

By: Ogden

S.B. No. 2084

A BILL TO BE ENTITLED

AN ACT

1
2 relating to changing the eligibility for a tuition and fees
3 exemption under the TEXAS grant program to accommodate the amount
4 of funding available.

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

6 SECTION 1. Section 56.301(2), Education Code, is amended to
7 read as follows:

8 (2) "Eligible institution" means:

9 (A) for a person who graduates from high school
10 on or after June 1, 2010, a general academic teaching institution as
11 defined by Section 61.003; and

12 (B) for any other person, an institution of
13 higher education that offers one or more undergraduate degree or
14 certification programs.

15 SECTION 2. Subchapter M, Chapter 56, Education Code, is
16 amended by amending Section 56.3041 and adding Section 56.3042 to
17 read as follows:

18 Sec. 56.3041. INITIAL ELIGIBILITY OF PERSON GRADUATING FROM
19 HIGH SCHOOL ON OR AFTER JUNE 1, 2010. (a) To be eligible initially
20 for a TEXAS grant, a person graduating from high school on or after
21 June 1, 2010, must:

22 (1) be a resident of this state as determined by
23 coordinating board rules;

24 (2) meet the academic requirements prescribed by

1 Paragraph (A) or (B) as follows:

2 (A) be a graduate of a public or accredited
3 private high school in this state who completed the recommended
4 high school program established under Section 28.025 or its
5 equivalent and have accomplished at least two of the following:

6 (i) graduated under the advanced high
7 school program established under Section 28.025 or its equivalent
8 or successfully completed the international baccalaureate diploma
9 program, including program assessments;

10 (ii) graduated from high school with a
11 grade point average of at least 3.0 on a four-point scale or the
12 equivalent;

13 (iii) satisfied college readiness
14 benchmarks on the Scholastic Assessment Test (SAT) or ACT, as
15 determined by the coordinating board; or

16 (iv) be ranked in the top one-third of the
17 person's high school graduating class at the end of the semester
18 used by the applicable eligible institution for admissions
19 purposes; or

20 (B) have received an associate degree from a
21 public or private institution of higher education;

22 (3) meet financial need requirements established by
23 the coordinating board;

24 (4) be enrolled in an undergraduate degree program at
25 an eligible institution;

26 (5) except as provided under rules adopted under
27 Subsection (g), be enrolled as:

1 (A) an entering undergraduate student for at
2 least three-fourths of a full course load, as determined by the
3 coordinating board, not later than the 16th month after the date the
4 person graduates from high school; or

5 (B) a continuing undergraduate student for at
6 least three-fourths of a full course load, as determined by the
7 coordinating board, not later than the 12th month after the date the
8 person receives an associate degree from a public or private
9 institution of higher education;

10 (6) have applied for any available financial aid or
11 assistance; and

12 (7) comply with any additional nonacademic
13 requirements adopted by the coordinating board under this
14 subchapter.

15 (a-1) Subsection (a)(2)(A) applies to at least:

16 (1) 25 percent of the students who receive a TEXAS
17 grant under this section and who graduate from high school on or
18 after June 1, 2010, but before June 1, 2011;

19 (2) 50 percent of the students who receive a TEXAS
20 grant under this section and who graduate from high school on or
21 after June 1, 2011, but before June 1, 2012;

22 (3) 75 percent of the students who receive a TEXAS
23 grant under this section and who graduate from high school on or
24 after June 1, 2012, but before June 1, 2013; and

25 (4) all students who graduate from high school on or
26 after June 1, 2013.

27 (a-2) Subsection (a-1) and this subsection expire January

1 1, 2014.

2 (b) A person is not eligible to receive a TEXAS grant if the
3 person has been convicted of a felony or an offense under Chapter
4 481, Health and Safety Code, or under the law of another
5 jurisdiction involving a controlled substance as defined by Chapter
6 481, Health and Safety Code, unless the person has met the other
7 applicable eligibility requirements under this subchapter and has:

8 (1) received a certificate of discharge from the Texas
9 Department of Criminal Justice or a correctional facility or
10 completed a period of probation ordered by a court and at least two
11 years have elapsed from the date of the receipt of completion; or

12 (2) been pardoned, had the record of the offense
13 expunged from the person's record, or otherwise been released from
14 the resulting ineligibility to receive a grant under this
15 subchapter.

16 (c) A person is not eligible to receive a TEXAS grant if the
17 person has been granted a baccalaureate degree.

18 (d) A person may not receive a TEXAS grant for more than 150
19 semester credit hours or the equivalent.

20 (e) Except as provided under rules adopted under Subsection
21 (f), a person's eligibility for a TEXAS grant ends on:

22 (1) the fifth anniversary of the initial award of a
23 TEXAS grant to the person if the person is enrolled in a degree or
24 certificate program of four years or less; or

25 (2) the sixth anniversary of the initial award of a
26 TEXAS grant to the person if the person is enrolled in a degree or
27 certificate program of more than four years.

