

BILL ANALYSIS

Senate Research Center
82R1663 JRJ-D

S.B. 32
By: Zaffirini
Higher Education
4/19/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill would consolidate all tuition exemptions and waivers into one chapter of the Texas Education Code.

As proposed, S.B. 32 amends current law relating to the consolidation of related higher education programs governing tuition, fee exemptions, and waivers respective to specific target populations.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board (THECB) in SECTION 1 (Section 54.203, Education Code) of this bill.

Rulemaking authority previously granted to THECB is modified in SECTION 1 (Section 54.231, Education Code) of this bill.

Rulemaking authority previously granted to THECB is rescinded in SECTION 1 (Sections 54.341, 54.355, 54.356, and 54.363, Education Code) and SECTION 19 (Section 54.208, Education Code) of this bill.

Rulemaking authority is expressly granted to THECB in SECTION 19 (Sections 54.353 and 54.3531, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Transfers Sections 54.059, 54.063, 54.064, 54.065, 54.066, 54.073, 54.060, 54.074, 54.058, 54.069, and 54.013, Education Code, to Subchapter D, Chapter 54, Education Code, redesignates them as Sections 54.211, 54.212, 54.213, 54.214, 54.222, 54.223, 54.231, 54.232, 54.241, 54.251, and 54.263, Education Code, respectively, and amends them; redesignates Sections 54.201, 54.207, 54.219, 54.209, 54.215, 54.2155, 54.204, 54.2041, 54.221, 54.222, 54.212, 54.213, 54.214, 54.205, 54.210, 54.2111, and 54.224, Education Code, as Sections 54.301, 54.331, 54.342, 54.343, 54.344, 54.345, 54.351, 54.352, 54.355, 54.356, 54.361, 54.362, 54.363, 54.364, 54.365, 54.367, and 54.368, Education Code, respectively, and amends them; reenacts Section 54.203, Education Code, as amended by Chapters 1340 (S.B. 93) and 1369 (S.B. 847), Acts of the 81st Legislature, Regular Session, 2009, redesignates it as Section 54.341, Education Code, and amends it; reenacts Section 54.211, Education Code, as amended by Chapters 45 (S.B. 43) and 1372 (S.B. 939), Acts of the 81st Legislature, Regular Session, 2009, redesignates it as Section 54.366, Education Code, and amends it; transfers Section 615.0225, Government Code, to Subchapter D, Chapter 54, Education Code, redesignates it as Section 54.354, Education Code, and amends it; and amends Subchapter D, Chapter 54, Education Code, by amending the subchapter heading, amending Sections 54.216, 54.217, and 54.218, and adding Sections 54.201, 54.202, 54.203, 54.204, 54.221, 54.233, 54.261, and 54.262, as follows:

SUBCHAPTER D. WAIVERS, EXEMPTIONS, AND OTHER TUITION AND FEE BENEFITS

Sec. 54.201. DEFINITIONS. Defines, in this subchapter, "coordinating board," "dependent," "nonresident tuition," "parent," "public upper-level institution of higher education," "resident," "resident tuition," "resident fees," "tuition and fees," "general academic teaching institution," "institution of higher education," "private or independent institution of higher education," "public junior college," "public senior college or university," "public state college," and "public technical institute."

Sec. 54.202. GENERAL ELIGIBILITY PROVISIONS; LIMITATIONS ON BENEFITS. (a) Requires a student, unless otherwise provided by this subchapter, to receive a tuition and fee waiver, exemption from tuition and fees, or other benefit under this subchapter, to:

(1) meet all entrance requirements of the institution of higher education from which the student receives the benefit; and

(2) maintain a grade point average (GPA) sufficient to remain in good academic standing at the institution.

(b) Authorizes the Texas Higher Education Coordinating Board (THECB), unless otherwise provided by this subchapter, to impose time limitations or limitations on the number of semesters or other academic terms a person may receive a benefit provided by this subchapter that provide a student a reasonable time to complete a degree while receiving the benefit as THECB considers appropriate to ensure the best use of available funds and resources.

Sec. 54.203. UNIFORM PROCEDURES. (a) Requires THECB to post information regarding all tuition and fee waivers, exemptions, and other benefits provided by this subchapter on the same web page within the agency's Internet website in a manner that is easily accessible to the public.

(b) Requires THECB to adopt rules:

(1) to prescribe a uniform application procedure for determining the eligibility of a person to receive a benefit under this subchapter;

(2) to prescribe procedures governing the granting or denial of a benefit under this subchapter, including procedures relating to the determination of eligibility for a benefit;

(3) to require a person who applies for a benefit under this subchapter to submit a free application for federal student aid (FAFSA) or another standard financial aid application, as determined appropriate by THECB, for the purpose of:

(A) evaluating the efficiency of the financial support provided through the use of benefits under this subchapter; and

(B) if applicable, determining the financial need of a person for the purposes of determining the person's eligibility to receive a benefit under this subchapter; and

(4) as THECB otherwise determines necessary for the administration of this subchapter.

Sec. 54.204. DESIGNATION OF REPRESENTATIVE OR OFFICE OF INSTITUTION. Requires the governing board of each institution of higher education to designate a campus representative or specific campus offices to hold primary responsibility for administering all tuition and fee waivers, exemptions, and other benefits provided for by this chapter.

Sec. 54.211. FACULTY AND DEPENDENTS. Redesignates existing Section 54.059 as Section 54.211. Entitles a teacher or professor of an institution of higher education, and the spouse and children of such a teacher or professor, to register in an institution of higher education by paying resident tuition and fees, rather than the tuition fee and other fees or charges required for Texas residents, without regard to the length of time the teacher or professor has resided in Texas.

Sec. 54.212. TEACHING OR RESEARCH ASSISTANT. Redesignates existing Section 54.063 as Section 54.212. Entitles a teaching assistant or research assistant of any institution of higher education and the spouse and children of such a teaching assistant or research assistant to register in an institution of higher education by paying resident tuition and fees, rather than being entitled to register in a state institution of higher education by paying the tuition fees and other fees or charges required for Texas residents under Section 54.051 (Tuition Rates) of this code, without regard to the length of time the assistant has resided in Texas, if the assistant is employed at least one-half time in a teaching or research assistant position which relates to the assistant's degree program under rules and regulations established by the employer institution.

Sec. 54.213. SCHOLARSHIP STUDENT. Redesignates existing Section 54.064 as Section 54.213. (a) Replaces reference to THECB with the "coordinating board."

(b) Prohibits the total number of students at an institution paying resident tuition and fees, rather than resident tuition, under this section for a particular semester from exceeding five percent of the total number of students registered at the institution for the same semester of the preceding academic year.

(c)-(d) Makes conforming changes.

Sec. 54.214. BIOMEDICAL RESEARCH PROGRAM; SCHOLARSHIP STUDENT. Redesignates existing Section 54.065 as Section 54.214. Entitles a student to pay resident tuition and fees, rather than the fees and charges required of Texas residents, without regard to the length of time the student has resided in Texas if the student meets certain conditions.

Sec. 54.216. New heading: STUDENTS ENROLLED IN COURSE FOR CONCURRENT HIGH SCHOOL AND COLLEGE-LEVEL CREDIT; OPTIONAL WAIVER. Makes no further changes to this section.

Sec. 54.217. New heading: STUDENTS ENROLLED IN FULLY FUNDED COURSES; OPTIONAL WAIVER. Makes no further changes to this section.

Sec. 54.218. New heading: DISTANCE LEARNING OR OFF-CAMPUS COURSES; OPTIONAL WAIVER. Makes no further changes to this section.

Sec. 54.221. THE UNIVERSITY OF TEXAS SYSTEM; SCIENCE AND TECHNOLOGY DEVELOPMENT, MANAGEMENT, AND TRANSFER. Authorizes a person employed by an entity with whom The University of Texas System enters into an agreement authorized by Section 65.45 (Science and Technology Development, Management, and Transfer), or the person's spouse or child, to pay resident tuition and fees when enrolled in an institution of The University of Texas System, to the extent provided for in such an agreement.

Sec. 54.222. ECONOMIC DEVELOPMENT AND DIVERSIFICATION. Redesignates existing Section 54.066 as Section 54.222. (a) Entitles a person who registers at an institution of higher education without having established resident status in this state under Section 54.052 (Determination of Resident Status) to pay resident tuition and fees, rather than tuition and required fees at the rate provided for residents of this state, if:

(1) the person or, as determined by coordinating board rule, an adult member of the person's family who resides in the person's household and

is a primary caretaker of the person establishes by the institution's enrollment date a residence in this state as a result of the person's or caretaker's employment by a business or organization that, not earlier than five years before the enrollment date, became established in this state as part of the program of state economic development and diversification authorized by the law of this state; and

(2) the person files with that institution of higher education a letter of intent to establish residency in this state.

(b) Makes a conforming change.

Sec. 54.223. TUITION RATES FOR OLYMPIC ATHLETES. Redesignates existing Section 54.073 as Section 54.223. (a) Entitles a person enrolled in The University of Texas at Brownsville and Texas Southmost College to pay resident tuition and fees, rather than tuition and fees at the rates provided for Texas residents, if the person:

(1) is in residence and in training as a participating athlete in a Community Olympic Development Program or at a United States Olympic training center located in this state;

(2) is residing permanently or temporarily in this state while in training as a participating athlete:

(A) in a Community Olympic Development Program located in this state; or

(B) at a United States Olympic training center located in this state in a program approved by the governing body for the athlete's Olympic sport; or

(3) is residing permanently or temporarily in this state while in training as a participating athlete at a facility in this state approved by the governing body for the athlete's Olympic sport, in a program approved by that body.

(b) Makes no changes to this subsection.

Sec. 54.231. RESIDENT OF BORDERING STATE OR NATION OR PARTICIPANT IN STUDENT EXCHANGE PROGRAM: TUITION. Redesignates existing Section 54.060 as Section 54.231. (a) Provides that the nonresident tuition prescribed by this chapter does not apply to a nonresident student who:

(1) is a resident of Arkansas, Louisiana, New Mexico, or Oklahoma and who registers in a public upper-level institution of higher education, Lamar State College--Orange, Lamar State College--Port Arthur, a public junior college, rather than a Texas public junior college, or a public technical institute that is situated in a county immediately adjacent to the state in which the nonresident student resides; or

(2) is a resident of New Mexico or Oklahoma and who registers in a public technical institute that is situated in a county that is within 100 miles of the state in which the nonresident student resides and who is admitted for the purpose of utilizing available instructional facilities. Makes nonsubstantive changes.

Deletes existing text providing that the nonresident tuition fee prescribed by this chapter does not apply to a nonresident student who is a resident of New Mexico or Oklahoma and who registers in a public technical institute that is situated in a county that is within 100 miles of the state in which the

nonresident student resides and who is admitted for the purpose of utilizing available instructional facilities.

(b) Creates this subsection from existing text. Requires the nonresident student described by Subsection (a), rather than described in this subsection, to pay an amount equivalent to the amount charged a Texas student registered at a similar school in the state in which the nonresident student resides.

(c) Redesignates existing Subsection (b) as Subsection (c). Provides that the foreign student tuition fee prescribed in this chapter does not apply to a foreign student who is a resident of a nation situated adjacent to Texas, demonstrates financial need as provided by Subsection (d), rather than Subsection (c), and registers in lower division courses at a junior college, rather than a community or junior college, having a partnership agreement pursuant to Subchapter N (Partnerships Between Community/Junior Colleges and Other Institutions of Higher Education), Chapter 51 (Provisions Generally Applicable to Higher Education), with an upper-level institution of higher education, rather than an upper-level university, and both institutions are located in the county immediately adjacent to the nation in which the foreign student resides; or Texas A&M University--Kingsville, Texas A&M University--Corpus Christi, or The University of Texas at San Antonio.

Deletes existing text defining "public upper-level institution of higher education." Deletes existing text concerning registering in courses that are part of a graduate degree program in public health and are conducted in a county immediately adjacent to the nation in which a foreign student resides. Makes nonsubstantive changes.

(d) Redesignates existing Subsection (c) as Subsection (d). Requires a foreign student to whom Subsection (c), rather than Subsection (b), applies to pay tuition equal to that charged Texas residents under Section 54.051, rather than under Sections 54.051 and 54.0512. Makes a conforming change.

(e) Redesignates existing Subsection (d) as Subsection (e). Makes no further changes.

(f) Redesignates existing Subsection (e) as Subsection (f). Makes conforming changes.

(g) Redesignates existing Subsection (f) as Subsection (g). Provides that the payment of resident tuition at Lamar State College--Orange, Lamar State College--Port Arthur, or a public technical institute as authorized by Subsection (a) or at an institution of higher education as authorized by Subsection (h), rather than Subsection (g), does not affect the constitutionally dedicated funding to which institutions of higher education are entitled under Section 17 (Colleges and Universities; Appropriations and Funding), Article VII (Education), Texas Constitution. Makes a nonsubstantive change.

(h) Redesignates existing Subsection (g) as Subsection (h). Makes conforming changes.

Deletes existing Subsection (h) defining, in this section, "coordinating board," "general academic teaching institution," and "public technical institute."

Sec. 54.232. NATO AGREEMENT. Redesignates existing Section 54.074 as Section 54.232. Makes no further changes to this section.

Sec. 54.233. ACADEMIC COMMON MARKET. Requires the governing board of an institution of higher education to charge nonresident students participating in the Academic Common Market and enrolled in programs designated under Section 160.07

(Academic Common Market) the same amount charged resident students in such programs.

