

BILL ANALYSIS

Senate Research Center
80R17169 KSD-F

H.B. 2702
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S/C on Higher Education
5/16/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current statute allows for children adopted out of foster care to be exempted from tuition at Texas' state colleges and universities. Due to a peculiarity in the way the statute is worded, this tuition exemption has also been interpreted to be available to children adopted internationally. While federal law virtually precludes a child adopted internationally from qualifying for monthly payments and medical assistance, federal law qualifies special needs children for reimbursement of nonrecurring adoption expenses. Texas law defines "special needs children" to include a child who is at least two years old and a member of a minority group that traditionally creates a barrier to adoption. This vague definition has been the standard for why internationally adopted children qualify for the adoption expenses and therefore, the tuition expenses as well. People who pursue international adoptions are almost always upper middle-class citizens who spend thousands of dollars on the adoption. These are not people in need of tuition assistance. Including these persons in the tuition exemption goes against the spirit of why this exemption was created: to assist those who need help paying for college.

H.B. 2702 clarifies the terms of this tuition exemption by eliminating the loophole that allowed a person who adopts internationally to use the exemption.

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 54.2111(a), Education Code, to provide that a student is exempt from the payment of tuition and fees authorized by this chapter (Tuition and Fees) if the student was the subject of an adoption assistance agreement under Subchapter D (Adoption Services by the Department of Protective and Regulatory Services), Chapter 162, Family Code, that provided monthly payments and medical assistance benefits and was not limited to providing only for the reimbursement of nonrecurring expenses, including certain expenses, rather than if the student was the subject of any such agreement.

SECTION 2. (a) Makes application of this Act prospective to the 2007 fall semester, except as provided by Subsection (b).

(b) Provides that this Act does not apply to certain students and entities a student described by this subsection to an exemption from tuition and fees under Section 54.2111(a) (regarding exemptions for adopted students formerly in foster or other residential care), Education Code, as that section existed immediately before the effective date of this Act until the earlier of certain dates.

SECTION 3. Effective date: upon passage or September 1, 2007.