

By: Zaffirini

S.B. No. 32

A BILL TO BE ENTITLED

AN ACT

relating to the consolidation of related higher education programs governing tuition, fee exemptions, and waivers respective to specific target populations.

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

SECTION 1. Sections 54.070, 54.059, 54.063, 54.064, 54.065, 54.066, 54.073, 54.060, 54.074, 54.058, 54.069, and 54.013, Education Code, are transferred to Subchapter D, Chapter 54, Education Code, redesignated as Sections 54.206, 54.211, 54.212, 54.213, 54.214, 54.222, 54.223, 54.231, 54.232, 54.241, 54.251, and 54.263, Education Code, respectively, and, as indicated, amended; Sections 54.201, 54.207, 54.219, 54.209, 54.215, 54.2155, 54.204, 54.2041, 54.221, 54.222, 54.212, 54.213, 54.214, 54.205, 54.210, 54.2111, and 54.224, Education Code, are redesignated as Sections 54.301, 54.331, 54.342, 54.343, 54.344, 54.345, 54.351, 54.352, 54.355, 54.356, 54.361, 54.362, 54.363, 54.364, 54.365, 54.367, and 54.368, Education Code, respectively, and, as indicated, amended; Section 54.203, Education Code, as amended by Chapters 1340 (S.B. 93) and 1369 (S.B. 847), Acts of the 81st Legislature, Regular Session, 2009, is reenacted, redesignated as Section 54.341, Education Code, and amended; Section 54.211, Education Code, as amended by Chapters 45 (S.B. 43) and 1372 (S.B. 939), Acts of the 81st Legislature, Regular Session, 2009, is reenacted, redesignated as Section 54.366, Education Code, and amended;

Section 615.0225, Government Code, is transferred to Subchapter D, Chapter 54, Education Code, redesignated as Section 54.354, Education Code, and amended; and Subchapter D, Chapter 54, Education Code, is amended by amending the subchapter heading, amending Sections 54.216, 54.217, and 54.218, and adding Sections 54.221, 54.233, 54.261, and 54.262 to read as follows:

SUBCHAPTER D. WAIVERS, EXEMPTIONS, AND OTHER ~~[FROM]~~ TUITION AND
FEE BENEFITS

Sec. 54.206 ~~[54.070]~~. FOREIGN SERVICE OFFICERS. A foreign service officer employed by the United States Department of State and enrolled in an institution of higher education is entitled to pay the tuition and fees at the rates provided for Texas residents if the person is assigned to an office of the department of state that is located in a foreign nation that borders on this state.

Sec. 54.211 ~~[54.059]~~. FACULTY AND DEPENDENTS. A teacher or professor of an institution of higher education, and the spouse and children of such a teacher or professor, are entitled to register in an institution of higher education by paying the tuition fee and other fees or charges required for Texas residents without regard to the length of time the teacher or professor has resided in Texas. A teacher or professor of an institution of higher education and the teacher's or professor's family are entitled to the benefit of this section if the teacher or professor is employed at least one-half time on a regular monthly salary basis by an institution of higher education.

Sec. 54.212 ~~[54.063]~~. TEACHING OR RESEARCH ASSISTANT. A teaching assistant or research assistant of any institution of

1 higher education and the spouse and children of such a teaching
2 assistant or research assistant are entitled to register in a state
3 institution of higher education by paying the tuition fees and
4 other fees or charges required for Texas residents under Section
5 54.051 of this code, without regard to the length of time the
6 assistant has resided in Texas, if the assistant is employed at
7 least one-half time in a teaching or research assistant position
8 which relates to the assistant's degree program under rules and
9 regulations established by the employer institution.

10 Sec. 54.213 [~~54.064~~]. SCHOLARSHIP STUDENT. (a) An
11 institution of higher education may charge a nonresident student
12 who holds a competitive scholarship of at least \$1,000 for the
13 academic year or summer term for which the student is enrolled
14 resident tuition and fees without regard to the length of time the
15 student has resided in Texas. The student must compete with other
16 students, including Texas residents, for the scholarship and the
17 scholarship must be awarded by a scholarship committee officially
18 recognized by the administration and be approved by the Texas
19 Higher Education Coordinating Board under criteria developed by the
20 coordinating board.

21 (b) The total number of students at an institution paying
22 resident tuition under this section for a particular semester may
23 not exceed five percent of the total number of students registered
24 at the institution for the same semester of the preceding academic
25 year.