Sec. 54.241. **MILITARY PERSONNEL AND DEPENDENTS.** Redesignates existing Section 54.058 as Section 54.241. (a) Makes no changes to this subsection.

(b) Entitles a person who is an officer, enlisted person, selectee, or draftee of the Army, Army Reserve, Army National Guard, Air National Guard, Air Force, Air Force Reserve, Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard Reserve of the United States, who is assigned to duty in Texas, and the spouse and children of such an officer, enlisted person, selectee, or draftee, to register in an institution of higher education by paying resident tuition and fees, without regard to the length of time the officer, enlisted person, selectee, or draftee has been assigned to duty or resided in the state, rather than to register in a state institution of higher education by paying the tuition fee and other fees or charges required of Texas residents, without regard to the length of time the officer, enlisted person, selectee, or draftee has been assigned to duty or resided in the state. Provides that it is the intent of the legislature that only those members of the Army or Air National Guard or other reserve forces mentioned above be entitled to pay resident tuition and fees, rather than be exempted from the nonresident tuition fee and other fees and charges, only when they become members of Texas units of the military organizations mentioned above.

(c)-(k) Makes nonsubstantive and conforming changes.

(l) Makes no changes to this subsection.

Sec. 54.251. New heading: **REGISTERED NURSES IN POSTGRADUATE NURSING DEGREE PROGRAMS; OPTIONAL WAIVER.** Redesignates existing Section 54.069 as Section 54.251. Authorizes an institution of higher education to permit a registered nurse authorized to practice professional nursing in Texas to register by paying resident tuition and fees, rather than the tuition fees and other fees or charges required for Texas residents under Section 54.051, without regard to the length of time the registered nurse has resided in Texas, if the registered nurse is enrolled in a program designed to lead to a master's degree or other higher degree in nursing and intends to teach in a program in Texas designed to prepare students for licensure as registered nurses.

Sec. 54.261. **DESIGNATED TUITION; HARDSHIP; OPTIONAL WAIVER.** Authorizes a governing board to waive all or part of the tuition charged to a student under Section 54.0513 (Designated Tuition) if it finds that the payment of such tuition would cause an undue economic hardship on the student.

Sec. 54.262. **STUDENT SERVICES FEES; OPTIONAL WAIVER.** Authorizes the governing board of an institution of higher education (governing board) to waive all or part of any compulsory fee or fees authorized by Section 54.503 (Student Services Fees) in the case of any student for whom the payment of the fee would cause an undue financial hardship, provided the number of the students to whom the waiver is granted for a semester or term does not exceed 10 percent of the institution's total enrollment for that semester or term. Authorizes the governing board to limit accordingly the participation of a student in the activities financed by the fee so waived.

Sec. 54.263. New heading: **STUDENTS 55 YEARS OF AGE OR OLDER; OPTIONAL WAIVER.** Redesignates existing Section 54.013 as Section 54.263. Makes no further changes to this section.

Sec. 54.301. New heading: **HIGHEST RANKING HIGH SCHOOL GRADUATES; OPTIONAL EXEMPTION.** Redesignates existing Section 54.201 as Section 54.301. Makes no further changes to this section.

Sec. 54.331. STUDENTS FROM OTHER NATIONS OF THE AMERICAN HEMISPHERE. Redesignates existing Section 54.207 as Section 54.331. (a) Makes a conforming change.

(b) Requires ten students from each nation, as authorized in Subsection (a)(1) (200 native-born students from the other nations of the American hemisphere), to be exempt as provided in this subsection. Authorizes additional students from the other nations to be exempted, subject to the approval of THECB, rather than THECB and Texas College and University System, and allocation by THECB, in the event any nation fails to have 10 students available and qualified for exemption. Makes nonsubstantive changes.

(c) Makes nonsubstantive changes.

(d) Makes no changes to this subdivision.

(e) Makes a nonsubstantive change.

Sec. 54.341. New heading: VETERANS AND OTHER MILITARY PERSONNEL; DEPENDENTS. Redesignates existing Section 54.203 as Section 54.341. (a) Requires the governing board of each institution of higher education to exempt certain persons from the payment of all tuition and fees, provided the person seeking the exemption has fulfilled certain requirements. Deletes existing text requiring the governing board of each institution of higher education to exempt certain persons from the payment of tuition, dues, fees, and other required charges, including fees for correspondence courses but excluding general deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the person seeking the exemption has fulfilled certain requirements.

(a-1) Makes no changes to this subsection.

(a-2) Makes no changes to this subsection.

(b) Makes no changes to this subsection.

(b-1) Makes no changes to this subsection.

(b-2) Makes conforming changes.

(c) Makes no changes to this subsection.

