

## **BILL ANALYSIS**

C.S.S.B. 1490  
By: Creighton  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that the activities of private, out-of-state medical and professional schools may negatively impact the availability of in-state field-based experience, such as clinicals and clerkships, for students at Texas public, private, and independent institutions of higher education. It has been suggested, also, that the Texas Higher Education Coordinating Board (THECB) lacks sufficient regulatory authority over certain private educational entities operating in Texas. C.S.S.B. 1490 seeks to address these concerns by authorizing the THECB to impose further standards on exempt institutions and private postsecondary educational institutions seeking a certificate of authority to grant professional degrees or related course credit in the state.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

### **ANALYSIS**

C.S.S.B. 1490 amends the Education Code to authorize the Texas Higher Education Coordinating Board (THECB) to issue a certificate of authority for a private postsecondary educational institution to grant a professional degree or to represent that credits earned in Texas are applicable toward a professional degree only if the THECB determines the following:

- that the capacity and ability of similar professional degree programs at public, private, and independent institutions of higher education are insufficient to meet the state's current market needs;
- that the institution seeking the certificate of authority has the necessary faculty and other resources to ensure student success and is subject to and agrees to meet the same standards for approval and all academic criteria applicable to similar professional degree programs offered by public, private, or independent institutions of higher education; and
- that sufficient placements are available to students for required field-based experience for the proposed professional degree.

C.S.S.B. 1490 reenacts certain statutory provisions relating to degrees granted by exempt institutions or persons. The bill replaces an authorization for the THECB to issue to an exempt institution or person a certificate of authorization to grant degrees with an authorization for the THECB instead to approve the issuance of the certificate. The bill prohibits the THECB from approving such a certificate for an exempt institution to grant a professional degree, or to represent that credits earned in Texas are applicable toward such a degree, except to the extent

allowed for an authorized institution operating under a state authorization reciprocity agreement. The bill defines "professional degree," for purposes of this prohibition, to reflect the definition applicable to a certificate of authority for a private postsecondary educational institution.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1490 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The engrossed version specified that an exempt institution for which certain authorization with respect to professional degrees is prohibited except under a specified reciprocity agreement is an institution chartered or having its principal office or primary educational program in another state, whereas the substitute omits that specification and applies the restriction to any exempt institution not authorized by an applicable reciprocity agreement.