

AN ACT

relating to dropping courses and student withdrawals at institutions of higher education, including the refunding of tuition and mandatory fees.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.907 to read as follows:

Sec. 51.907. LIMITATIONS ON NUMBER OF COURSES THAT MAY BE DROPPED UNDER CERTAIN CIRCUMSTANCES. (a) In this section, "governing board" and "institution of higher education" have the meanings assigned by Section 61.003.

(b) This section applies only to an undergraduate student who drops a course at an institution of higher education and only if:

(1) the student was able to drop the course without receiving a grade or incurring an academic penalty;

(2) the student's transcript indicates or will indicate that the student was enrolled in the course; and

(3) the student is not dropping the course in order to withdraw from the institution.

(c) Except as provided under rules adopted under Subsection (d), an institution of higher education may not permit a student to drop more than six courses, including any course a transfer student has dropped at another institution of higher education, under

1 circumstances described by Subsection (b).

2 (d) The governing board of an institution of higher
3 education may adopt a policy under which the maximum number of
4 courses a student is permitted to drop under circumstances
5 described by Subsection (b) is less than the maximum number of
6 courses that a student may drop under Subsection (c).

7 (e) The Texas Higher Education Coordinating Board shall
8 adopt rules under which an institution of higher education shall
9 permit a student to drop more courses under circumstances described
10 by Subsection (b) than the number of courses permitted to be dropped
11 under Subsection (c) or under a policy adopted under Subsection (d)
12 if the student shows good cause for dropping more than that number,
13 including a showing of:

14 (1) a severe illness or other debilitating condition
15 that affects the student's ability to satisfactorily complete a
16 course;

17 (2) the student's responsibility for the care of a
18 sick, injured, or needy person if the provision of care affects the
19 student's ability to satisfactorily complete a course;

20 (3) the death of a person who:

21 (A) is considered to be a member of the student's
22 family under a rule adopted under this subsection for purposes of
23 this subdivision; or

24 (B) is otherwise considered to have a
25 sufficiently close relationship to the student under a rule adopted
26 under this subsection that the person's death is considered to be a
27 showing of good cause; or

1 (4) the active duty service as a member of the Texas
2 National Guard or the armed forces of the United States of:

3 (A) the student; or

4 (B) a person who is considered to be a member of
5 the student's family under a rule adopted under this subsection for
6 purposes of this subdivision.

7 (f) In determining the number of courses dropped by a
8 student for purposes of this section, a course, such as a laboratory
9 or discussion course, in which a student is enrolled concurrently
10 with a lecture course is not considered to be a course separate from
11 the lecture course if:

12 (1) concurrent enrollment in both courses is required;
13 and

14 (2) in dropping the lecture course, the student would
15 be required to drop the laboratory, discussion, or other course in
16 which the student is concurrently enrolled.

17 SECTION 2. The heading to Section 54.006, Education Code,
18 is amended to read as follows:

19 Sec. 54.006. REFUND OR ADJUSTMENT OF TUITION AND MANDATORY
20 FEEES FOR DROPPED COURSES AND STUDENT WITHDRAWALS.

21 SECTION 3. Section 54.006, Education Code, is amended by
22 amending Subsections (a), (b), (c), and (e) and adding Subsections
23 (a-1), (b-1), and (b-2) to read as follows:

24 (a) A general academic teaching institution or medical and
25 dental unit, as soon as practicable, shall refund the amount of
26 [~~fees and~~] tuition and mandatory fees [~~in excess of the minimum~~
27 ~~tuition~~] collected for courses from which students drop within the

1 first 12 days of a fall or spring semester or a summer term of 10
2 weeks or longer, within the first four days of a [~~summer~~] term or
3 session of more than five weeks but less than 10 weeks, or within
4 the period specified by the institution for that purpose for a term
5 or session of five weeks or less that is substantially proportional
6 to the period specified by this subsection for a longer term or
7 session. The institution or medical and dental unit may not delay a
8 refund under this subsection on the grounds that the student may
9 withdraw from the institution or unit later in the semester or term.

10 (a-1) An institution may assess a nonrefundable \$15
11 matriculation fee if the student withdraws from the institution
12 before the first day of classes.