Deletes existing Subsection (d) requiring the governing board of each institution of higher education granting an exemption under this section to require every applicant claiming the exemption to submit satisfactory evidence that the applicant qualifies for the exemption.

(e) Makes no changes to this subsection.

(e-1) Makes no changes to this subsection.

(f) Makes no changes to this subsection.

(g) Authorizes the governing board of a public junior college district, public state college, or public technical institute to establish a fee for extraordinary costs associated with a specific course or program and to provide that the exemptions provided by this section do not apply to this fee.

(h) Makes a conforming change.

Deletes existing Subsection (i) authorizing THECB to adopt rules to provide for the efficient and uniform application of this section.

(j) Makes no changes to this subsection.

(k)-(l) Makes conforming changes.

(m) Makes no changes to this subsection.

Sec. 54.342. PRISONERS OF WAR. Redesignates existing Section 54.219 as Section 54.342. (a) Creates this subsection from existing Subsection (b). Deletes existing text defining "tuition and required fees" in this section. Makes a conforming change.

(b) Redesignates existing Subsection (c) as Subsection (b). Makes a conforming and a nonsubstantive change.

(c) Redesignates existing Subsection (d) as Subsection (c). Makes a conforming and a nonsubstantive change.

(d) Redesignates existing Subsection (e) as Subsection (d). Makes no further changes.

Sec. 54.343. CHILDREN OF PRISONERS OF WAR OR PERSONS MISSING IN ACTION. Redesignates existing Section 54.209 as Section 54.343. (a) Deletes existing text defining "tuition and fees" in this section. Makes nonsubstantive changes.

(b) Makes no changes to this subsection.

Sec. 54.344. PARTICIPANTS IN MILITARY FUNERALS. Redesignates existing Section 54.215 as Section 54.344. Makes a conforming and a nonsubstantive change.

Sec. 54.345. ASSISTANCE FOR TUITION AND FEES FOR MEMBERS OF STATE MILITARY FORCES. Redesignates existing Section 54.2155 as Section 54.345. (a) Requires the adjutant general of the state military forces, for each semester, to certify to institutions of higher education as described by Section 431.090 (Assistance for Tuition and Fees), Government Code, information identifying the persons to whom the adjutant general has awarded assistance for tuition and fees, rather than for tuition and mandatory fees, under that section.

(b) Requires an institution of higher education to exempt a person certified by the adjutant general as described by Subsection (a) from the payment of tuition and fees for the semester credit hours for which the person enrolls, not to exceed 12 semester credit hours. Prohibits the amount of the exemption from exceeding the amount of resident tuition and fees the person would be charged for the number of semester credit hours for which the person enrolls, not to exceed 12 semester credit hours, if the person is charged nonresident tuition and fees. Makes conforming and nonsubstantive changes.

Deletes existing Subsection (c) requiring an institution of higher education to exempt a person who receives an exemption from tuition under Subsection (b) from the payment of all mandatory fees for any semester in which the person receives the tuition exemption.

Sec. 54.351. CHILDREN OF DISABLED FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS. Redesignates existing Section 54.204 as Section 54.351. (a) Makes no changes to this subsection.

(b) Makes conforming changes. Deletes existing text providing that the exemption from the payment of dues, fees, and charges for any person whose

parent is an eligible firefighter or law enforcement officer does not apply to general property deposits or to fees or charges for lodging, board, or clothing.

(c)-(g) Makes no changes to these subsections.

(h) Makes a nonsubstantive change.

Sec. 54.352. New heading: DISABLED PEACE OFFICERS; OPTIONAL EXEMPTION. Redesignates existing Section 54.2041 as Section 54.352. (a) Makes a conforming and a nonsubstantive change.

(b)-(d) Makes no changes to these subsections.

(e) Deletes existing text requiring a person to apply for an exemption in the manner provided by the governing board of the institution. Deletes existing text requiring the governing board to require an applicant for an exemption to submit satisfactory evidence that the applicant is eligible for the exemption. Redesignates existing text of Subsection (f) as Subsection (e).

(f) Redesignates existing Subsection (g) as Subsection (f). Makes no further changes to this subsection.

(g) Redesignates existing Subsection (h) as Subsection (g). Deletes existing text requiring that a peace officer satisfy any requirement of an institution under the deleted text of Subsection (e) in order to be considered permanently disabled for the purpose of this section.

Sec. 54.354. EDUCATION BENEFITS FOR CERTAIN SURVIVORS. Redesignates existing Section 615.0225, Government Code, as Section 54.354, Education Code. (a) Provides that a person is eligible to receive education benefits under this section if the person is an eligible survivor under Section 615.021 (Eligible Survivors), Government Code; and is a surviving spouse; or a surviving minor child as defined by Section 615.001 (Definition), Government Code. Makes nonsubstantive changes.

