

By: Raney, Lalani

H.B. No. 5148

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Students with Disabilities Scholarship Program for certain students at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 56, Education Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. TEXAS STUDENTS WITH DISABILITIES SCHOLARSHIP PROGRAM

Sec. 56.541. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Program" means the Texas Students with Disabilities Scholarship Program established under this subchapter.

Sec. 56.542. PROGRAM PURPOSE. The purpose of the Texas Students with Disabilities Scholarship Program is to provide assistance in the payment of tuition and mandatory fees to enable eligible students to attend institutions of higher education.

Sec. 56.543. ADMINISTRATION OF PROGRAM; AWARD OF SCHOLARSHIP. (a) The coordinating board shall administer the program and adopt any rules necessary to implement the program or this subchapter. The coordinating board shall consult with the student financial aid officers of institutions of higher education and a representative from at least one of the University Centers for

1 Excellence in Developmental Disabilities in this state in
2 developing the rules.

3 (b) The coordinating board shall award a scholarship to each
4 eligible student under the program, as provided by Section 56.547.

5 (c) The coordinating board by rule shall develop a
6 disability affidavit form that may be used to establish that a
7 student has a disability for purposes of Section 56.544(a)(6) based
8 on a diagnosis by a licensed physician or other documentation
9 determined appropriate by the coordinating board. In developing
10 the disability affidavit form in a manner that ensures the form
11 properly verifies that a person has a disability, the coordinating
12 board shall consult with:

13 (1) at least one University Centers for Excellence in
14 Developmental Disabilities program in this state; or

15 (2) a statewide, cross-disability advocacy
16 organization.

17 (d) The coordinating board may use any available revenue,
18 including legislative appropriations, and may solicit and accept
19 gifts, grants, and donations from any public or private source for
20 the purposes of this subchapter.

21 Sec. 56.544. INITIAL ELIGIBILITY FOR SCHOLARSHIP. (a) To
22 be eligible initially for a scholarship under the program, a person
23 must:

24 (1) be a resident of this state as determined by
25 coordinating board rules;

26 (2) be enrolled in an associate or baccalaureate
27 degree or certificate program at an institution of higher

1 education;

2 (3) be enrolled as an entering student for at least
3 one-quarter of a full course load for an entering student in the
4 associate or baccalaureate degree or certificate program, as
5 determined by the coordinating board;

6 (4) have applied for any available financial aid or
7 assistance;

8 (5) comply with any additional nonacademic or
9 nonfinancial requirement adopted by the coordinating board under
10 this subchapter; and

11 (6) establish that the person has a disability by:

12 (A) providing proof that the person:

13 (i) is a person with a disability as defined
14 by 42 U.S.C. Section 12102;

15 (ii) receives Supplemental Security Income
16 (SSI) benefits under 42 U.S.C. Section 1381 et seq. on the basis of
17 disability or blindness;

18 (iii) receives Social Security Disability
19 Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq.; or

20 (iv) qualifies for or is receiving
21 vocational rehabilitation services provided through the Texas
22 Workforce Commission; or

23 (B) if the student is unable to provide proof in
24 accordance with Paragraph (A), completing a disability affidavit
25 form developed in accordance with Section 56.543(c).

26 (b) A person is not eligible to receive a scholarship under
27 the program if the person has been convicted of a felony or an

1 offense under Chapter 481, Health and Safety Code (Texas Controlled
2 Substances Act), or under the law of another jurisdiction involving
3 a controlled substance as defined by Chapter 481, Health and Safety
4 Code, unless the person has met the other applicable eligibility
5 requirements under the program and has:

6 (1) received a certificate of discharge by the Texas
7 Department of Criminal Justice or a correctional facility or
8 completed a period of probation ordered by a court, and at least two
9 years have elapsed from the date of the receipt or completion; or

10 (2) been pardoned, had the record of the offense
11 expunged from the person's record, or otherwise been released from
12 the resulting ineligibility to receive a scholarship under the
13 program.

14 (c) A person is not eligible to receive a scholarship under
15 the program if the person has completed more than the following
16 number of semester credit hours or the equivalent at an institution
17 of higher education, excluding semester credit hours or the
18 equivalent earned for a dual credit course:

19 (1) 90 semester credit hours or the equivalent, if the
20 person is enrolled in a degree or certificate program of two years
21 or less; or

22 (2) 135 semester credit hours or the equivalent, if
23 the person is enrolled in a degree or certificate program of more
24 than two years.

25 (d) A person may not receive a scholarship under the program
26 for more than:

27 (1) 75 semester credit hours or the equivalent, if the

1 person is enrolled in a degree or certificate program of two years
2 or less; or

3 (2) 150 semester credit hours or the equivalent, if
4 the person is enrolled in a degree or certificate program of more
5 than two years.

6 (e) A person's eligibility for a scholarship under the
7 program ends on:

8 (1) the fourth anniversary of the initial award of a
9 scholarship under the program to the person, if the person is
10 enrolled in a degree or certificate program of two years or less;

11 (2) the sixth anniversary of the initial award of a
12 scholarship under the program to the person, if the person is
13 enrolled in a degree or certificate program of more than two years
14 but not more than four years; or

15 (3) the eighth anniversary of the initial award of a
16 scholarship under the program to the person, if the person is
17 enrolled in a degree or certificate program of more than four years.

