June 7, 2011

Amberton University
Dr. Melinda Reagan
President
1700 Eastgate Drive
Garland, TX 75041

Dear Dr. Reagan:

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

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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
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ethica misconduct can be made to the Office of the Attorney
General, charitable trust division; 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,
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1 and that therefore the State of Texas has met the conditions of 34
2 C.F.R. Section 600.9; and, be it further
3 RESOLVED, That the Texas secretary of state forward official
4 copies of this resolution to the secretary of education, to the
5 president of each college and university named, to the president of
6 the Senate and the speaker of the House of Representatives of the
7 United States Congress, and to all the members of the Texas
8 delegation to Congress with the request that this resolution be
9 entered in the Congressional Record as a memorial to the Congress of
10 the United States of America.
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President of the Senate

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.

Speaker of the House

Chief Clerk of the House
H.J.R. No. 130

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.

[Signature]
Secretary of the Senate

APPROVED: 17 JUN '11  
Date

[Rick Perry]  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
[Signature]  
JUN 17 2011  
Secretary of State
The Honorable Melinda Reagan
Amberton University
1700 Eastgate Drive
Garland, TX 75041

Dear President Reagan:

Enclosed is an official copy of House Concurrent Resolution 129, as passed by the 82nd Legislature, Regular Session, 2011, of the State of Texas. In this resolution, the 82nd Legislature of the State of Texas is notifying the United States Department of Education that the career schools or colleges that are established and authorized to operate as an educational institution by the State of Texas by actions issued by an appropriate state agency, including the Texas Workforce Commission or the Texas Higher Education Coordinating Board, are legally authorized by 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.

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,

[Signature]
Hope Andrade
Secretary of State

HA:js
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WHEREAS, On October 29, 2010, the United States Department of
an effort to strengthen federal student aid programs at
postsecondary institutions, and 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 a postsecondary institution "is established by name as
an educational institution by a State through a charter, statute,
constitutional provision, or other action issued by an appropriate
State agency or State entity and is authorized to operate
educational programs beyond secondary education, including
programs leading to a degree or certificate"; and

WHEREAS, Texas law authorizes career schools or colleges to
operate educational programs beyond secondary education, including
programs leading to a degree or certificate; and

WHEREAS, Section 61.003, 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 and
private career schools or colleges differently; and

WHEREAS, Rather than naming them, Section 132.001, Education
Code, defines "career school or college" as "any business

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enterprise operated for a profit or on a nonprofit basis that
maintains a place of business within this state or solicits
business within this state, that is not specifically exempted by
this chapter, and (A) that offers or maintains a course or courses
of instruction or study; or (B) at which place of business such a
course or courses of instruction or study are available through
classroom instruction or by distance education, or both, to a
person for the purpose of training or preparing the person for a
field of endeavor in a business, trade, technical, or industrial
occupation, or for a vocational or personal improvement"; and

WHEREAS, Each career school or college is established by name
as an educational institution by the State of Texas by actions
issued by an appropriate state agency, including the Texas
Workforce Commission or the Texas Higher Education Coordinating
Board, and is legally authorized by the State of Texas to operate
educational programs beyond secondary education, including
programs leading to a degree or certificate; and

WHEREAS, The state has a process to review and appropriately
act on complaints concerning a career school or college, including
enforcing applicable state laws; and

WHEREAS, Career schools or colleges comply with applicable
state approval or licensure requirements and are established by the
state on the basis of an authorization to conduct business in the
state; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas
hereby notify the United States Department of Education that the
career schools or colleges that are established and authorized to
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operate by name as an educational institution by the State of Texas
by actions issued by an appropriate state agency, including the
Texas Workforce Commission or the Texas Higher Education
Coordinating Board, are legally authorized by 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 career school or college 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.

Patrick
Torres
Legler
H.C.R. No. 129

President of the Senate

I certify that H.C.R. No. 129 was adopted by the House on May 18, 2011, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.C.R. No. 129 was adopted by the Senate on May 25, 2011, by a viva-voce vote.

Secretary of the Senate

APPROVED: 17 July 2011

Date

Governor

[Signature]

[Signature]
TEXAS HIGHER EDUCATION COORDINATING BOARD

CERTIFICATE OF AUTHORIZATION
TO GRANT DEGREES

the State of Texas

Issued to

Amber University.

having qualified for exemptions as set forth in the Rules of the Texas Higher Education Coordinating Board, pursuant to Subchapter G, Chapter 61, Title 3, Texas Education Code, is authorized to conduct courses and grant degrees in Texas. This certificate remains in effect and the institution continues in exempt status so long as it maintains accreditation standards acceptable to the Coordinating Board and as long as it makes no substantive change that exceeds the basis on which it is exempt.

Issued and effective this 7th day of September, 1994.

Commissioner of Higher Education