13 (b) Except as provided by Subsections (b-1) and (b-2), a [A]
14 general academic teaching institution or medical and dental unit
15 shall refund from the amount paid by [to] a student withdrawing from
16 the institution or unit an amount equal to the product of the amount
17 of tuition and mandatory fees charged [collected] for each course
18 in which the student is enrolled on the date the student withdraws
19 multiplied by the applicable percentage derived from the following
20 tables:

21 (1) if the student withdraws during a fall or spring
22 semester or a summer term of 10 weeks or longer [~~or comparable~~
23 ~~trimester~~]:

- | | | |
|-----|-----------------------------------|-------------|
| (A) | prior to the first class day | 100 percent |
| (B) | during the first five class days | 80 percent |
| (C) | during the second five class days | 70 percent |
| (D) | during the third five class days | 50 percent |

(E) during the fourth five class days 25 percent

(F) after the fourth five class days None; ~~and~~

(2) if the student withdraws during a ~~summer~~ term or session of more than five weeks but less than 10 weeks:

(A) prior to the first class day 100 percent

(B) during the first, second, or third class day 80 percent

(C) during the fourth, fifth, or sixth class day 50 percent

(D) seventh day of class and thereafter None; and

(3) if the student withdraws from a term or session of five weeks or less:

(A) prior to the first class day 100 percent

(B) during the first class day 80 percent

(C) during the second class day 50 percent

(D) during the third class day

and thereafter None.

(b-1) If a student has not paid the total amount of the tuition and mandatory fees charged to the student by the institution or unit for the courses in which the student is enrolled by the date the student withdraws from the institution or unit, instead of issuing the student a refund in the amount required under Subsection (b), the institution or unit may credit the amount to be refunded toward the payment of the outstanding tuition and mandatory fees owed by the student. The institution or unit shall issue a refund to the student if any portion of the amount to be refunded remains after the outstanding tuition and mandatory fees

1 have been paid.

2 (b-2) A general academic teaching institution or medical
3 and dental unit may provide to a student withdrawing from the
4 institution or unit a refund of a portion of the tuition and
5 mandatory fees charged to the student by the institution or unit for
6 the courses in which the student is enrolled on the date the student
7 withdraws in an amount greater than the amount required by
8 Subsection (b). The institution or unit may apply the portion of
9 the refund authorized by this subsection toward the payment of any
10 outstanding tuition and fees as provided by Subsection (b-1), and
11 may refund the remainder of that portion in the form of, as the
12 institution or unit considers appropriate:

13 (1) a payment made directly to the student; or

14 (2) credit toward payment of tuition and mandatory
15 fees for a subsequent semester or other academic term at the
16 institution or unit.

17 (c) Separate withdrawal refund schedules may be established
18 for optional fees [~~such as intercollegiate athletics, cultural~~
19 ~~entertainment, parking, and yearbooks~~].

20 (e) A general academic teaching institution or medical and
21 dental unit may [~~shall~~] terminate a student's student services and
22 privileges, including [~~such as~~] health services, library
23 privileges, facilities and technology usage, and athletic and
24 cultural entertainment tickets, when the [~~a~~] student withdraws from
25 the institution.

26 SECTION 4. Subsection (g), Section 54.006, Education Code,
27 is repealed.

1 SECTION 5. The Texas Higher Education Coordinating Board
2 shall adopt the rules required by Subsection (e), Section 51.907,
3 Education Code, as added by this Act, relating to permitting a
4 student who shows good cause to drop more than a specified number of
5 courses, as soon as practicable after this Act takes effect. For
6 that purpose, the coordinating board may adopt the initial rules in
7 the manner provided by law for emergency rules.

8 SECTION 6. Section 51.907, Education Code, as added by this
9 Act, applies only to the number of courses that may be dropped by a
10 student who beginning with the 2007 fall semester enrolls in a
11 public institution of higher education as a first-time freshman.

12 SECTION 7. The change in law made by this Act applies to
13 tuition and mandatory fees charged beginning with the fall 2007
14 semester.

15 SECTION 8. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1231 passed the Senate on April 19, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 25, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1231 passed the House, with amendments, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor