By:  Creighton, Zaffirini S.B. No. 1490

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Higher Education Coordinating Board to authorize certain degree programs offered by private postsecondary educational institutions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 61.303, Education Code, as amended by S.B. 1781, Acts of the 85th Legislature, Regular Session, 2017, is amended by reenacting and amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c)  Except as provided by Subsection (c-1), the [~~The~~] board may approve the issuance of a certificate of authorization to grant degrees [~~issue~~] to an exempt institution or person [~~a certificate of authorization to grant degrees~~]. The board may adopt rules regarding a process to allow an exempt institution or person to apply [~~for~~] and receive approval for a certificate of authorization under this section.

(c-1)  The board may not approve the issuance of a certificate of authorization for an exempt institution to grant a professional degree or to represent that credits earned in this state are applicable toward a professional degree if the institution is chartered in another state or has its principal office or primary educational program in another state unless the institution is an authorized institution operating under a State Authorization Reciprocity Agreement (SARA). In this subsection, "professional degree" includes Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).

SECTION 2.  Section 61.306, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (c-1) and (d) to read as follows:

(a)  Subject to Subsections (c) and (c-1), the [~~The~~] board may issue a certificate of authority to grant a degree or degrees and to enroll students for courses which may be applicable toward a degree if it finds that the applicant meets the standards established by the board for certification.

(c)  The board may not issue a certificate of authority for a private postsecondary educational institution to grant a professional degree or to represent that credits earned in this state are applicable toward a professional degree if the institution is chartered in a foreign country or has its principal office or primary educational program in a foreign country.

(c-1)  The board may issue a certificate of authority for a private postsecondary educational institution to grant a professional degree or to represent that credits earned in this state are applicable toward a professional degree only if the board determines that:

(1)  the capacity and ability of similar professional degree programs at institutions of higher education and private or independent institutions of higher education are insufficient to meet the state's current market needs;

(2)  the institution seeking the certificate of authority:

(A)  has the necessary faculty and other resources to ensure student success; and

(B)  is subject to and agrees to meet the same standards for approval and all academic criteria applicable to similar professional degree programs offered by institutions of higher education and private or independent institutions of higher education; and

(3)  sufficient placements are available to students for required field-based experience, such as clinicals or clerkships, for the proposed professional degree.

(d)  In this section:

(1)  "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(2)  "Professional [~~subsection, "professional~~] degree" includes a Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).

SECTION 3.  This Act takes effect September 1, 2021.