General Overview of the Regulation of Degree Granting in Texas for Private Colleges not yet Accredited, Career Schools and Colleges, and Out-of-State Private and Public Colleges and Universities

The information outlined in this summary is 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).

Organizations Interested in Offering Courses Not Leading to Degrees

To protect students and the public interest in education and training, Texas state law provides for the regulation of postsecondary course offerings in Texas, and for the certification and regulation of career schools. Any for-profit or non-profit organization that offers or maintains a course or courses of instruction or study in Texas may be subject to the Career School Law. The Texas Workforce Commission (TWC) is responsible for administering this law (see Texas Education Code, Chapter 132). To facilitate its responsibilities, TWC has created certain rules pertaining to career schools operating in Texas (see TWC Rules and Regulations, Chapter 807).

Before maintaining, advertising, soliciting for, or conducting any course of instruction in Texas, an organization 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. It is important that an organization not assume an exemption. TWC is responsible for determining operations that comply with the law’s exemption provisions. Further, TWC has the legal authority to impose penalties or sanctions for violations of the Career School Law or TWC’s rules pertaining to this law.

Career Schools (In- and Out-of-State) Interested in Offering Courses Leading to Applied Associate Degrees or Using Certain Academic Terms in Texas

In addition to the certification and regulation of career schools addressed in Section I above, it is also the policy and purpose of the State of Texas to prevent deception of the public resulting from the conferring and use of fraudulent or substandard degrees. Any private institution that wishes to operate in Texas with the authority to grant degrees or credits toward degrees, advertise degrees or credits towards degrees, or use certain academic terminology in naming or designating an educational institution (e.g., use the term "college," "university," "law school," etc.) is subject to regulation under the Texas Education Code, Chapter 61, Subchapter G.

The Texas Higher Education Coordinating Board (Coordinating Board) is responsible for administering Subchapter G of the Education Code. Additionally, under Section 132.063 of the Career School Law (Texas Education Code, Chapter 132), the Coordinating Board is authorized to approve programs of study leading to degrees offered by career institutions. To facilitate its responsibilities under both Subchapter G and Section 132.063, the Coordinating Board has created certain rules and standards to assure the quality and integrity of applied associate degree programs offered by career schools (see Coordinating Board Rules and Regulations, Chapter 12).

Chapter 12 specifically pertains to those career institutions covered by the Career School Law that seek to grant applied associate degrees in Texas (i.e., Associate of Applied Science and Associate of Applied Arts degrees only). A private institution that seeks authority to offer academic associate, baccalaureate, or higher degrees should refer instead to Coordinating Board Rules and Regulations, Chapter 7. (Please see Section III of this summary for further information about seeking academic degree-granting authority.)

3 The term “applied” in an associate degree name indicates a program in which the content is primarily technical.

4 An institution that has requested and been granted an exemption from the Career School Law by the Texas Workforce Commission may not operate under the provisions of the Coordinating Board’s Chapter 12. Rather, upon becoming exempt, such an institution must immediately: (1) apply for a certificate of authority to operate as a private postsecondary educational institution according to the procedures outlined in Section III of this summary; or (2) cease granting degrees and relinquish degree-granting authorization.
Under Chapter 12, a career school must make application to the Coordinating Board for a certificate of authorization to grant Associate of Applied Science and Associate of Applied Arts degrees. The Coordinating Board’s Guidelines for Instructional Programs in Workforce Education specifies all the information, documentation, and material required for such an application. This guideline’s specific on-line location and contact information for the Community and Technical Colleges Division of the Coordinating Board can be found in the Appendix.

Private Institutions (In- and Out-of-State) Interested in Offering Courses Leading to Degrees in Texas or Using Certain Academic Terms in Texas

To protect students and the public interest in higher education, it is the policy and purpose of the State of Texas to prevent deception of the public resulting from the conferring and use of fraudulent or substandard college and university degrees. Any private institution that wishes to operate as an institution of higher education in Texas with the authority to grant degrees or credits toward degrees, advertise degrees or credits towards degrees, or use certain academic terminology in naming or designating an educational institution (e.g., use the term “college,” “university,” “law school,” etc.) is subject to regulation under the Texas Education Code, Chapter 61, Subchapter G.

The Texas Higher Education Coordinating Board (Coordinating Board) is responsible for administering Subchapter G of the Education Code. To facilitate its responsibilities, the Coordinating Board has created certain rules for private degree-granting institutions operating in Texas (see Coordinating Board Rules and Regulations, Chapter 7). In general, Chapter 7 pertains to private postsecondary institutions wishing to grant degrees in Texas (e.g., Associate in Arts/Science, Bachelor of Arts/Science, etc.). An institution covered by the Career School Law that seeks authority to offer applied associate degrees should refer instead to Coordinating Board Rules and Regulations, Chapter 12. (Please see Section II of this summary for further information about seeking applied associate degree-granting authority.)

Under Subchapter G of the Texas Education Code, in order to operate as an institution of higher education with the authorities specified in the first paragraph of this section, a private institution must have a certificate of authority from the Coordinating Board or meet at least one of the exemptions in the law. The exemptions are as follows:

1. institutional accreditation to offer degrees at a specific level by an accrediting agency recognized by the Coordinating Board; or
2. regulation of an institution or degree program by a Texas state agency with authority to allow the institution’s graduates to take a professional or vocational state licensing examination administered by that agency.

