

SHEEO State Authorization Inventory

Texas

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name: **Texas Higher Education Coordinating Board**
- Description:
The Texas Higher Education Coordinating Board authorizes all private and public (non-Texas) postsecondary institutions offering or seeking to offer credits and degree programs in the state.
 - Contact Information:
Van Davis
Special Projects Director
Texas Higher Education Coordinating Board
512-427-6223
van.davis@thecb.state.tx.us
 - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
At this time questions can be sent to Dr. Van Davis.
- b. Links:
Home page: <http://www.thecb.state.tx.us/>

Link to Regulations:
<http://www.thecb.state.tx.us/index.cfm?objectid=5AE5574E-DB27-F411-02936207FF354653>

<http://www.thecb.state.tx.us/index.cfm?objectid=3F07A3D3-B85F-9158-C8B168AEF8AA5904>
- c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.
Texas Workforce Commission.

- d. If the division of responsibility among these agencies is not clear, please explain.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- Yes Public, in-state degree granting institutions
- Yes Public, out-of-state degree granting institutions
- Yes Private, in-state, not-for-profit degree granting institutions
- Yes Private, out-of-state, not-for-profit degree granting institutions
- Yes Private, in-state, for-profit degree granting institutions
- Yes Private, out-of-state, for-profit degree granting institutions
- _____ Public, in-state, non-degree granting institutions
- _____ Public, out-of-state, non-degree granting institutions
- _____ Non degree, not-for profit institutions
- _____ Non degree, for-profit institutions
- _____ Religious institutions
- _____ Tribally-controlled institutions

Clarifying comments:

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.

Please see response to 1c.

- c. Is accreditation required for an institution to be authorized in your state?

- o If yes, please explain:

Institutions that are not accredited by an organization recognized by the state of Texas must apply for and receive a Certificate of Authority.

A list of those organizations can be found at:

<http://www.thecb.state.tx.us/index.cfm?objectid=106B5AA9-A772-2898-95ACD06B3A967717>

- o If yes, what type of accreditation is required? Please, check all that apply as appropriate.

See listing of recognized regional and national accrediting agencies listed above.

- _____ Regional
- _____ National
- _____ Programmatic/specialized

Clarifying comments:

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

Only institutions.

- e. Do programs in certain subject areas require the separate approval by another state entity; for example, a professional licensing agency?

Education

State Board of Educator Certification

Nursing

Board of Nursing

Social Work

No, but must be an accredited program.

Counseling Psychology

No, but must be an accredited program.

Allied Health Professions and related programs

No, but must be an accredited program.

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

The Texas Higher Education Coordinating Board is in the process of passing rules that will outline distance education authorization exemptions. These rules are currently posted for public comment and will be considered at the October Board meeting. The anticipated implementation date is November 1, 2011.

- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

Religious institutions that offer only religious studies programs are exempt but must obtain: 1) a letter from the Texas Workforce Commission granting an exemption, and 2) if degrees will be offered, a letter from the Coordinating Board explaining that approval is not required since

religious studies are outside the purview of the Texas Higher Education Coordinating Board.

- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

Please see the above response. More information on exemptions can be found at <http://www.thecb.state.tx.us/index.cfm?objectid=1167D102-B312-3477-D7C9AE4EA3B0F503>.

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)? \

Please see above.

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

Please see above.

- Are all religious institutions exempt (please describe)?

No. Only religious studies.

- Are religious institutions that award only religious degrees or certificates exempt (please describe)?

Please see above.

- Are certain religious institutions exempt that meet other criteria (please describe)?

Please see above.

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?

The Texas Higher Education Coordinating Board is in the process of passing rules that will outline distance education authorization exemptions. These rules are currently posted for public comment and will be considered at the October Board meeting. The anticipated implementation date is November 1, 2011.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

The Texas Higher Education Coordinating Board is in the process of passing rules that will outline distance education authorization exemptions. These rules are

currently posted for public comment and will be considered at the October Board meeting. The anticipated implementation date is November 1, 2011.

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

The Texas Higher Education Coordinating Board is in the process of passing rules that will outline distance education authorization exemptions. These rules are currently posted for public comment and will be considered at the October Board meeting. The anticipated implementation date is November 1, 2011. These standards will include a definition of physical presence.

- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.** Please see above.

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
TBD
 - Does this apply only to distance education students or more generally?
TBD
- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
TBD
 - Does this apply only to distance education students or more generally?
TBD
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
TBD
 - What about adjunct faculty?
TBD

- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
TBD
 - What about adjunct faculty?
TBD
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
TBD
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
TBD
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
TBD
- Advertising in local media sources that are largely viewed by residents of the state?
TBD
- Advertising in national media sources that can be accessed by residents of the state?
TBD
- Having computer servers or other equipment located in the state?
TBD
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
TBD
- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
TBD
- Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
TBD
- Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
TBD

- Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?
TBD

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.

Instructions for institutions needing to obtain a Certificate of Authority may be found here: <http://www.theccb.state.tx.us/index.cfm?objectid=3F07A3D3-B85F-9158-C8B168AEF8AA5904>.

Instructions for institutions needing to obtain a Certificate of Authorization may be found here: <http://www.theccb.state.tx.us/index.cfm?objectid=3F07A3D3-B85F-9158-C8B168AEF8AA5904>.

- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
- c. What is the authorization duration?
- d. What does an institution need to do to maintain authorization?
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
Information regarding data reporting may be found here: <http://www.theccb.state.tx.us/index.cfm?objectid=3F07A3D3-B85F-9158-C8B168AEF8AA5904>.
- f. Can an institution lose its authorized status? If so, how?
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
No.

- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
See above.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
- j. Is your agency currently planning to amend its application process by the end of 2011?
Yes, by November 2011.
 - o If yes, please provide a brief description of the anticipated change.
The changes will depend upon the adoption of new rules by the Board.
 - o If yes, when does the agency expect the change to be fully implemented?
Mid-November 2011

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.
Yes.

Certificate of Authority application fee: \$5,000

Initial branch campus application fee: \$5,000

Branch campus application fee for subsequent sites/partial programs: \$2,500

Branch campus site visit fee: \$2,500

Registration of an agent fee: \$100

Amendment to a certificate of Authority fee: \$500

There are no fees associated with Certificate of Authorizations.

- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?
See above.
- c. What are the costs, if any, to renew authorization?
There are no costs for renewal of a Certificate of Authorization. There is a cost for the renewal of a Certificate of Authority.
- d. What costs are associated with receiving a waiver or exemption to authorization?
None.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.
State regulations neither allow nor prohibit reciprocity agreements. Texas is involved in creating such an agreement with SREB states and would be interested in pursuing agreements with other states.
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
States interested in pursuing such agreements should contact Dr. Van L. Davis, van.davis@thecb.state.tx.us
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
See response to 8a.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.
Yes, Texas would be interested in pursuing agreements with other states.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
Yes but it is under review.
 - o If yes, please describe the process or provide a web link to the material that describes the complaint process.
To file a complaint, follow the complaint procedures in the school's catalog. If the issue is not resolved, contact either the Texas Workforce Commission's Career School section at 512.936.3100 (certificate /diploma program issues) or the school's accrediting agency. If the school is not accredited by a recognized accreditor but has degree granting authority, send a written complaint to the Coordinating Board at Texas Higher Education Coordinating Board, Academic Affairs and Research, P.O. Box 12788, Austin, Texas 78711.
 - o If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?
The answer to this question is under review.

- If available, please provide a web link to the complaint form.
No such form exists. Complaints should be made in writing and sent to the address above.
 - Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.
Depending upon the nature of the complaint it could be routed to several individuals. Upon receipt at the Board the complaint will be evaluated and assigned to a staff member for follow up.
- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?
Yes.
 - If yes, please provide a brief description of the anticipated change.
See response to 6j.
 - If yes, when does the agency expect the change to be fully implemented?
November 2011.
- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?
At this time we do not believe any such changes are necessary.
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?

Yes.

- If yes, please provide a brief description of the anticipated change.
See response to 6j.
- If yes, when does the agency expect the change to be fully implemented?
November 2011.

12. Is there anything else about the authorization process in your state that we and others ought to know about?

Not at this time.