26 (c) A student who would be entitled to pay resident tuition
27 in the 2009-2010 academic year under this section as this section

1 existed on January 1, 2009, because the student is awarded a
2 competitive scholarship for that academic year in the amount
3 prescribed by Subsection (a) before the beginning of the 2009 fall
4 semester is entitled to continue to pay resident tuition under this
5 section as this section existed on January 1, 2009, in each semester
6 or other term in which the student is awarded such a scholarship, as
7 long as the student remains enrolled in the same certificate or
8 degree program. This subsection expires August 1, 2014.

9 (d) The difference between tuition charged to the student
10 under this section and the tuition the student would be charged if
11 this section did not apply to the student shall not be accounted for
12 in such a way as to reduce the general revenue appropriation to an
13 institution of higher education that charges a nonresident student
14 resident tuition and fees under this section.

15 Sec. 54.214 [~~54.065~~]. BIOMEDICAL RESEARCH PROGRAM;
16 SCHOLARSHIP STUDENT. A student is entitled to pay the fees and
17 charges required of Texas residents without regard to the length of
18 time the student has resided in Texas if the student:

19 (1) holds a competitive academic scholarship or
20 stipend;

21 (2) is accepted in a clinical and biomedical research
22 training program designed to lead to both doctor of medicine and
23 doctor of philosophy degrees; and

24 (3) is either a nonresident or a citizen of a country
25 other than the United States of America.

26 Sec. 54.216. STUDENTS ENROLLED IN COURSE FOR CONCURRENT
27 HIGH SCHOOL AND COLLEGE-LEVEL CREDIT; OPTIONAL WAIVER. The

governing board of an institution of higher education may waive all or part of the tuition and fees charged by the institution for a student enrolled in a course for which the student is entitled to simultaneously receive both:

(1) course credit toward the student's high school academic requirements; and

(2) course credit toward a degree offered by the institution.

Sec. 54.217. STUDENTS ENROLLED IN FULLY FUNDED COURSES; OPTIONAL WAIVER. The governing board of an institution of higher education may waive tuition and fees for students attending courses that are fully funded by federal or other sources.

Sec. 54.218. DISTANCE LEARNING OR OFF-CAMPUS COURSES; OPTIONAL WAIVER. The governing board of an institution of higher education may waive a fee it is authorized to charge if the board determines that:

(1) a student is enrolled only in distance learning courses or other off-campus courses of the institution;

(2) the student cannot reasonably be expected to use the activities, services, or facilities on which the fee is based; and

(3) the waiver of the fee will not materially impair the ability of the institution either to service any debt on which the fee is based or to offer or operate the particular activity, service, or facility supported by the fee.

Sec. 54.221. THE UNIVERSITY OF TEXAS SYSTEM; SCIENCE AND TECHNOLOGY DEVELOPMENT, MANAGEMENT, AND TRANSFER. To the extent

1 provided for in an agreement authorized by Section 65.45, a person
2 employed by the entity with whom the system enters into such an
3 agreement, or the person's spouse or child, may pay the tuition and
4 fees charged to residents of this state when enrolled in an
5 institution of The University of Texas System.

6 Sec. 54.222 [~~54.066~~]. ECONOMIC DEVELOPMENT AND
7 DIVERSIFICATION. (a) A person who registers at an institution of
8 higher education without having established resident status in this
9 state under Section 54.052 is entitled to pay tuition and required
10 fees at the rate provided for residents of this state if:

11 (1) the person or, as determined by coordinating board
12 rule, an adult member of the person's family who resides in the
13 person's household and is a primary caretaker of the person
14 establishes by the institution's enrollment date a residence in
15 this state as a result of the person's or caretaker's employment by
16 a business or organization that, not earlier than five years before
17 the enrollment date, became established in this state as part of the
18 program of state economic development and diversification
19 authorized by the law of this state; and

20 (2) the person files with that institution of higher
21 education a letter of intent to establish residency in this state.

22 (b) The Texas Higher Education Coordinating Board, in
23 consultation with the Texas Economic Development and Tourism
24 Office, shall establish procedures to determine:

25 (1) whether a business or organization meets the
26 requirements of this section; and

27 (2) the date on which the business or organization

1 became established in this state as part of the program of state
2 economic development and diversification.

