June 7, 2011

Abilene Christian University
Dr. Phil Schubert
President
206 Hardin Admin Bldg
ACU Box 29100
Abilene, TX 79699

Dear Dr. Schubert:

Enclosed is an official copy of House Joint Resolution 130, as passed by the 82nd Legislature, Regular Session, 2011, of the State of Texas. In this resolution, the 82nd Legislature says that the State of Texas is meeting requirements of the United States Department of Education concerning federal student aid by naming private institutions of higher education in the State of Texas that are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate.

The 82nd Legislature of the State of Texas also requests that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States.

Sincerely,

Hope Andrade
Secretary of State

HA:js
A JOINT RESOLUTION

meeting requirements of the United States Department of Education
concerning federal student aid by naming private institutions of
higher education in the State of Texas that are authorized to
operate educational programs beyond secondary education, including
programs leading to a degree or certificate.

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

WHEREAS, On October 29, 2010, the United States Department of
Education released Final Regulations on Program Integrity Issues in
an effort to strengthen federal student aid programs at
postsecondary institutions; one provision seeks to clarify the
minimum a state must do to authorize a postsecondary institution so
that the institution is able to participate in federal student aid
and other federal funding programs; and

WHEREAS, Specifically, 34 C.F.R. Section 600.9 was amended to
require that postsecondary institutions be "established by name as
an educational institution by a State through a charter, statute,
constitutional provision, or other action" and that they be
"authorized to operate educational programs beyond secondary
education, including programs leading to a degree or certificate";

and

WHEREAS, Section 61.003, Texas Education Code, cites state
universities by name and Section 61.063, Texas Education Code,
establishes a process for naming public community colleges, but
state law regards private institutions of higher education
differently; and

WHEREAS, Rather than naming them, Section 61.003, Texas Education Code, defines "private or independent institutions of higher education" as those institutions organized under the Texas Non-Profit Corporation Act, now part of the Texas Business Organizations Code, that are exempt from taxation under Article VIII, Section 2, Texas Constitution, and Section 501(c)(3), Internal Revenue Code of 1986, and that are accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Liaison Committee on Medical Education, or the American Bar Association; and

WHEREAS, Such institutions are exempt from Section 61.301, Texas Education Code, which provides for the "regulation of private postsecondary educational institutions," because they are accredited by an accrediting agency recognized by the Texas Higher Education Coordinating Board; and

WHEREAS, The state is home to many institutions covered by Section 61.003, Texas Education Code, some of which have educated students since the mid-1800s, and all of which have been in operation for at least 20 years; each is eligible to participate in one or more state-funded student financial aid programs subject to audit by the Texas Higher Education Coordinating Board, and those that participate in such programs provide student enrollment and graduation data to the coordinating board for accountability purposes; moreover, consumer complaints about the institutions can be made to the Office of the Attorney General, consumer protection division, and complaints concerning financial impropriety and
WHEREAS, The state's private postsecondary educational institutions include: Abilene Christian University, Amberton University, Austin College, Baylor University, Baylor College of Medicine, the College of St. Thomas More, Concordia University Texas, Dallas Baptist University, East Texas Baptist University, Hardin-Simmons University, Houston Baptist University, Howard Payne University, Huston-Tillotson University, Jacksonville College, Jarvis Christian College, Le Tourneau University, Lon Morris College, Lubbock Christian University, McMurry University, Our Lady of the Lake University, Parker University, Paul Quinn College, Rice University, St. Edward's University, St. Mary's University, Schreiner University, Southern Methodist University, South Texas College of Law, Southwestern University, Southwestern Adventist University, Southwestern Assemblies of God University, Southwestern Christian College, Texas Chiropractic College, Texas Christian University, Texas College, Texas Lutheran University, Texas Wesleyan University, Trinity University, University of Dallas, University of the Incarnate Word, University of Mary Hardin-Baylor, University of St. Thomas, Wayland Baptist University, and Wiley College; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby notify the United States Department of Education that the aforementioned colleges and universities are authorized in the State of Texas to operate educational programs beyond secondary education, including programs leading to a degree or certificate,
and that therefore the State of Texas has met the conditions of 34 C.F.R. Section 600.9; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the secretary of education, to the president of each college and university named, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.
H.J.R. No. 130

I certify that H.J.R. No. 130 was adopted by the House on May 3, 2011, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 130 on May 21, 2011, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House
I certify that H.J.R. No. 130 was adopted by the Senate, as amended, on May 18, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: 17 JUN '11

Date

Governor

FILeD IN THE OFFICE OF THE
SECRETARY OF STATE
11:00 PM O'CLOCK

Secretary of State