1 (f) The coordinating board shall adopt rules to provide a
2 person who is otherwise eligible to receive a TEXAS grant
3 additional time during which the person may receive a TEXAS grant in
4 the event of a hardship or other good cause shown that prevents the
5 person from continuing the person's enrollment during the period
6 the person would otherwise have been eligible to receive a TEXAS
7 grant, including a showing of:

8 (1) severe illness or other debilitating condition
9 experienced by the person; or

10 (2) responsibility of the person for the care of a
11 sick, injured, or needy person.

12 (g) The coordinating board shall adopt rules to allow a
13 person who is otherwise eligible to receive a TEXAS grant in the
14 event of a hardship or for other good cause shown, including a
15 showing of a severe illness or other debilitating condition that
16 may affect the person's academic performance or that the person is
17 responsible for the care of a sick, injured, or needy person and
18 that the person's provision of care may affect the person's academic
19 performance, to receive a TEXAS grant while enrolled in a number of
20 semester credit hours that is less than the number required by
21 Subsection (a)(5). The coordinating board may not allow a person to
22 receive a TEXAS grant while enrolled in fewer than 150 semester
23 credit hours or the equivalent.

24 Sec. 56.3042. INITIAL ELIGIBILITY OF PERSON ON TRACK TO
25 MEET MERIT REQUIREMENTS [~~COMPLETE RECOMMENDED OR ADVANCED~~
26 ~~CURRICULUM~~]. (a) If at the time an eligible institution awards
27 TEXAS grants to initial recipients for an academic year an

1 applicant has not completed high school or the applicant's final
2 high school transcript is not yet available to the institution, the
3 student is considered to have satisfied the eligibility
4 requirements of Section 56.304(a)(2)(A) or 56.3041(a)(2)(A) if the
5 student's available high school transcript indicates that at the
6 time the transcript was prepared the student was on schedule to
7 graduate from high school and to meet the eligibility requirements
8 [~~complete the recommended or advanced high school curriculum or its~~
9 ~~equivalent~~], as applicable to the student, in time to be eligible
10 for a TEXAS grant for the academic year.

11 (b) The coordinating board or the eligible institution may
12 require the student to forgo or repay the amount of an initial TEXAS
13 grant awarded to the student as described by Subsection (a) if the
14 student fails to meet the eligibility requirements of Section
15 56.3041(a)(2)(A) [~~complete the recommended or advanced high school~~
16 ~~curriculum or its equivalent~~] after the issuance of the available
17 high school transcript.

18 (c) A person who is required to forgo or repay the amount of
19 an initial TEXAS grant under Subsection (b) may become eligible to
20 receive an initial TEXAS grant under Section 56.304 or 56.3041 by
21 satisfying the associate degree requirement prescribed by Section
22 56.304(a)(2)(B) or 56.3041(a)(2)(B) and the other applicable
23 requirements of the [that] section applicable to the person at the
24 time the person reapplies for the grant.

25 (d) A person who receives an initial TEXAS grant under
26 Subsection (a) and is not required to forgo or repay the amount of
27 the grant under Subsection (b) may become eligible to receive a

1 subsequent TEXAS grant under Section 56.305 only by satisfying the
2 associate degree requirement prescribed by Section 56.304(a)(2)(B)
3 or 56.3041(a)(2)(B), as applicable to the person, in addition to
4 the requirements of Section 56.305 at the time the person applies
5 for the subsequent grant.

6 SECTION 3. Section 56.307, Education Code, is amended by
7 adding Subsection (m) to read as follows:

8 (m) A person who graduated from high school on or after June
9 1, 2010, and completed the advanced high school program established
10 under Section 28.025 or its equivalent is eligible to receive an
11 additional \$1,000 during the first academic year in which the
12 person receives a TEXAS grant.

13 SECTION 4. Subchapter M, Chapter 56, Education Code, is
14 amended by adding Section 56.312 to read as follows:

15 Sec. 56.312. APPLICATION OF MERIT CRITERIA. The
16 coordinating board by rule shall adopt policies to ensure that
17 applying the eligibility requirements of Section 56.3041(a)(2)(A)
18 does not disproportionately affect a particular category of
19 students.

20 SECTION 5. (a) Sections 1 through 4 of this Act take effect
21 only if:

22 (1) not later than September 1, 2009, a total of at
23 least \$91 million is appropriated by the legislature to the Texas
24 Education Opportunity Grant Program under Subchapter P, Chapter 56,
25 Education Code, for use in the 2009-2010 academic year; and

26 (2) not later than September 1, 2009, a sufficient
27 amount of money is appropriated by the legislature for the TOWARD

1 EXCELLENCE, ACCESS, & SUCCESS (TEXAS) grant program under
2 Subchapter M, Chapter 56, Education Code, for use in the 2009-2010
3 academic year to award grants to at least the same number of
4 students who were awarded TEXAS grants for the 2007-2008 academic
5 year.

6 (b) Not later than September 10, 2009, the Texas Higher
7 Education Coordinating Board shall certify whether the amounts
8 described by Subsection (a) of this section were appropriated as
9 provided by that subsection.

10 SECTION 6. (a) Except as provided by Section 5 of this Act,
11 Sections 1 through 4 of this Act take effect January 1, 2010.

12 (b) This section and Section 5 of this Act take effect
13 September 1, 2009.