By:  Middleton, Creighton S.B. No. 2335

A BILL TO BE ENTITLED

AN ACT

relating to the accreditation of public institutions of higher education.

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

SECTION 1.  Chapter 51, Education Code, is amended by adding Subchapter G-1 to read as follows:

SUBCHAPTER G-1. ACCREDITATION OF INSTITUTIONS OF HIGHER EDUCATION

Sec. 51.371.  DEFINITIONS. In this subchapter:

(1)  "Accrediting agency" means any organization, association, or other entity that accredits postsecondary educational institutions.

(2)  "Commission" means the Texas Higher Education Accreditation Commission established by this subchapter.

(3)  "Coordinating board" means the Texas Higher Education Coordinating Board.

(4)  "Institution of higher education" has the meaning assigned by Section 61.003.

Sec. 51.372.  TEXAS HIGHER EDUCATION ACCREDITATION COMMISSION. (a) The commission is administratively attached to the coordinating board and directly accountable to the governor.

(b)  The commission is composed of nine members of the public appointed as follows:

(1)  three members appointed by the governor;

(2)  three members appointed by the lieutenant governor; and

(3)  three members appointed by the speaker of the house of representatives.

(c)  Members serve four-year terms and may not be removed except by the person who appointed the member for wilful neglect of duty or malfeasance.

(d)  The governor shall appoint one member of the commission as the presiding officer.

(e)  The presiding officer shall:

(1)  convene meetings of the commission; and

(2)  coordinate and direct the activities of the commission.

(f)  At least two of the three commission members appointed under Subsections (b)(1), (b)(2), and (b)(3) must be an employer or representative of an association of employers in a target occupations field, as determined by the Texas Workforce Commission.

(g)  A person may not serve on the commission if the person was employed by an accreditor recognized by the United States Department of Education at any time during the five years preceding the date on which the person would be appointed to the commission.

(h)  A member of the commission is not entitled to compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting commission business, as provided by the General Appropriations Act.

(i)  The commission is subject to Chapters 551, 552, and 2001, Government Code.

Sec. 51.373.  APPROVAL AND REVIEW OF ACCREDITING AGENCIES. (a) The commission shall identify and approve at least three accrediting agencies best suited to serve as accreditors for institutions of higher education.

(b)  Subject to Subsections (c) and (d), the commission shall conduct a biennial evaluation of approved accrediting agencies. The evaluation must rate each agency as unsatisfactory, satisfactory, or exemplary based on evaluation standards established by the commission. The commission shall publish the evaluation standards on a publicly accessible Internet website.

(c)  If an institution of higher education seeks accreditation from a recognized accrediting agency, as defined by Section 61.003, that the commission has not reviewed, the commission shall evaluate the accrediting agency under Subsection (b) not later than the fifth anniversary of the date the institution receives accreditation from the accrediting agency.

(d)  If at the time the commission would be required to conduct an evaluation of an accrediting agency under Subsection (b) the commission does not have sufficient information to conduct the evaluation, the commission shall conduct the evaluation of the accrediting agency as soon as practicable after obtaining the necessary information.

(e)  The commission's evaluation of each approved accrediting agency must include an assessment of:

(1)  evidence demonstrating the agency's focus on educational and labor market outcomes for students attending an institution accredited by the agency, including:

(A)  the percentage of students who return to the accredited institution after completing their first year of study;

(B)  degree or credential completion and graduation rates;

(C)  the percentage of institution graduates employed in a field related to the credential or degree received within one year of graduation, to the extent that data is available;

(D)  the median student loan debt among borrowers attending the institution;

(E)  the percentage of students at each accredited institution who fully repay their student loans within the standard 10-year repayment period; and

(F)  the median earnings of institution graduates expressed as a yearly amount and as a percentage of median student debt among borrowers, as reported by the U.S. Department of Education's College Scorecard or successor tool; and

(2)  evidence of whether the agency takes or considers taking action with respect to an institution's accreditation in a manner that would hinder or interfere with the authority of the institution's governing board and the institution's accountability to the legislature.

(f)  The commission may revoke the approval of an approved accrediting agency if the commission determines based on an evaluation under this section that the agency should no longer be approved.