18 Sec. 56.545. CONTINUING ELIGIBILITY AND ACADEMIC
19 PERFORMANCE REQUIREMENTS. (a) After initially qualifying for a
20 scholarship under the program, a person may continue to receive a
21 scholarship under the program during each semester or term in which
22 the person is enrolled at an institution of higher education only if
23 the person:

24 (1) is enrolled in an associate or baccalaureate
25 degree or certificate program at an institution of higher
26 education;

27 (2) is enrolled for at least one-quarter of a full

1 course load for a student in an associate or baccalaureate degree or
2 certificate program, as determined by the coordinating board;

3 (3) makes satisfactory academic progress toward an
4 associate or baccalaureate degree or certificate; and

5 (4) complies with any additional nonacademic or
6 nonfinancial requirement adopted by the coordinating board.

7 (b) A person is not eligible to continue to receive a
8 scholarship under this section if the person has been convicted of a
9 felony or an offense under Chapter 481, Health and Safety Code
10 (Texas Controlled Substances Act), or under the law of another
11 jurisdiction involving a controlled substance as defined by Chapter
12 481, Health and Safety Code, unless the person has met the other
13 applicable eligibility requirements under this subchapter and has:

14 (1) received a certificate of discharge by the Texas
15 Department of Criminal Justice or a correctional facility or
16 completed a period of probation ordered by a court, and at least two
17 years have elapsed from the date of the receipt or completion; or

18 (2) been pardoned, had the record of the offense
19 expunged from the person's record, or otherwise been released from
20 the resulting ineligibility to receive a scholarship under the
21 program.

22 (c) If a person fails to meet any of the requirements of
23 Subsection (a) after the completion of any semester or term, the
24 person may not receive a scholarship under the program during the
25 next semester or term in which the person enrolls. A person may
26 become eligible to receive a scholarship under the program in a
27 subsequent semester or term if the person:

1 (1) completes a semester or term during which the
2 person is not eligible for a scholarship; and

3 (2) meets all the requirements of Subsection (a).

4 (d) For the purpose of this section, a person makes
5 satisfactory academic progress toward an associate or
6 baccalaureate degree or certificate only if:

7 (1) in the person's first academic year, the person
8 meets the satisfactory academic progress requirements of the
9 institution at which the person is enrolled; and

10 (2) in the subsequent academic year, the person
11 completes at least 25 percent of the semester credit hours or the
12 equivalent attempted in the person's most recent academic year.

13 (e) A person who is eligible to receive a scholarship under
14 the program continues to remain eligible to receive the scholarship
15 if the person enrolls in or transfers to another institution of
16 higher education.

17 (f) The coordinating board shall adopt rules to allow a
18 person who is otherwise eligible to receive a scholarship under the
19 program, in the event of a hardship or for other good cause shown,
20 including a showing of a severe illness or other debilitating
21 condition that may affect the person's academic performance or a
22 showing that the person is responsible for the care of a sick,
23 injured, or needy person and that the person's provision of care may
24 affect the person's academic performance, to receive a scholarship
25 under the program:

26 (1) while enrolled in a number of semester credit
27 hours that is less than the number of semester credit hours or the

1 equivalent required under Subsection (a)(2); or

2 (2) if the person's completion rate falls below the
3 satisfactory academic progress requirements of Subsection (d).

4 Sec. 56.546. SCHOLARSHIP USE. A scholarship awarded under
5 the program must be applied first to the payment of tuition and
6 mandatory fees at an institution of higher education.

7 Sec. 56.547. SCHOLARSHIP AMOUNT. (a) The amount of a
8 scholarship awarded to an eligible student under the program for a
9 semester or other academic term in which the student is enrolled at
10 an institution of higher education is an amount determined by the
11 coordinating board under Subsection (b) based on the amount of
12 funds available for distribution and the number of eligible
13 applicants.

14 (b) The coordinating board shall adopt rules and procedures
15 for determining the amount of the scholarship for each academic
16 year or during an academic year as necessary to respond to
17 fluctuations in the amount of funds available for distribution.

18 (c) The coordinating board may adopt rules that allow the
19 coordinating board to decrease, in proportion to the number of
20 semester credit hours or the equivalent in which a student is
21 enrolled, the amount of a scholarship award to a student who is
22 enrolled in less than a full course load for a student in an
23 associate or baccalaureate degree or certificate program, as
24 determined by the coordinating board.

25 (d) The coordinating board shall issue to each eligible
26 student a certificate indicating the amount of the scholarship
27 awarded to the student.

1 Sec. 56.548. NOTIFICATION OF PROGRAM; RESPONSIBILITIES OF
2 SCHOOL DISTRICTS. (a) The coordinating board, in consultation
3 with all institutions of higher education, shall prepare materials
4 designed to inform prospective students, their parents, and high
5 school counselors about the program and eligibility for a
6 scholarship under the program. The coordinating board shall
7 distribute to each institution of higher education and to each
8 school district a copy of the materials prepared under this
9 section.

10 (b) Each school district shall notify its high school
11 students, those students' teachers and school counselors, and those
12 students' parents or guardians of the program and the eligibility
13 requirements of the program.

14 SECTION 2. (a) The Texas Higher Education Coordinating
15 Board shall adopt rules to administer Subchapter U, Chapter 56,
16 Education Code, as added by this Act, as soon as practicable after
17 the effective date of this Act.

18 (b) The Texas Higher Education Coordinating Board shall
19 begin awarding scholarships under Subchapter U, Chapter 56,
20 Education Code, as added by this Act, for the first academic year
21 for which money is appropriated for that purpose, except that the
22 coordinating board may not award scholarships under that subchapter
23 for an academic year before the 2024-2025 academic year.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2023.