

1-1 By: Creighton, Zaffirini S.B. No. 1490
1-2 (In the Senate - Filed March 10, 2021; March 24, 2021, read
1-3 first time and referred to Committee on Higher Education;
1-4 April 6, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 14, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Creighton	X		
1-10	West	X		
1-11	Birdwell	X		
1-12	Blanco	X		
1-13	Miles	X		
1-14	Paxton	X		
1-15	Springer	X		
1-16	Taylor	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1490 By: Taylor

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the authority of the Texas Higher Education
1-22 Coordinating Board to authorize certain degree programs offered by
1-23 private postsecondary educational institutions.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 61.303, Education Code, as amended by
1-26 S.B. 1781, Acts of the 85th Legislature, Regular Session, 2017, is
1-27 amended by reenacting and amending Subsection (c) and adding
1-28 Subsection (c-1) to read as follows:

1-29 (c) Except as provided by Subsection (c-1), the [The] board
1-30 may approve the issuance of a certificate of authorization to grant
1-31 degrees [issue] to an exempt institution or person [a certificate
1-32 of authorization to grant degrees]. The board may adopt rules
1-33 regarding a process to allow an exempt institution or person to
1-34 apply [~~for~~] and receive approval for a certificate of authorization
1-35 under this section.

1-36 (c-1) The board may not approve the issuance of a
1-37 certificate of authorization for an exempt institution to grant a
1-38 professional degree or to represent that credits earned in this
1-39 state are applicable toward a professional degree if the
1-40 institution is chartered in another state or has its principal
1-41 office or primary educational program in another state unless the
1-42 institution is an authorized institution operating under a State
1-43 Authorization Reciprocity Agreement (SARA). In this subsection,
1-44 "professional degree" includes Doctor of Medicine (M.D.), Doctor of
1-45 Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of
1-46 Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of
1-47 Laws (LL.B.).

1-48 SECTION 2. Section 61.306, Education Code, is amended by
1-49 amending Subsections (a) and (c) and adding Subsections (c-1) and
1-50 (d) to read as follows:

1-51 (a) Subject to Subsections (c) and (c-1), the [The] board
1-52 may issue a certificate of authority to grant a degree or degrees
1-53 and to enroll students for courses which may be applicable toward a
1-54 degree if it finds that the applicant meets the standards
1-55 established by the board for certification.

1-56 (c) The board may not issue a certificate of authority for a
1-57 private postsecondary educational institution to grant a
1-58 professional degree or to represent that credits earned in this
1-59 state are applicable toward a professional degree if the
1-60 institution is chartered in a foreign country or has its principal

2-1 office or primary educational program in a foreign country.
 2-2 (c-1) The board may issue a certificate of authority for a
 2-3 private postsecondary educational institution to grant a
 2-4 professional degree or to represent that credits earned in this
 2-5 state are applicable toward a professional degree only if the board
 2-6 determines that:
 2-7 (1) the capacity and ability of similar professional
 2-8 degree programs at institutions of higher education and private or
 2-9 independent institutions of higher education are insufficient to
 2-10 meet the state's current market needs;
 2-11 (2) the institution seeking the certificate of
 2-12 authority:
 2-13 (A) has the necessary faculty and other resources
 2-14 to ensure student success; and
 2-15 (B) is subject to and agrees to meet the same
 2-16 standards for approval and all academic criteria applicable to
 2-17 similar professional degree programs offered by institutions of
 2-18 higher education and private or independent institutions of higher
 2-19 education; and
 2-20 (3) sufficient placements are available to students
 2-21 for required field-based experience, such as clinicals or
 2-22 clerkships, for the proposed professional degree.
 2-23 (d) In this section:
 2-24 (1) "Institution of higher education" and "private or
 2-25 independent institution of higher education" have the meanings
 2-26 assigned by Section 61.003.
 2-27 (2) "Professional [~~subsection, "professional~~] degree"
 2-28 includes a Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.),
 2-29 Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine
 2-30 (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).
 2-31 SECTION 3. This Act takes effect September 1, 2021.

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