Certificates of authority for institutions that are "non-exempt" (those covered under Chapter 61, Subchapter G of the Texas Education Code), are valid for two years. An institution may be granted consecutive certificates of authority to grant degrees for no longer than eight years. Absent sufficient cause, at the end of the eight years, the institution must have earned an exemption from Subchapter G through accreditation by an accrediting agency recognized by the Coordinating Board, or through approval by a state licensing agency as noted above.

Representatives of non-exempt institutions who need additional information on obtaining a certificate of authority can refer to Procedure A below.

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5Chapter 7 also pertains to: 1) any institution that seeks authority to grant applied associate degrees but that has requested and has been granted an exemption from the Career School Law by the Texas Workforce Commission; and 2) any out-of-state public degree-granting institutions operating in Texas.

6A listing of Board-recognized accrediting agencies is available in the Appendix.
Institutions that are “exempt” (those not covered under Chapter 61, Subchapter G of the Texas Education Code) are not required to have a certificate of authority from the Coordinating Board. However, in general, exempt institutions still must obtain approval from the Coordinating Board before operating branch campuses, extension centers, or other off-campus units in Texas.

Representatives of exempt institutions who need additional information on obtaining approval for operating an off-campus unit in Texas can refer to Procedure B below.

**Procedure A -- For Private Non-Exempt Institutions (Those Covered Under Texas Education Code, Chapter 61, Subchapter G)**

The Coordinating Board’s summary of procedures for obtaining a certificate of authority is available online and is entitled *Summary of Procedures for Non-Exempt Private and Out-of-State Public Institutions to Apply for Degree-Granting Authority in the State of Texas*. The summary’s specific on-line location and contact information for the Universities and Health-Related Institutions Division of the Coordinating Board can be found in the Appendix.

Specifically, these procedures apply to schools that either:

1. are not accredited by Board-recognized accrediting agencies;
2. have been accredited by Board-recognized accrediting agencies for less than 10 years but that are not yet accredited to offer degrees at the specific level desired (for example, schools accredited to offer baccalaureate degrees but not masters degrees); or
3. are not 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.

**Procedure B -- For Private Exempt Institutions (Those Not Covered Under Texas Education Code, Chapter 61, Subchapter G) That Wish to Operate Branch Campuses, Extension Centers, or Other Off-Campus Units in Texas**

The Coordinating Board’s summary of procedures for applying to operate an off-campus unit in Texas is available on-line and is entitled *Summary of Procedures for Otherwise Exempt Private and Out-of-State Public Institutions to Establish Branch Campuses or Extension Centers in the State of Texas*. The summary’s specific on-line location and contact information for the Division of Academic Affairs and Research of the Coordinating Board can be found in the Appendix.

In general, these procedures apply to schools that wish to operate off-campus units and that are accredited to offer degrees at a specific level by Board-recognized accrediting agencies.

**Out-of-State Public Postsecondary Institutions Interested in Offering Courses of Instruction Leading to Degrees in Texas or Using Certain Academic Terms in Texas**

Any public out-of-state institution interested in granting degrees, or offering courses of instruction leading to degrees in Texas, is subject to regulation under the Texas Education Code, Chapter 61, Subchapter H.

The Texas Higher Education Coordinating Board (Coordinating Board) is responsible for administering Subchapter H of the Education Code. To facilitate its responsibilities, the Coordinating Board has created

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7 An institution that has been accredited by a Board-recognized accrediting agency for at least 10 years may submit a letter to the Commissioner of Higher Education outlining the degrees to be offered at the higher level. The Commissioner may grant state authorization for such an institution to seek accreditation at the higher level with the recognized accrediting agency.

8 A private, non-profit institution headquartered in Texas that is accredited either by the Southern Association of Colleges and Schools (SACS) or the Liaison Committee on Medical Education (LCME) may operate a branch campus, extension center, or other off-campus unit with SACS or LCME approval. Branch campus operations for such institutions do not require approval by the Coordinating Board.
certain rules pertaining to out-of-state public degree-granting institutions operating in Texas (see Coordinating Board Rules and Regulations, Chapter 7, Section 7.10 (c)).

Under Coordinating Board rules, public out-of-state institutions must meet the same standards for operation as private institutions. Therefore, any public out-of-state institution that wishes to operate in Texas with the authority to 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.) must have a certificate of authority from the Coordinating Board or be exempt from this requirement. An “exempt” out-of-state public institution is one that is accredited to offer degrees at a specific level by an accrediting agency recognized by the Coordinating Board.9

Representatives of non-exempt institutions who need additional information on obtaining a certificate of authority can refer to Procedure A under Section III of this summary.

Public out-of-state institutions that have achieved institutional accreditation by a Board-recognized accrediting agency are not required to have a certificate of authority from the Coordinating Board. However, such institutions still must obtain approval from the Coordinating Board before operating branch campuses, extension centers, or other off-campus units in Texas.

Representatives of exempt institutions who need additional information on obtaining approval for operating off-campus units in Texas can refer to Procedure B of this summary.

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9A listing of Board-recognized accrediting agencies is available in Sources of Additional Information.