

BILL ANALYSIS

Senate Research Center
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S.B. 38
By: Zaffirini
Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 38 requires that for-profit institutions that offer an associate degree or higher, operating in the state of Texas be subject to the state's higher education accountability system. This bill requires the Texas Higher Education Coordinating Board (THECB), in consultation with representatives from the for-profit industry, to develop rules, groupings, and relevant key and contextual measures to ensure that students, parents, and policymakers remain informed about higher education options throughout the state.

There is currently no statutory law concerning the state's higher education accountability system. The system was initiated by gubernatorial proclamation (RP-31) in 2004, and created by THECB through rulemaking. The accountability system only applies to public colleges and universities and this would be the first attempt to bring for-profit institutions into the system.

As proposed, S.B. 38 amends current law relating to the inclusion of certain private postsecondary educational institutions and career schools and colleges in the higher education accountability system of the Texas Higher Education Coordinating Board.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 61.0904, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.0904, Education Code, as follows:

Sec. 61.0904. New heading: HIGHER EDUCATION ACCOUNTABILITY SYSTEM.

(a) Creates this subsection from existing text. Requires the Texas Higher Education Coordinating Board (THECB), at least once every 10 years, to conduct a review of the institutional groupings under the THECB's higher education accountability system, including a review of the criteria for and definitions assigned to those groupings.

(b) Requires THECB to include within THECB's higher education accountability system any for-profit private postsecondary educational institutions or for-profit career schools and colleges in this state that offer degree programs. Requires THECB to determine whether to create one or more separate institutional groupings for entities to which this subsection applies, regardless of whether THECB is conducting a periodic review of institutional groupings as required by Subsection (a). Requires THECB, in implementing this subsection, to consult with affected private postsecondary educational institutions and career schools and colleges regarding the imposition of reporting requirements on those entities and to adopt rules that clearly define the types and amounts of information to be reported to THECB.

(c) Requires THECB, in advance of each regular session of the legislature, to report to each standing legislative committee with primary jurisdiction over higher education regarding any entities to which Subsection (b) applies that do not participate in THECB's accountability system as provided by that subsection.

SECTION 2. Effective date: upon passage or September 1, 2011.