

By: Senator B. Sample

## SENATE RESOLUTION

TO SUPPORT THE AUTHORIZATION OF CERTAIN STATE AGENCIES AND INSTITUTIONS TO PROVIDE POSTSECONDARY EDUCATION AND COMPLAINT PROCEDURES PURSUANT TO 34 C.F.R. SECTION 600.9 AND 600.9(A)(1)(i) AND (ii).

### Subtitle

TO SUPPORT THE AUTHORIZATION OF CERTAIN STATE AGENCIES AND INSTITUTIONS TO PROVIDE POSTSECONDARY EDUCATION AND COMPLAINT PROCEDURES PURSUANT TO 34 C.F.R. SECTION 600.9 AND 600.9(A)(1)(i) AND (ii).

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, 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 either established:

(1) Under 34 C.F.R. 600.9(a)(1)(i) 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; or



(2) Under 34 C.F.R. 600.9(a)(1)(ii) by a state on the basis of an authorization to conduct business in the state or to operate as a nonprofit charitable organization; and

WHEREAS, specifically, 34 C.F.R. Section 600.9(a)(1)(ii) further stipulates that postsecondary institutions authorized to conduct business must be approved or licensed, by name, by the state to offer programs beyond secondary education, including programs leading to a degree or certificate; and

WHEREAS, the State of Arkansas wishes through this resolution and legislative enactment to authorize certain agencies, boards, institutions, career schools, and colleges including the Arkansas State Board of Massage Therapy, the State Board of Barber Examiners, the Cosmetology Technical Advisory Committee, the Department of Career Education, the State Board of Private Career Education, and the Arkansas Higher Education Coordinating Board to operate educational programs beyond secondary education, including programs leading to a degree, diploma, or certificate, in accordance with 34 C.F.R. Section 600.9(a)(1)(i) and (ii); and

WHEREAS, each of the state agencies, boards, institutions, career schools, and colleges named in the preceding paragraph is legally authorized, or is taking steps to be legally authorized, by the State of Arkansas to coordinate or approve the operation of educational programs beyond secondary education, including programs leading to a degree, diploma, or certificate; and

WHEREAS, the state has a process to review and appropriately act on complaints concerning the state agencies, boards, institutions, career schools, and colleges, 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 BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

THAT the Senate supports the authorization of certain state agencies, boards, institutions, career schools, and colleges to provide postsecondary education and complaint procedures pursuant to 34 C.F.R. Section 600.9(a)(1)(i) and (ii), including the Arkansas State Board of Massage Therapy, the State Board of Barber Examiners, the Cosmetology Technical Advisory Committee, the Department of Career Education, the State Board of Private Career Education, and the Arkansas Higher Education Coordinating Board.