

Summary of Procedures about Applying for Degree-Granting Authority in Texas for Nonexempt Private Institutions

Introduction

The steps outlined in this summary are for general reference purposes only. The summary is not meant to replace any laws or ordinances of the State of Texas, the official rules of the Texas Higher Education Coordinating Board (Coordinating Board), or the official rules of the Texas Workforce Commission (TWC).

While the primary responsibility of the Coordinating Board is providing leadership and coordination for Texas public higher education, the Coordinating Board also administers the laws regulating private and out-of-state public postsecondary institutions operating in Texas (Texas Education Code, Chapter 61, Subchapters G and H). A Certificate of Authority to grant degrees from the Coordinating Board is not accreditation.

The provisions of this summary do not apply to an “exempt” institution. An exempt institution is one that is either 1) accredited to offer degrees at a specific level by an accrediting agency recognized by the Coordinating Board or 2) approved by a Texas state agency which authorizes the school’s graduates to take a professional or vocational state licensing examination administered by that agency. The criterion for an exemption applies only to the degree level for which the programs or institution is accredited. Information about the accreditation process and a listing of accrediting agencies recognized by the Coordinating Board can be found on the Coordinating Board’s website at: <http://www.thecb.state.tx.us/AAR/CareerTechnicalPrograms> .

An institution that does not meet the definition of an institution of higher education contained in the Texas Education Code 61.003, is not accredited by a Board recognized accreditor, and is interested in offering degrees or courses leading to degrees in the state of Texas, must apply for and receive a Certificate of Authority. The following procedures have been established to fulfill those requirements.

To be eligible for a Certificate of Authority an institution must not be accredited by a Board recognized accrediting agency, complete and submit an application including supporting documentation as applicable, i.e., TWC approval or exemption, lease agreements, etc.

Step 1: Applying to the Texas Workforce Commission for a Certificate of Approval to Operate or Do Business in Texas

The Coordinating Board is responsible for granting certificates of authority to grant degrees to institutions that are “non-exempt” (those covered under Subchapter G of the Texas Education Code). However, before applying to the Coordinating Board for a Certificate of Authority, a nonexempt institution must have been in operation for at least two years. At a minimum, “in operation” means enrolling students and conducting classes. During this time, in the State of Texas, an institution may not grant degrees or credits toward degrees, advertise degrees or credits towards degrees, or use certain academic terminology in naming or designating the educational institution (e.g., use the term “college,” “university,” “law school,” etc.). The Coordinating Board reviews and approves actual practices of an institution, not plans to grant degrees or college credits.

During its first two years of operation, an institution may be subject to the Career School Law (Texas Education Code, Chapter 132) which is administered by the Texas Workforce Commission (TWC). Before maintaining, advertising, soliciting for, or conducting any course of instruction in Texas, an institution must make written application to TWC and obtain either of the following: 1) a certificate of approval to operate or do business in Texas or 2) a written exemption from the provisions of the Career School Law. An institution should not assume exemption from the provisions of this law. TWC has the legal authority to impose penalties or sanctions for violations of this law or TWC’s rules pertaining to this law.

Step 2: Applying to the Texas Higher Education Coordinating Board for a Certificate of Authority to Grant Degrees

Prior to its being eligible to apply, an institution may complete an application for a Certificate of Authority to grant degrees in specified programs of study. The Coordinating Board has set the application fee for a certificate of authority to grant degrees at \$5,000. This fee covers the average cost of on-site reviews, including expenses and consultant fees for the review team.

Accreditation, the goal of the certification process, may take up to eight years to achieve. In addition to making application to the Coordinating Board for a certificate of authority, it is important for an institution to begin working with a recognized accreditor. Information about accreditation and a listing of accrediting agencies recognized by the Coordinating Board can be found on the Coordinating Board's website at: <http://www.thecb.state.tx.us/AAR/CareerTechnicalPrograms> .

Step 3: Evaluation of the Institution's Application for a Certificate of Authority to Grant Degrees

Note: The Board meets quarterly on a regular schedule in January, April, July, and October. Applications are reviewed upon receipt and are brought to the Board for consideration at the next scheduled Board meeting following the completed evaluation of the application.

A team of independent, expert consultants conducts the actual evaluation of an institution's application based on the institution's compliance with the 24 standards listed in the Coordinating Board's Rules and Regulations (Chapter 7, Section 7.4). The current standards are available on-line or by request. The evaluation includes an on-site visit of the institution. The Board-appointed Certification Advisory Council (CAC) reviews the evaluation report from the team of consultants and the institution's response. Based on the institution's compliance with the 24 standards, the CAC submits to the Commissioner of Higher Education a recommendation concerning the application. The Commissioner of Higher Education forwards to the Board the recommendation of the Certification Advisory Council with either his endorsement or an alternate recommendation. The Board votes to approve or deny the Commissioner's recommendation. The decision to grant a certificate of authority to an institution is based on the institution's compliance with the 24 standards at the time of the consultants' on-site visit.

Step 4: Approval or Denial of the Institution's Application for a Certificate of Authority to Grant Degrees

If the Board approves the institution's application for a certificate of authority to grant degrees in specified programs of study, the Commissioner of Higher Education will issue to the institution the Certificate of Authority. The certificate will be valid for two years and will include the following: 1) the specific degree-granting authority of the institution, 2) the issue date, and 3) the expiration date. An institution awarded a Certificate of Authority may not state or imply that the certificate is accreditation or the equivalent of accreditation.

If the Board denies the institution's application for a Certificate of Authority to grant degrees, the institution will not be eligible to reapply for a Certificate of Authority for a period of one year. Any subsequent application should show correction of deficiencies which led to the previous denial. Approval of a new application by the Board would return the institution to its status within the eight-year time period for achieving accreditation.

Step 5: Renewal of the Certificate of Authority to Grant a Degree

At least 180 days, but no more than 210 days before the expiration of the currently held certificate of authority, the institution may apply to the Coordinating Board for a renewal of the certificate.

An institution may be granted consecutive certificates of authority to grant degrees for up to eight years. Absent sufficient cause, at the end of the eight years, the institution must have earned accreditation by an accrediting agency recognized by the Coordinating Board. Each application for renewal of a Certificate of Authority will be evaluated in the same manner as the initial application for the Certificate of Authority. In addition, the evaluation will include 1) the institution's record of improvement and 2) the institution's progress toward accreditation.

Once the institution has achieved accreditation by a recognized accrediting agency or has received approval from a Texas state licensing agency to take that agency's licensing examination, the institution will then be required to apply for and obtain a Certificate of Authorization. The Certificate of Authorization exempts the institution from the Coordinating Board's oversight. This exemption from the Coordinating Board's oversight applies 1) to the degree level for which the programs or the institution is accredited or approved and 2) as long as the institution maintains its accreditation by a recognized accrediting agency or approval by a state licensing agency.

Note: Although all institutions operating under a Certificate of Authorization are exempt from most of the rules in Chapter 7, it is required that they comply with sections 7.11 (Change of Ownership and Other Substantive Changes), 7.12 (Review and Use of Degrees from Institutions Not Eligible for Certificates of Authority), and 7.13 (Data Reporting) of Board rules.