(b) Provides that an eligible person who enrolls as a full-time student at an institution of higher education, rather than at an institution as defined by Section 61.003 (Definitions), Education Code, is exempt from tuition and fees at that institution of higher education until the student receives a bachelor's degree or 200 hours of course credit, whichever occurs first.

(c)-(d) Makes no changes to these subsections.

(e) Makes a conforming change.

Sec. 54.355. CHILDREN OF PROFESSIONAL NURSING PROGRAM FACULTY. Redesignates existing Section 54.221 as Section 54.355. (a)-(f) Makes no changes to these subsections.

Deletes existing Subsection (g) requiring THECB to adopt rules governing the granting or denial of an exemption under this section, including rules relating to the determination of eligibility for an exemption and to adopt a uniform application form for an exemption under this section.

Sec. 54.356. PRECEPTORS FOR PROFESSIONAL NURSING EDUCATION PROGRAMS. Redesignates existing Section 54.222 as Section 54.356. (a) Provides that, in this section, "child" and "undergraduate professional nursing program" have the meanings assigned by Section 54.355, rather than Section 54.221.

(b)-(b-1) Makes no changes to these subsections.

(c)-(f) Makes no changes to these subsections.

Deletes existing Subsection (g) requiring THECB to adopt rules governing the granting or denial of an exemption under this section, including rules relating to the determination of eligibility for an exemption, and a uniform application form for an exemption under this section.

Sec. 54.361. ONE-YEAR EXEMPTION FOR CERTAIN TANF STUDENTS. Redesignates existing Section 54.212 as Section 54.361. Provides that a student is exempt from the payment of tuition and fees for the first academic year in which the student enrolls at an institution of higher education if the student meets certain criteria, including if the student successfully completed the attendance requirements under Section 25.085 (Compulsory School Attendance), rather than under Section 21.032 (Definition). Makes a nonsubstantive change.

Sec. 54.362. FUNDING OF EXEMPTIONS. Redesignates existing Section 54.213 as Section 54.362. (a)-(b) Makes conforming changes.

Sec. 54.363. EDUCATIONAL AIDES. Redesignates existing Section 54.214 as Section 54.363. (a) Deletes existing text defining "coordinating board" in this section. Redesignates existing Subsection (b) as Subsection (a). Makes no further changes.

(b) Redesignates existing Subsection (c) as Subsection (b). Requires a person, to be eligible for an exemption under this section, to meet certain requirements, including establishing financial need, rather than financial need as determined by THECB rule, and maintaining an acceptable GPA, rather than maintaining an acceptable GPA as determined by THECB rule.

(c) Redesignates existing Subsection (d) as Subsection (c). Makes no further changes.

(d) Redesignates existing Subsection (e) as Subsection (d). Makes no further changes.

(e) Redesignates existing Subsection (f) as Subsection (e). Makes no further changes.

(f) Redesignates existing Subsection (g) as Subsection (f). Makes a conforming change.

Sec. 54.364. BLIND, DEAF STUDENTS. Redesignates existing Section 54.205 as Section 54.364. (a) Deletes existing text defining, in this section, "resident" and "tuition fees." Makes nonsubstantive changes.

(b) Deletes existing text which provides that deaf or blind person who is a resident is entitled to exemption from the payment of tuition fees at any institution of higher education utilizing public funds if he presents certain information, including proof that he meets all other entrance requirements of the institution. Makes nonsubstantive changes.

(c) Makes a conforming change.

(d) Makes nonsubstantive changes.

(e) Makes no changes to this subsection.

Sec. 54.365. New heading: SENIOR CITIZENS; OPTIONAL BENEFIT. Redesignates existing Section 54.210 as Section 54.365. (a) Makes no changes to this subsection.

(b) Authorizes the governing board of an institution of higher education, rather than the governing board of a state-supported institution of higher education, to allow a senior citizen to audit any course offered by the institution without the payment of a fee if space is available.

(c) Makes no changes to this subsection.

Sec. 54.366. EXEMPTIONS FOR STUDENTS UNDER CONSERVATORSHIP OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Redesignates existing Section 54.211 as Section 54.366. (a) Redesignates existing second Paragraph (a)(1)(D) as (a)(1)(E). Makes no further changes.

(b) Makes a conforming change.

