

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

SR 32

4  
5 By: Senator B. Sample  
6

7 **SENATE RESOLUTION**

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

15 TO SUPPORT THE AUTHORIZATION OF CERTAIN  
16 STATE AGENCIES AND INSTITUTIONS TO  
17 PROVIDE POSTSECONDARY EDUCATION AND  
18 COMPLAINT PROCEDURES PURSUANT TO 34  
19 C.F.R. SECTION 600.9 AND 600.9(A)(1)(i)  
20 AND (ii).  
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23 WHEREAS, on October 29, 2010, the United States Department of Education  
24 released Final Regulations on Program Integrity Issues in an effort to  
25 strengthen federal student aid programs at postsecondary institutions, and  
26 one provision seeks to clarify the minimum a state must do to authorize a  
27 postsecondary institution so that the institution is able to participate in  
28 federal student aid and other federal funding programs; and  
29

30 WHEREAS, specifically, 34 C.F.R. Section 600.9 was amended to require  
31 that a postsecondary institution is either established:

32 (1) Under 34 C.F.R. 600.9(a)(1)(i) by name as an educational  
33 institution by a state through a charter, statute, constitutional provision,  
34 or other action issued by an appropriate state agency, or state entity and is  
35 authorized to operate educational programs beyond secondary education,  
36 including programs leading to a degree or certificate; or



1           (2) Under 34 C.F.R. 600.9(a)(1)(ii) by a state on the basis of  
2 an authorization to conduct business in the state or to operate as a  
3 nonprofit charitable organization; and  
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5           WHEREAS, specifically, 34 C.F.R. Section 600.9(a)(1)(ii) further  
6 stipulates that postsecondary institutions authorized to conduct business  
7 must be approved or licensed, by name, by the state to offer programs beyond  
8 secondary education, including programs leading to a degree or certificate;  
9 and  
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11           WHEREAS, the State of Arkansas wishes through this resolution and  
12 legislative enactment to authorize certain agencies, boards, institutions,  
13 career schools, and colleges including the Arkansas State Board of Massage  
14 Therapy, the State Board of Barber Examiners, the Cosmetology Technical  
15 Advisory Committee, the Department of Career Education, the State Board of  
16 Private Career Education, and the Arkansas Higher Education Coordinating  
17 Board to operate educational programs beyond secondary education, including  
18 programs leading to a degree, diploma, or certificate, in accordance with 34  
19 C.F.R. Section 600.9(a)(1)(i) and (ii); and  
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21           WHEREAS, each of the state agencies, boards, institutions, career  
22 schools, and colleges named in the preceding paragraph is legally authorized,  
23 or is taking steps to be legally authorized, by the State of Arkansas to  
24 coordinate or approve the operation of educational programs beyond secondary  
25 education, including programs leading to a degree, diploma, or certificate;  
26 and  
27

28           WHEREAS, the state has a process to review and appropriately act on  
29 complaints concerning the state agencies, boards, institutions, career  
30 schools, and colleges, including enforcing applicable state laws; and  
31

32           WHEREAS, career schools or colleges comply with applicable state  
33 approval or licensure requirements and are established by the state on the  
34 basis of an authorization to conduct business in the state,  
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36 NOW THEREFORE,

1 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE  
2 STATE OF ARKANSAS:

3  
4 THAT the Senate supports the authorization of certain state agencies,  
5 boards, institutions, career schools, and colleges to provide postsecondary  
6 education and complaint procedures pursuant to 34 C.F.R. Section  
7 600.9(a)(1)(i) and (ii), including the Arkansas State Board of Massage  
8 Therapy, the State Board of Barber Examiners, the Cosmetology Technical  
9 Advisory Committee, the Department of Career Education, the State Board of  
10 Private Career Education, and the Arkansas Higher Education Coordinating  
11 Board.