

SUBJECT: Revised tuition exemption for children of firefighters and peace officers

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 9 ayes — Rangel, F. Brown, Farabee, Goolsby, J. Jones, Morrison, E. Reyna, Uher, West
0 nays

WITNESSES: For — Lisa Chick, Stephanie Hires Duplantis, Metroplex Concerns of Police Survivors
Against — None

BACKGROUND: Education Code, sec. 54.204 requires public institutions of higher education to exempt from tuition and fees the children of firefighters and peace officers who die or are disabled in the line of duty. Students are entitled to these exemption so long as they apply for them before becoming 21 years old, meet all the entrance requirements of the institution, and remain in good academic standing. Qualified students lose their right to an exemption after eight consecutive semesters, not including summer semesters, beginning with the first semester for which they register.

Education Code, sec. 29.003 sets forth the eligibility criteria for students with disabilities to participate in a school district's special-education program. These students generally are less than 21 years old and have visual or auditory impairments, physical disability, mental retardation, emotional disturbance, autism, learning or speech disability, or traumatic brain injury.

DIGEST: CSHB 459 would amend the Education Code by altering the time line for the children of deceased or disabled firefighters or peace officers to receive tuition and fee exemptions from public institutions of higher education. It would allow such students to receive exemptions for the first 120 undergraduate semester credit hours and would cut off exemptions for any term or semester begun after the student reached age 26.

The bill also would extend by one year the deadline by which a student who is eligible to participate in a school district's special-education program must apply for tuition and fee exemptions. These students could apply before they became 22 years old, rather than 21 as in current law.

CSHB 459 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001. The changes would apply only to people applying for exemptions on or after the effective date.

**SUPPORTERS
SAY:**

CSHB 459 would allow the state to take a more active role in helping the children of deceased or disabled firefighters or peace officers financially and emotionally by helping them to make their academic dreams a reality. The proposed changes would give these students greater flexibility to benefit from tuition and fee exemptions and pursue their goals in higher education.

These students have suffered tremendous loss and trauma and often must contend with long-term emotional consequences, such as concentration problems and depression, that may affect their course of study. Also, as a result of their parent's death or disability, many of these students must assume additional responsibilities, such as taking on part-time jobs to earn money for their families or taking time off from their studies to spend more time with their families. As a result, many students who now benefit from exemptions face the difficult choice of fulfilling their family obligations or completing their studies within eight consecutive semesters. CSHB 459 would give these students greater flexibility in pursuing their academic goals while also meeting their personal obligations.

CSHB 459 would allow these students to take reduced course loads or take a semester off from their studies without losing the exemption. However, it would set an absolute timetable for these students to complete their studies by cutting off exemptions after the student reached age 26.

CSHB 459 would not result in a significant expense to the state or local governments or to higher education institutions. About 20 to 30 new students each year receive these exemptions at public higher education institutions throughout the state, so any financial impact of the proposed changes would not be concentrated in one institution. Also, any costs associated with these

changes should be weighed against the tremendous benefits accruing to a relatively small group of students who have suffered great losses and whose parents have made the ultimate sacrifice for the public.

Finally, CSHB 459 would result in a more inclusive program in the spirit of the federal Americans with Disabilities Act. It would allow special-education students who may not be able to complete their high school program until after they turn 21 to benefit from tuition and fee exemptions as long as they applied for the exemptions before turning 22.

**OPPONENTS
SAY:**

CSHB 459 and other proposals to exempt certain groups either wholly or in part from tuition requirements would result in a loss of operating revenue to institutions of higher education, which eventually would have to make up these losses from other students attending the institutions. The Legislature should exercise caution in granting these exemptions to hold down financial pressure on higher education institutions and to maintain the quality of education that Texas students receive.

Also, by eliminating the requirement that students complete their studies within eight consecutive semesters, CSHB 459 would result in some students taking a significantly longer time to graduate. This would increase the strain on higher education institutions that already are struggling to keep up with the dramatic increases in enrollment.

NOTES:

The committee substitute changed the original bill by replacing the term “fireman” with “firefighter.”