code, as follows:

Sec. 61.402. REQUISITE APPROVAL. (a) Creates this subsection from existing text and makes no further change to this subsection.

(b) Authorizes a public institution of higher education (IHE) outside the boundaries of the State of Texas to offer a course within this state without the approval of THECB if the course is provided in accordance with a state authorization reciprocity agreement established under Section 61.05121, notwithstanding Subsection (a) (relating to requiring public IHEs established outside the boundaries of the state to have the approval of THECB before offering a course or grouping of courses within the State of Texas).

SECTION 4. Amends Section 61.404, Education Code, as follows:

Sec. 61.404. PROCEDURES IN CASE OF VIOLATION. Requires THECB to take appropriate action to terminate its operation within the boundaries of the State of Texas regardless of whether the institution participates in a state authorization reciprocity agreement established under Section 61.05121 if THECB obtains evidence that a public IHE established outside the boundaries of the State of Texas is in apparent violation of this subchapter or of rules and regulations adopted pursuant to this subchapter.

SECTION 5. Requires THECB to develop and submit to the Southern Regional Education Board or other appropriate organization a plan and application for entering into a state authorization reciprocity agreement not later than September 1, 2016.

SECTION 6. Effective date: upon passage or September 1, 2015.