

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 1403  
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Education  
5/9/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Although federal courts have ruled that a child's origin or immigration status should not prevent access to primary and secondary schools, federal immigration status may prevent some children born outside of the United States from obtaining a college education at a public institution because of higher tuition rates charged to nonresidents. Because of federal immigration status, many children born outside of the United States who graduate from Texas high schools are required under current state law to pay tuition at a Texas public college or university at the higher rate charged to out of state or international students. C.S.H.B. 1403 removes federal immigration status as a factor for determining eligibility to pay in state tuition at Texas public colleges and universities for a student who graduates from a Texas high school or has attended school and received a GED, and who meets the minimum residency, academic, and registration criteria.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 54.051(m), Education Code, to provide that unless the student establishes residency as provided by Section 54.052(j) or 54.057, tuition for a student who is a citizen of any country other than the United States of America is the same as the tuition required of other nonresident students. Makes conforming changes.

SECTION 2. Amends Section 54.052, Education Code, by adding Subsection (j), to require an individual, notwithstanding any other provision of this subchapter, to be classified as a Texas resident until the individual establishes a residence outside this state if the individual resided with the individual's parent, guardian, or conservator while attending a public or private high school in this state and meets certain other conditions.

SECTION 3. Amends Chapter 54B, Education Code, by adding Section 54.0551, as follows:

Sec. 54.0551. CHANGE OF RESIDENCE; ONE PARENT REMAINING IN STATE.  
Provides that an individual who is 18 years of age or under or is a dependent and who, along with the individual's parents, was formerly a resident of this state is entitled to pay tuition at the rate provided for Texas residents if certain conditions are met.

SECTION 4. Amends Section 54.057(a), Education Code, to provide that an alien who is living in this country under a visa permitting permanent residence or who has applied to or has a petition with the Immigration and Naturalization Service to attain lawful status under federal immigration law has the same privilege of qualifying for resident status for tuition and fee purposes under this subchapter as has a citizen of the United State. Deletes text regarding federal immigration authorities. Makes a conforming change.

SECTION 5. Amends Section 54.060(b), Education Code, to provide that the foreign student tuition fee does not apply under certain criteria. Makes nonsubstantive changes.

SECTION 6. Provides that Sections 1 through 5 of this Act apply only to tuition for a term or semester that begins on or after the effective date of this Act.

SECTION 7. Effective date: upon passage or September 1, 2001.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 2. Amends As Filed H.B. 1403 by amending proposed Section 54.052, Education Code.

SECTION 5. Amends proposed Section 54.060, Education Code by striking previously proposed Subsections (g) and (h) and replacing with amended Subsection (b)