

1-1 By: Berman (Senate Sponsor - Shapiro) H.B. No. 2109  
1-2 (In the Senate - Received from the House May 16, 2005;  
1-3 May 17, 2005, read first time and referred to Committee on  
1-4 Education; May 20, 2005, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the Early High School Graduation Scholarship program.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter K, Chapter 56, Education Code, is  
1-11 amended by adding Section 56.2011 to read as follows:

1-12 Sec. 56.2011. DEFINITION. In this subchapter,  
1-13 "coordinating board" means the Texas Higher Education Coordinating  
1-14 Board.

1-15 SECTION 2. Section 56.202, Education Code, is amended to  
1-16 read as follows:

1-17 Sec. 56.202. PURPOSE. (a) The Early High School Graduation  
1-18 Scholarship program is created to increase efficiency in the  
1-19 Foundation School Program and to provide assistance for tuition or  
1-20 tuition and mandatory fees, as provided by Section 56.204, to an  
1-21 eligible person to enable that person to attend a [Texas] public or  
1-22 private institution of higher education in this state.

1-23 (b) A portion of the savings to the Foundation School  
1-24 Program that occur as a result of the program is dedicated to state  
1-25 credits for tuition or tuition and mandatory fees, as applicable,  
1-26 provided to an eligible person under the program.

1-27 SECTION 3. Section 56.203, Education Code, as amended by  
1-28 Chapters 365 and 1317, Acts of the 78th Legislature, Regular  
1-29 Session, 2003, is reenacted and amended to read as follows:

1-30 Sec. 56.203. ELIGIBLE PERSON. (a) To be eligible for an  
1-31 award through the Early High School Graduation Scholarship program,  
1-32 a person must:

1-33 (1) ~~[have the written approval of at least one of the~~  
1-34 ~~person's parents or a person standing in parental relation to the~~  
1-35 ~~person, if the person graduated from high school in not more than 41~~  
1-36 ~~consecutive months;~~

1-37 ~~[(2)] have [successfully completed the recommended or~~  
1-38 ~~advanced high school program established under Section 28.025 and]~~  
1-39 ~~graduated from [a Texas public] high school:~~

1-40 (A) in not more than 41 consecutive months and  
1-41 successfully completed the recommended or advanced high school  
1-42 program established under Section 28.025, if the person graduated  
1-43 on or after September 1, 2005;

1-44 (B) in not more than 45 consecutive months, [or,  
1-45 if the person graduated] with at least 30 hours of college credit,  
1-46 and successfully completed the recommended or advanced high school  
1-47 program established under Section 28.025, if the person graduated  
1-48 on or after September 1, 2005 [in not more than 45 consecutive  
1-49 months]; or

1-50 (C) in not more than 36 consecutive months after  
1-51 successfully completing the requirements for a high school diploma,  
1-52 if the person graduated before September 1, 2005, regardless of  
1-53 whether the person successfully completed the recommended or  
1-54 advanced high school program established under Section 28.025;

1-55 (2) ~~[(3)] have attended high school exclusively in one~~  
1-56 ~~or more public high schools in this state [only]; and~~

1-57 (3) ~~[(4)] be a Texas resident as defined by~~  
1-58 ~~coordinating board [Texas Higher Education Coordinating Board]~~  
1-59 ~~rule.~~

1-60 (b) The [A person's] eligibility for the Early High School  
1-61 Graduation Scholarship program of a person described by Subsection  
1-62 (a)(1)(A) or (B) ends on the sixth anniversary of the date that the  
1-63 person first becomes eligible to participate in the program, unless  
1-64 the person is provided additional time to participate in the

2-1 program under Subsection (c).

2-2 (c) The coordinating board shall adopt rules to provide a  
 2-3 person described by Subsection (a)(1)(A) or (B) who is otherwise  
 2-4 eligible to participate in the Early High School Graduation  
 2-5 Scholarship program additional time to use a state credit for  
 2-6 tuition and mandatory fees under the program. The rules must  
 2-7 require a person seeking an extension under this subsection to show  
 2-8 hardship or other good cause that prevents the person from  
 2-9 enrolling in or continuing enrollment in an eligible institution  
 2-10 during the period provided by Subsection (b). For purposes of this  
 2-11 subsection, hardship or other good cause includes a severe illness  
 2-12 or other debilitating condition, ~~or~~ responsibility for the care  
 2-13 of a sick, injured, or needy person, or active duty or other service  
 2-14 in the United States armed forces.

2-15 (d) A person who does not satisfy the curriculum  
 2-16 requirements for the recommended or advanced high school program as  
 2-17 required to establish eligibility under Subsection (a)(1)(A) or (B)  
 2-18 ~~[of Subsection (a)(2)]~~ is considered to have satisfied those  
 2-19 requirements if the high school from which the person graduated  
 2-20 indicates on the person's transcript that the person was unable to  
 2-21 complete the appropriate curriculum within the time prescribed by  
 2-22 that subsection solely because of a reason beyond the person's  
 2-23 control, such as ~~[necessary courses were unavailable to the person~~  
 2-24 ~~at the appropriate times in the person's high school career as a~~  
 2-25 ~~result of course scheduling,~~ lack of enrollment capacity~~[7]~~ or a  
 2-26 shortage of qualified teachers ~~[another cause not within the~~  
 2-27 person's control].

2-28 SECTION 4. The heading to Section 56.204, Education Code,  
 2-29 is amended to read as follows:

2-30 Sec. 56.204. ENTITLEMENT~~[, MATCHING CREDIT]~~.