Sec. 54.367. EXEMPTIONS FOR ADOPTED STUDENTS FORMERLY IN FOSTER OR OTHER RESIDENTIAL CARE. Redesignates existing Section 54.2111 as Section 54.367. (a) Provides that a student is exempt from the payment of tuition and fees, rather than tuition and fees authorized by this chapter, if the student meets certain requirements.

(b) Makes a conforming change.

Sec. 54.368. New heading: INTERINSTITUTIONAL ACADEMIC PROGRAMS; OPTIONAL EXEMPTION. Redesignates existing Section 54.224 as Section 54.368. (a) Deletes existing text defining "private or independent institution of higher education." Makes a nonsubstantive change.

(b) Makes no changes to this subsection.

SECTION 2. Amends Section 61.066(c), Education Code, as follows:

(c) Requires THECB to conduct a biennial study to determine the total cost of attending each institution of higher education and the resources used by students to cover that cost, including the amounts of money received by students at each institution from the major sources of public and private financial aid, including grants, loans, scholarships, gifts, work-study programs, and tuition and fee exemptions, waivers, or other benefits provided under Subchapter D, Chapter 54. Makes a nonsubstantive change.

SECTION 3. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.0735, as follows:

Sec. 61.0735. EVALUATION AND PERFORMANCE OF TUITION AND FEE EXEMPTIONS, WAIVERS, AND OTHER BENEFITS. (a) Requires THECB, for each tuition and fee exemption, waiver, or other benefit provided under Subchapter D, Chapter 54, to:

(1) collect student-level data in the same manner data is collected for recipients of state and federal student financial aid;

(2) determine the impact of the benefit on the cost of attendance for students enrolled in institutions of higher education; and

(3) measure the effectiveness of the benefit, including proficiencies and deficiencies, in increasing student enrollment, retention, and completion of degrees at institutions of higher education.

(b) Requires THECB to conduct an annual evaluation of each benefit that annually grants more than \$1 million in tuition and fee benefits.

(c) Requires THECB, not later than November 1 of each even-numbered year, to report its findings under this section to the governor, the lieutenant governor, the

speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over higher education.

SECTION 4. Amends Section 21.050(c), Education Code, to make a conforming change.

SECTION 5. Amends Section 54.011, Education Code, to make conforming and nonsubstantive changes.

SECTION 6. Amends Section 54.545(c), Education Code, to make conforming changes.

SECTION 7. Amends Section 56.455, Education Code, to make a conforming change.

SECTION 8. Amends Section 61.0516, Education Code, to make conforming changes.

SECTION 9. Amends Section 61.073, Education Code, as follows:

Sec. 61.073. ALLOCATION OF FUNDS FOR TUITION AND FEE EXEMPTIONS. Requires that funds be appropriated to THECB for allocation to each junior college, rather than to each junior and community college, in an amount equal to the total of all tuition and fees, rather than tuition and laboratory fees, forgone each semester as a result of the tuition and fee exemptions required by law in Sections 54.301, 54.331, 54.341, 54.343, 54.351, 54.352, 54.353, 54.3531, and 54.364. Makes conforming and nonsubstantive changes

SECTION 10. Amends Section 61.9751(2), Education Code, to make a conforming change.

SECTION 11. Amends Section 76.07(c), Education Code, to make a conforming change.

SECTION 12. Amends Section 131.005(a), Education Code, to make a conforming change.

SECTION 13. Amends Section 162.304(i), Family Code, to make a conforming change.

SECTION 14. Amends Section 431.090(i), Government Code, to make a conforming change.

SECTION 15. Amends Section 434.0072(b), Government Code, to make a conforming change.

SECTION 16. Reenacts Section 824.602(a), Government Code, as amended by Chapters 674 (S.B. 132) and 1359 (S.B. 1691), Acts of the 79th Legislature, Regular Session, 2005, and amends it to make a conforming change.

SECTION 17. Amends Section 2306.562(a)(1-b), Government Code, to make a conforming change.

SECTION 18. Repealer: Section 54.0513(d) (relating to authorizing a governing board to waive all or part of the tuition charged if it would cause an undue economic hardship on the student), Education Code.

Repealer: Section 54.070 (Foreign Service Officers), Education Code.

Repealer: Section 54.503(e) (relating to authorizing the governing board of an institution to waive fees for students if their payment would cause an undue financial hardship, provided the number of students does not exceed 10 percent of the total enrollment, and authorizing the board to limit student participation in certain activities if the fee is waived), Education Code.

Repealer: Section 65.45(d) (relating to authorizing a person employed by entities with whom The University of Texas System (system) has entered into an agreement, or the person's spouse or child to pay the tuition and fees charged to residents of this state when enrolled in a system institution), Education Code.

