

By: Kleinschmidt

H.B. No. 3969

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the determination of resident status of students by  
3 public institutions of higher education.

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

5 SECTION 1. Section 54.052, Education Code, is amended to  
6 read as follows:

7 Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a)  
8 Subject to the other applicable provisions of this subchapter  
9 governing the determination of resident status, the following  
10 persons are considered residents of this state for purposes of this  
11 title:

12 (1) a person who:

13 (A) established a domicile in this state not  
14 later than one year before the census date of the academic term in  
15 which the person is enrolled in an institution of higher education;  
16 and

17 (B) maintained that domicile continuously for  
18 the year preceding that census date; and

19 (2) a dependent whose parent:

20 (A) established a domicile in this state not  
21 later than one year before the census date of the academic term in  
22 which the dependent is enrolled in an institution of higher  
23 education; and

24 (B) maintained that domicile continuously for

1 the year preceding that census date [~~;~~ and

2 [~~(3) a person who:~~

3 [~~(A) graduated from a public or private high~~  
4 ~~school in this state or received the equivalent of a high school~~  
5 ~~diploma in this state; and~~

6 [~~(B) maintained a residence continuously in this~~  
7 ~~state for:~~

8 [~~(i) the three years preceding the date of~~  
9 ~~graduation or receipt of the diploma equivalent, as applicable; and~~

10 [~~(ii) the year preceding the census date of~~  
11 ~~the academic term in which the person is enrolled in an institution~~  
12 ~~of higher education].~~

13 (b) For purposes of this section, the domicile of a  
14 dependent's parent is presumed to be the domicile of the dependent  
15 [~~unless the person establishes eligibility for resident status~~  
16 ~~under Subsection (a)(3)].~~

17 (c) A person who is not authorized by law to be present in  
18 the United States may not be considered a resident of this state for  
19 purposes of this title.

20 SECTION 2. Section 54.053, Education Code, is amended to  
21 read as follows:

22 Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT  
23 STATUS. (a) A person shall submit the following information to an  
24 institution of higher education to establish resident status under  
25 this subchapter:

26 (1) if the person applies for resident status under  
27 Section 54.052(a)(1):

1 (A) a statement of the dates and length of time  
2 the person has resided in this state, as relevant to establish  
3 resident status under this subchapter; and

4 (B) a statement by the person that the person's  
5 presence in this state for that period was for a purpose of  
6 establishing and maintaining a domicile; or

7 (2) if the person applies for resident status under  
8 Section 54.052(a)(2):

9 (A) a statement of the dates and length of time  
10 any parent of the person has resided in this state, as relevant to  
11 establish resident status under this subchapter; and

12 (B) a statement by the parent or, if the parent is  
13 unable or unwilling to provide the statement, a statement by the  
14 person that the parent's presence in this state for that period was  
15 for a purpose of establishing and maintaining a domicile [~~, or~~

16 ~~[(3) if the person applies for resident status under~~  
17 ~~Section 54.052(a)(3):~~

18 ~~[(A) a statement of the dates and length of time~~  
19 ~~the person has resided in this state, as relevant to establish~~  
20 ~~resident status under this subchapter; and~~

21 ~~[(B) if the person is not a citizen or permanent~~  
22 ~~resident of the United States, an affidavit stating that the person~~  
23 ~~will apply to become a permanent resident of the United States as~~  
24 ~~soon as the person becomes eligible to apply].~~

25 (b) In addition to the information required by Subsection  
26 (a), an institution of higher education may establish a policy  
27 requiring a person for whom a residency determination is being made

1 to submit specific documentation to verify to the satisfaction of  
2 the institution that the person is authorized by law to be present  
3 in the United States. A policy adopted under this subsection must  
4 provide for treating each person in a consistent manner concerning:

- 5           (1) whether documentation is required; and  
6           (2) to the extent practicable, the type of  
7 documentation required.

8           SECTION 3. Notwithstanding Subchapter B, Chapter 54,  
9 Education Code, a public institution of higher education in this  
10 state may, for any semester or academic term, before the beginning  
11 of that semester or academic term, reclassify as a nonresident a  
12 student previously classified as a resident of this state by the  
13 institution or another public institution of higher education in  
14 this state:

15           (1) under Section 54.052(a)(3), Education Code, as  
16 that section existed before amendment by this Act, if the student is  
17 not otherwise eligible to be classified as a resident of this state  
18 under Subchapter B, Chapter 54, Education Code; or

19           (2) before the enactment of Section 54.052(c),  
20 Education Code, as added by this Act, if the student is not  
21 authorized by law to be present in the United States.

22           SECTION 4. This Act takes effect September 1, 2009.