2-31 SECTION 5. Section 56.204(a), Education Code, is amended to  
 2-32 read as follows:

2-33 (a) An eligible person under the Early High School  
 2-34 Graduation Scholarship program is entitled to a state credit to  
 2-35 apply toward tuition or ~~pay~~ tuition and mandatory fees, as  
 2-36 applicable, at a public or private institution of higher education  
 2-37 in this state in the following amounts:

2-38 (1) \$2,000 to apply toward tuition and mandatory fees  
 2-39 if the person successfully completed the recommended or advanced  
 2-40 high school program established under Section 28.025 and graduated  
 2-41 from high school on or after September 1, 2005, in 36 consecutive  
 2-42 months or less and an additional \$1,000 to apply toward tuition and  
 2-43 mandatory fees if the person graduated with at least 15 hours of  
 2-44 college credit;

2-45 (2) \$500 to apply toward tuition and mandatory fees if  
 2-46 the person successfully completed the recommended or advanced high  
 2-47 school program established under Section 28.025 and graduated from  
 2-48 high school on or after September 1, 2005, in more than 36  
 2-49 consecutive months but not more than 41 consecutive months and an  
 2-50 additional \$1,000 to apply toward tuition and mandatory fees if the  
 2-51 person graduated with at least 30 hours of college credit; ~~or~~

2-52 (3) \$1,000 to apply toward tuition and mandatory fees  
 2-53 if the person successfully completed the recommended or advanced  
 2-54 high school program established under Section 28.025 and graduated  
 2-55 from high school on or after September 1, 2005, in more than 41  
 2-56 consecutive months but not more than 45 consecutive months with at  
 2-57 least 30 hours of college credit; or

2-58 (4) \$1,000 to apply only toward tuition if the person  
 2-59 graduated before September 1, 2005, after successfully completing  
 2-60 the requirements for a high school diploma in not more than 36  
 2-61 consecutive months.

2-62 SECTION 6. Section 56.205, Education Code, is amended to  
 2-63 read as follows:

2-64 Sec. 56.205. ISSUANCE OF CERTIFICATE. As soon as  
 2-65 practicable after the coordinating board confirms with the high  
 2-66 school from which a person graduated that the person is eligible for  
 2-67 an award through the Early High School Graduation Scholarship  
 2-68 program, the ~~The~~ coordinating board shall provide a certificate  
 2-69 for state credits for tuition or tuition and mandatory fees, as

3-1 applicable, to the [an] eligible person.

3-2 SECTION 7. Sections 56.206(a), (c), and (d), Education  
3-3 Code, are amended to read as follows:

3-4 (a) On enrollment of an eligible person in an eligible  
3-5 institution of higher education, the institution shall apply to the  
3-6 person's charges for tuition or tuition and mandatory fees, as  
3-7 applicable, for the enrollment period an amount equal to the lesser  
3-8 of:

3-9 (1) the amount of the state credit available to the  
3-10 person; or

3-11 (2) the person's actual tuition or tuition and  
3-12 mandatory fees, as applicable.

3-13 (c) For each student using a state credit for tuition or  
3-14 tuition and mandatory fees under this subchapter, the institution  
3-15 of higher education shall report to the coordinating board the  
3-16 following information:

3-17 (1) the student's name;

3-18 (2) the school district from which the student  
3-19 graduated from high school; ~~and~~

3-20 (3) the amount of the state credit applied; and

3-21 (4) whether the state credit was applied toward  
3-22 tuition or tuition and mandatory fees.

3-23 (d) Subject to Section 56.203(b), an eligible person may use  
3-24 the state credit for enrollment in an eligible institution of  
3-25 higher education during any semester or summer session, except the  
3-26 ~~[person's]~~ initial use of the credit by a person who qualifies for  
3-27 an award under Section 56.203(a)(1)(A) or (B) may not be for  
3-28 enrollment during any term of a summer session immediately  
3-29 following the person's graduation from high school.

3-30 SECTION 8. Section 56.207(b), Education Code, is amended to  
3-31 read as follows:

3-32 (b) On receipt of a report from the coordinating board under  
3-33 Subsection (a), the commissioner of education shall transfer to the  
3-34 coordinating board, from funds appropriated for the Foundation  
3-35 School Program, an amount sufficient to pay each eligible  
3-36 institution of higher education the amount of state credit for  
3-37 tuition or tuition and mandatory fees, as applicable, that is  
3-38 applied by the institution during the period covered by the report.

3-39 SECTION 9. Section 56.2075(b), Education Code, is amended  
3-40 to read as follows:

3-41 (b) The commissioner of education shall distribute money  
3-42 from the foundation school fund in an amount sufficient to pay each  
3-43 school district under Subsection (a).

3-44 SECTION 10. As soon as practicable after this Act takes  
3-45 effect, the Texas Higher Education Coordinating Board shall revise  
3-46 rules adopted under Section 56.209(a), Education Code, as necessary  
3-47 to conform to changes made by this Act to Subchapter K, Chapter 56,  
3-48 Education Code. For that purpose, the coordinating board may adopt  
3-49 the revisions to those rules in the manner provided by law for  
3-50 emergency rules. This section expires September 1, 2006.

3-51 SECTION 11. This Act takes effect immediately if it  
3-52 receives a vote of two-thirds of all the members elected to each  
3-53 house, as provided by Section 39, Article III, Texas Constitution.  
3-54 If this Act does not receive the vote necessary for immediate  
3-55 effect, this Act takes effect September 1, 2005.

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