

By: Menéndez

S.B. No. 438

A BILL TO BE ENTITLED

1 AN ACT
2 relating to tuition and fee exemptions at public institutions of
3 higher education for certain students who were under the
4 conservatorship of the Department of Family and Protective
5 Services.

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

7 SECTION 1. Sections 54.366(a) and (c), Education Code, are
8 amended to read as follows:

9 (a) A student is exempt from the payment of tuition and fees
10 authorized in this chapter, including tuition and fees charged by
11 an institution of higher education for a dual credit course or other
12 course for which a high school student may earn joint high school
13 and college credit, if the student[+]

14 [~~(1)~~] was under the conservatorship of the Department
15 of Family and Protective Services:

16 (1) [~~(A)~~] on the day preceding the student's 18th
17 birthday;

18 (2) [~~(B)~~] on or after the day of the student's 14th
19 birthday, if the student was also eligible for adoption on or after
20 that day;

21 (3) [~~(C)~~] on the day the student graduated from high
22 school or received the equivalent of a high school diploma;

23 (4) [~~(D)~~] on the day preceding:

24 (A) [~~(i)~~] the date the student is adopted, if

1 that date is on or after September 1, 2009; or

2 (B) [~~(ii)~~] the date permanent managing
3 conservatorship of the student is awarded to a person other than the
4 student's parent, if that date is on or after September 1, 2009; or

5 (5) [~~(E)~~] during an academic term in which the student
6 was enrolled in a dual credit course or other course for which a
7 high school student may earn joint high school and college credit[~~+~~
8 and

9 [~~(2) enrolls in an institution of higher education as~~
10 ~~an undergraduate student or in a dual credit course or other course~~
11 ~~for which a high school student may earn joint high school and~~
12 ~~college credit not later than the student's 25th birthday].~~

13 (c) Notwithstanding Subsection (a) [~~(a)(1)~~], a child who
14 exits the conservatorship of the Department of Family and
15 Protective Services and is returned to the child's parent,
16 including a parent whose parental rights were previously
17 terminated, may be exempt from the payment of tuition and fees if
18 the department determines that the child is eligible under
19 department rule. The executive commissioner of the Health and
20 Human Services Commission shall by rule develop factors for
21 determining eligibility under this subsection in consultation with
22 the department and the Texas Higher Education Coordinating Board.

23 SECTION 2. The changes in law made by this Act to Section
24 [54.366](#), Education Code, apply beginning with tuition and fees
25 charged for the 2023 fall semester. Tuition and fees charged for a
26 term or semester before the 2023 fall semester are governed by the
27 law in effect immediately before the effective date of this Act, and

1 the former law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.