

1-1 By: Van de Putte, Uresti S.B. No. 309
1-2 (In the Senate - Filed January 24, 2007; February 14, 2007,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; April 16, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; April 16, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 309 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the requirement that a career school or college adopt a
1-11 refund policy for students called to active military service.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 132, Education Code, is
1-14 amended by adding Section 132.0611 to read as follows:

1-15 Sec. 132.0611. REFUND POLICY FOR STUDENTS CALLED TO ACTIVE
1-16 MILITARY SERVICE. As a condition to receiving a certificate of
1-17 approval under this chapter, including a renewal of a certificate
1-18 of approval, a career school or college must maintain, and include
1-19 in the school or college's catalogue and enrollment contract, a
1-20 policy under which a student of the school or college who withdraws
1-21 from the school or college as a result of the student being called
1-22 to active duty in a military service of the United States or the
1-23 Texas National Guard may elect one of the following options for each
1-24 program in which the student is enrolled:

1-25 (1) if tuition and fees are collected in advance of the
1-26 withdrawal, a pro rata refund of any tuition, fees, or other charges
1-27 paid by the student for the program and a cancellation of any unpaid
1-28 tuition, fees, or other charges owed by the student for the portion
1-29 of the program the student does not complete following withdrawal;

1-30 (2) a grade of incomplete with the designation
1-31 "withdrawn-military" for the courses in the program, other than
1-32 courses for which the student has previously received a grade on the
1-33 student's transcript, and the right to re-enroll in the program, or
1-34 a substantially equivalent program if that program is no longer
1-35 available, not later than the first anniversary of the date the
1-36 student is discharged from active military duty without payment of
1-37 additional tuition, fees, or other charges for the program other
1-38 than any previously unpaid balance of the original tuition, fees,
1-39 and charges for books for the program; or

1-40 (3) the assignment of an appropriate final grade or
1-41 credit for the courses in the program, but only if the instructor or
1-42 instructors of the program determine that the student has:

1-43 (A) satisfactorily completed at least 90 percent
1-44 of the required coursework for the program; and

1-45 (B) demonstrated sufficient mastery of the
1-46 program material to receive credit for completing the program.

1-47 SECTION 2. Subsection (b), Section 132.055, Education Code,
1-48 is amended by adding Subdivision (19) to read as follows:

1-49 (19) The school or college maintains a policy
1-50 regarding students called to active military service that meets the
1-51 requirements prescribed by Section 132.0611.

1-52 SECTION 3. Subsection (a), Section 132.201, Education Code,
1-53 is amended to read as follows:

1-54 (a) Certificate and registration fees, except those charged
1-55 pursuant to Subsection (d), shall be collected by the commission.
1-56 Each fee shall be in an amount set by the commission in an amount not
1-57 to exceed 150 percent of each fee in the following schedule:

1-58 (1) the initial fee for a career school or college:

1-59 (A) for a certificate of approval is \$2,000; or

1-60 (B) for a small career school or college
1-61 certificate of approval is \$1,000;

1-62 (2) the first renewal fee and each subsequent renewal
1-63 fee for a career school or college is the greater of:

2-1 (A) an amount that is determined by applying a
2-2 percentage, not to exceed 0.3 percent, to the gross tuition and
2-3 fees, excluding refunds as provided by Section 132.061 or 132.0611,
2-4 of the school or college; or

2-5 (B) \$500;

2-6 (3) the initial registration fee for a representative
2-7 is \$60;

2-8 (4) the annual renewal fee for a representative is
2-9 \$30;

2-10 (5) the fee for a change of a name of a career school or
2-11 college or owner is \$100;

2-12 (6) the fee for a change of an address of a career
2-13 school or college is \$180;

2-14 (7) the fee for a change in the name or address of a
2-15 representative or a change in the name or address of a career school
2-16 or college that causes the reissuance of a representative permit is
2-17 \$10;

2-18 (8) the application fee for an additional program is
2-19 \$150, except for seminars and workshops, for which the fee is \$25;

2-20 (9) the application fee for a director, administrative
2-21 staff member, or instructor is \$15;

2-22 (10) the application fee for the authority to grant
2-23 degrees is \$2,000;

2-24 (11) the application fee for an additional degree
2-25 program is \$250; and

2-26 (12) the fee for an inspection required by commission
2-27 rule of classroom facilities that are separate from the main campus
2-28 is \$250.

2-29 SECTION 4. Subsection (b), Section 132.2415, Education
2-30 Code, is amended to read as follows:

2-31 (b) The commission may collect annually a fee from each
2-32 career school or college to be deposited to the credit of the career
2-33 school or college tuition trust account. The total amount of the
2-34 fees collected in a year shall be set by the commission in the
2-35 amount estimated as necessary to pay the liabilities of the trust
2-36 account during that year, not to exceed 0.2 percent of the gross
2-37 amount of tuition and fees charged by career schools and colleges in
2-38 that year, excluding amounts refunded under Section 132.061 or
2-39 132.0611.

2-40 SECTION 5. Section 132.0611, Education Code, as added by
2-41 this Act, applies to a career school or college operating under a
2-42 certificate of approval issued under Chapter 132, Education Code,
2-43 beginning on the earlier of the following dates:

2-44 (1) November 1, 2007; or

2-45 (2) the earliest date on which the certificate of
2-46 approval is issued or renewed that occurs on or after the effective
2-47 date of this Act.

2-48 SECTION 6. This Act takes effect September 1, 2007.

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