(g)  Not later than November 1 of each even-numbered year, the commission shall submit to the governor, lieutenant governor, speaker of the house of representatives, Legislative Budget Board, and chairs of the standing committees of each house of the legislature with primary jurisdiction over higher education and publish on a publicly accessible Internet website a report of the evaluation made under this section. The report must include a ranking of the performance of approved accrediting agencies and information on any accrediting agency the commission determines should no longer be approved due to poor performance.

Sec. 51.374.  ACCREDITATION OF INSTITUTIONS OF HIGHER EDUCATION. (a) Each institution of higher education shall, at the institution's expense, seek accreditation by an accrediting agency approved by the commission with a performance rating of satisfactory or higher.

(b)  An institution of higher education accredited by an accrediting agency that receives an unsatisfactory performance rating from the commission shall, at the institution's expense, obtain accreditation from a different approved accrediting agency with at least a satisfactory performance rating not later than the earlier of:

(1)  the fifth anniversary of the date the agency receives the unsatisfactory performance rating; or

(2)  a date determined by coordinating board rule.

(c)  An institution of higher education accredited by an accrediting agency with a satisfactory performance rating shall, at the institution's expense, obtain accreditation from a different approved accrediting agency at the institution's next accreditation renewal date after 15 years have elapsed from the date of the institution's current accreditation.

(d)  An institution of higher education accredited by an accrediting agency with an exemplary performance rating may continue to be accredited by that accrediting agency for as long as the agency maintains an exemplary performance rating. If as a result of an evaluation under Section 51.373 the commission assigns the agency a rating other than exemplary, the institution shall, at the institution's expense, obtain accreditation from a different approved accrediting agency not later than:

(1)  if the agency receives a satisfactory performance rating, the 15th anniversary of the date the agency receives a satisfactory performance rating; or

(2)  if the agency receives an unsatisfactory performance rating, the date described by Subsection (b).

Sec. 51.375.  NOTICE OF NONCOMPLIANCE. (a) If the commission determines that an institution of higher education has failed to substantially comply with the requirements of Section 51.374, the commission shall provide the institution with written notice of the institution's substantial noncompliance with that section.

(b)  An institution of higher education that receives notice under Subsection (a) shall take corrective actions to comply with the requirements of Section 51.374 not later than the 180th day after the date of receipt of the notice. If the institution fails to substantially comply with the requirements of Section 51.374 by that date, the commission shall notify the comptroller of the institution's noncompliance.

(c)  On receipt of notice under Subsection (b), the comptroller shall withhold all state funding from the noncompliant institution of higher education until the commission notifies the comptroller that the institution is substantially complying with the requirements of Section 51.374.

Sec. 51.376.  RULES. The coordinating board shall adopt rules as necessary to implement this subchapter.

SECTION 2.  (a) As soon as practicable after the effective date of this Act, the governor, lieutenant governor, and speaker of the house of representatives shall appoint the members to the Texas Higher Education Accreditation Commission as provided by Section 51.372, Education Code, as added by this Act.

(b)  The Texas Higher Education Accreditation Commission established under Subchapter G-1, Chapter 51, Education Code, as added by this Act, shall identify and approve accrediting agencies as required by Section 51.373(a), Education Code, as added by this Act, not later than September 1, 2024.

SECTION 3.  (a) In this section, "commission" means the Texas Higher Education Accreditation Commission.

(b)  Notwithstanding any other section of this Act, in a state fiscal year, the commission is not required to implement a provision found in another section of this Act that is drafted as a mandatory provision imposing a duty on the commission to take an action unless money is specifically appropriated to the Texas Higher Education Coordinating Board for that fiscal year to carry out that duty. The commission may implement the provision in that fiscal year to the extent other funding is available to the commission to do so.

(c)  If, as authorized by Subsection (b) of this section, the commission does not implement the mandatory provision in a state fiscal year, the Texas Higher Education Coordinating Board, in its legislative budget request for the next state fiscal biennium, shall certify that fact to the Legislative Budget Board and include a written estimate of the costs of implementing the provision in each year of that next state fiscal biennium.

(d)  This section and the suspension of the commission's duty to implement a mandatory provision of this Act, as provided by Subsection (b) of this section, expire and the duty to implement the mandatory provision resumes on September 1, 2027.

SECTION 4.  This Act takes effect September 1, 2023.