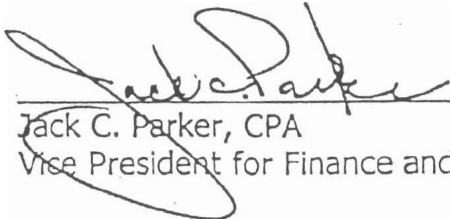


**SAM HOUSTON STATE UNIVERSITY  
HUNTSVILLE, TEXAS 77341**

Please be advised that the attached Internal Revenue Service exemption letter is in full force and no change has occurred in the exempt status, purpose, character, or method of operation of Sam Houston State University subsequent to the issuance of the IRS ruling stated in the letter

October 24, 2001  
Date

  
\_\_\_\_\_  
Jack C. Parker, CPA  
Vice President for Finance and Operations

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Person to Contact:

Robert Kolbe or Nelson Odoms  
Telephone Number:

(202) 566-3951

Refer Reply to:

E:EO:R:1-1

Date:

JUL 13 1989

▷  
Sam Houston State University  
Office of the Vice President  
for Finance  
Huntsville, TX 77341

Employer Identification Number: 74-6001430  
Key District: Dallas

Legend:

A = Texas

B = Huntsville

Dear Sir or Madam:

This responds to your request for rulings concerning your federal tax status, contained in your letter of May 3, 1989.

FACTS

You are a university created by the A State Legislature. You are not recognized as exempt under section 501(c)(3) of the Internal Revenue Code.

Your organization, control, and management are vested in the state Board of Regents, State Senior Colleges. You maintain a campus in B, A. You are a coeducational institution of higher education, and conduct all the normal activities of such an institution.

You have requested the following rulings:

1. You are an organization described in section 170(b)(1)(A)(ii) of the Code.
2. You are not a private foundation as defined in section 509 of the Code.

Sam Houston State University

3. You are not required to file annual information returns on Form 990.

APPLICABLE LAW

Section 501(a) of the Internal Revenue Code exempts from federal income tax organizations described in section 501(c) or (d) or section 401(a) of the Code.

Section 501(c)(3) of the Code describes organizations, exempt from tax under section 501(a), which are organized and operated exclusively for charitable, educational, and other purposes.

Section 509(a) of the Code defines "private foundation" to mean an organization described in section 501(c)(3), of the Code, other than an organization described in section 509(a)(1), (2), (3), or (4).

Section 509(a)(1) of the Code says that an organization described in section 170(b)(1)(A) (other than in clauses (vii) and (viii)) is not a private foundation.

Section 170(b)(1)(A)(ii) of the Code describes organizations, which are not private foundations under section 509(a)(1), that are educational institutions that normally maintain a regular faculty and curriculum and normally have a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

Section 1.170A-9(b)(1) of the Income Tax Regulations further delineates what organizations are described in section 170(b)(1)(A)(ii) of the Code. The regulation says an educational organization is described in that section if its primary function is presenting formal instruction and it normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term includes primary, secondary, preparatory, or high schools, and colleges and universities. It includes public-supported schools otherwise within the definition. It does not include organizations engaged in both educational and non-educational activities unless the latter are incidental to the former activities.

Section 6033 of the Code, and section 1.6033-1 of the regulations, contain the annual return requirements for

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organizations exempt under section 501(a). The return required for most exempt organizations is Form 990.

#### RATIONALE

Section 509(a) of the Code defines private foundations as all organizations described in section 501(c)(3), with certain exceptions, the classification "private foundation" is relevant only in relationship to 501(c)(3) organizations. Since you are not a 501(c)(3) organization, you are neither a private foundation nor "other than a private foundation." For the same reason, you are not required to file returns required of organizations exempt under section 501(a) of the Code.

The classifications in section 170(b)(1)(A) of the Code, however, have relevance beyond describing organizations that are not private foundations. Because you meet all requirements under section 170(b)(1)(A)(ii) of the Code and section 1.170A-9(b)(1) of the regulations, you are an educational institution described in that section.

#### RULINGS

Accordingly, we rule as follows:

1. You are an organization described in section 170(b)(1)(A)(ii) of the Code.
2. You are not a private foundation as defined in section 509 of the Code. However, as indicated above, this category has no relevance to your organization.
3. You are not required to file annual information returns on Form 990.

This ruling is directed only to the organization that requested it. Section 6110(j)(3) of the Code provides that it may not be used or cited as precedent.

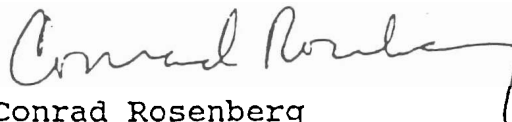
Because this letter could help resolve any future questions about your federal tax status, please keep a copy of this ruling in your permanent records.

As we have previously indicated to you, we have forwarded your other ruling requests to the appropriate offices for their separate responses.

Sam Houston State University

We are informing your key District Director of this ruling.

Sincerely yours,

A handwritten signature in cursive script that reads "Conrad Rosenberg". The signature is written in black ink on a light-colored background.

Conrad Rosenberg  
Chief, Exempt Organizations  
Rulings Branch 1