Repealer: Section 160.07(c) (relating to charging nonresident students from states participating in the Academic Common Market enrolled in certain programs the same amount charged resident students in such programs), Education Code.

SECTION 19. (a) Repealer: Section 54.208 (Firefighters and Peace Officers Enrolled in Certain Courses), Education Code, as amended by Chapters 1285 (H.B. 2013) and 1299 (H.B. 2347), Acts of the 81st Legislature, Regular Session, 2009.

(b) Amends Subchapter D, Chapter 54, Education Code, by adding Sections 54.353 and 54.3531, as follows:

Sec. 54.353. FIREFIGHTERS AND PEACE OFFICERS ENROLLED IN CERTAIN COURSES. (a) Requires the governing board of an institution of higher education to exempt from the payment of tuition and laboratory fees any student who is employed as a firefighter by a political subdivision of this state and who enrolls in a course or courses offered as part of a fire science curriculum.

(b) Requires the governing board of an institution of higher education to exempt from the payment of tuition and laboratory fees charged by the institution for a criminal justice or law enforcement course or courses an undergraduate student who:

(1) is employed as a peace officer by this state or by a political subdivision of this state;

(2) is enrolled in a criminal justice or law enforcement-related degree program at the institution;

(3) is making satisfactory academic progress toward the student's degree as determined by the institution; and

(4) applies for the exemption at least one week before the last date of the institution's regular registration period for the applicable semester or other term.

(c) Provides that, notwithstanding Subsection (b), a student is prohibited from receiving an exemption under that subsection for any course if the student has previously attempted a number of semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes in excess of the maximum number of those hours specified by Section 61.0595(a) (relating to funding for certain excess undergraduate credit hours) as eligible for funding under the formulas established under Section 61.059 (Appropriations).

(d) Prohibits the governing board of an institution of higher education, notwithstanding Subsection (b), from providing exemptions under that subsection to students enrolled in a specific class in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that class.

(e) Provides that an exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(f) Requires THECB to adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

(g) Requires the governing board of an institution of higher education to report to the Senate Finance Committee and the House Appropriations Committee the cost to the institution of complying with this section for that semester if the legislature does not specifically appropriate funds to the institution of higher education in an amount sufficient to pay the institution's costs in complying with this section for a semester.

Sec. 54.3531. FIREFIGHTERS ENROLLED IN FIRE SCIENCE COURSES.

(a) Requires the governing board of an institution of higher education to exempt from the payment of tuition and laboratory fees any student enrolled in one or more courses offered as part of a fire science curriculum who:

(1) is employed as a firefighter by a political subdivision of this state; or

(2) is currently, and has been for at least one year, an active member of an organized volunteer fire department in this state, as defined by the fire fighters' pension commissioner, who holds:

(A) an Accredited Advanced level of certification, or an equivalent successor certification, under the State Firemen's and Fire Marshals' Association of Texas volunteer certification program; or

(B) Phase V (Firefighter II) certification, or an equivalent successor certification, under the Texas Commission on Fire Protection's voluntary certification program under Section 419.071 (Voluntary Certification Program for Volunteer Fire Fighters and Fire Departments), Government Code.

(b) Provides that an exemption provided under this section does not apply to deposits that may be required in the nature of security for the return or proper care of property loaned for the use of students.

(c) Authorizes a student who for a semester or term at an institution of higher education receives an exemption under this section to continue to receive the exemption for a subsequent semester or term at any institution only if the student makes satisfactory academic progress toward a degree or certificate at that institution as determined by the institution for purposes of financial aid, notwithstanding Subsection (a).

(d) Provides that, notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of additional tuition the institution elects to charge a resident undergraduate student under Section 54.014(a) (relating to tuition for repeated or excessive undergraduate hours) or (f) (relating to tuition for repeated or excessive undergraduate hours).

(e) Provides that, notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of tuition the institution charges a graduate student in excess of the amount of tuition charged to similarly situated graduate students because the student has a number of semester credit hours of doctoral work in excess of the applicable number provided by Section 61.059(l)(1) (relating to prohibiting THECB from including in any formula under this section funding based on the number of doctoral students who have a total of 100 or more semester credit hours

of doctoral work at an institution of higher learning) or (2) (relating to authorizing the board, notwithstanding Subdivision (1), to approve formula funding for semester credit hours in excess of 100, not to exceed 130 total semester credit hours, for a doctoral student if the institution fulfills certain requirements).

(f) Requires THECB to adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

SECTION 20. Makes application of this Act prospective to the 2012-2013 academic year.

SECTION 21. Requires THECB to adopt the rules required by Section 54.203, Education Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 22. Provides that, to the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 23. Effective date: January 1, 2012.