

By: Creighton, Zaffirini

S.B. No. 1490

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of the Texas Higher Education  
3 Coordinating Board to authorize certain degree programs offered by  
4 private postsecondary educational institutions.

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

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

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

17 (c-1) The board may not approve the issuance of a  
18 certificate of authorization for an exempt institution to grant a  
19 professional degree or to represent that credits earned in this  
20 state are applicable toward a professional degree if the  
21 institution is chartered in another state or has its principal  
22 office or primary educational program in another state unless the  
23 institution is an authorized institution operating under a State  
24 Authorization Reciprocity Agreement (SARA). In this subsection,

1 "professional degree" includes Doctor of Medicine (M.D.), Doctor of  
2 Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of  
3 Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of  
4 Laws (LL.B.).

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

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

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

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

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

1           (2) the institution seeking the certificate of  
2 authority:

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

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

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

13           (d) In this section:

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

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

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