3 Sec. 54.223 [~~54.073~~]. TUITION RATES FOR OLYMPIC ATHLETES.

4 (a) A person enrolled in The University of Texas at Brownsville
5 and Texas Southmost College is entitled to pay tuition and fees at
6 the rates provided for Texas residents if the person:

7 (1) is in residence and in training as a participating
8 athlete in a Community Olympic Development Program or at a United
9 States Olympic training center located in this state;

10 (2) is residing permanently or temporarily in this
11 state while in training as a participating athlete:

12 (A) in a Community Olympic Development Program
13 located in this state; or

14 (B) at a United States Olympic training center
15 located in this state in a program approved by the governing body
16 for the athlete's Olympic sport; or

17 (3) is residing permanently or temporarily in this
18 state while in training as a participating athlete at a facility in
19 this state approved by the governing body for the athlete's Olympic
20 sport, in a program approved by that body.

21 (b) Notwithstanding any other law, a person who is entitled
22 to pay resident tuition and fees only as permitted by this section
23 is not considered a Texas resident under this subchapter for
24 purposes of a financial aid program offered by this state.

25 Sec. 54.231 [~~54.060~~]. RESIDENT OF BORDERING STATE OR NATION
26 OR PARTICIPANT IN STUDENT EXCHANGE PROGRAM: TUITION. (a) The
27 nonresident tuition fee prescribed by this chapter does not apply

1 to a nonresident student who is a resident of Arkansas, Louisiana,
2 New Mexico, or Oklahoma and who registers in a public upper-level
3 institution of higher education, Lamar State College--Orange,
4 Lamar State College--Port Arthur, a Texas public junior college, or
5 a public technical institute that is situated in a county
6 immediately adjacent to the state in which the nonresident student
7 resides. The nonresident tuition fee prescribed by this chapter
8 does not apply to a nonresident student who is a resident of New
9 Mexico or Oklahoma and who registers in a public technical
10 institute that is situated in a county that is within 100 miles of
11 the state in which the nonresident student resides and who is
12 admitted for the purpose of utilizing available instructional
13 facilities. The nonresident student described in this subsection
14 shall pay an amount equivalent to the amount charged a Texas student
15 registered at a similar school in the state in which the nonresident
16 student resides. For purposes of this subsection, "public
17 upper-level institution of higher education" means an institution
18 of higher education that offers only junior-level and senior-level
19 courses or only junior-level, senior-level, and graduate-level
20 courses.

21 (b) The foreign student tuition fee prescribed in this
22 chapter does not apply to a foreign student who is a resident of a
23 nation situated adjacent to Texas, demonstrates financial need as
24 provided by Subsection (c), and registers in:

25 (1) any general academic teaching institution or
26 component of the Texas State Technical College System located in a
27 county immediately adjacent to the nation in which the foreign

1 student resides;

2 (2) lower division courses at a community or junior
3 college having a partnership agreement pursuant to Subchapter N,
4 Chapter 51, with an upper-level university and both institutions
5 are located in the county immediately adjacent to the nation in
6 which the foreign student resides;

7 (3) Texas A&M University--Kingsville, Texas A&M
8 University--Corpus Christi, or The University of Texas at San
9 Antonio; or

10 (4) courses that are part of a graduate degree program
11 in public health and are conducted in a county immediately adjacent
12 to the nation in which the foreign student resides.

13 (c) A foreign student to whom Subsection (b) applies shall
14 pay tuition equal to that charged Texas residents under Section
15 ~~[Sections]~~ 54.051 ~~[and 54.0512]~~. The coordinating board shall
16 adopt rules governing the determination of financial need of
17 students to whom Subsection (b) applies and rules governing a pilot
18 project to be established at general academic teaching institutions
19 and at components of the Texas State Technical College System in
20 counties that are not immediately adjacent to the nation in which
21 the foreign student resides.

22 (d) The coordinating board by rule shall establish a program
23 with the United Mexican States and with Canada for the exchange of
24 students and shall establish programs with other nations for the
25 exchange of students to the extent practicable. The foreign
26 student tuition fee prescribed in this chapter does not apply to a
27 foreign student participating in an exchange program established

1 under this section.

2 (e) The coordinating board shall adopt rules to determine
3 the number of students who may participate in the programs provided
4 by Subsections (b) and (d) and the students who may transfer from
5 any general academic teaching institution or component of the Texas
6 State Technical College System in a county immediately adjacent to
7 the nation in which the foreign student resides to attend another
8 general academic teaching institution or component of the Texas
9 State Technical College System to complete a degree, certificate,
10 or diploma or attend graduate school.

11 (f) The payment of resident tuition at Lamar State
12 College--Orange, Lamar State College--Port Arthur, or a public
13 technical institute as authorized by Subsection (a) or at an
14 institution of higher education as authorized by Subsection (g)
15 does not affect the constitutionally dedicated funding to which
16 institutions of higher education are entitled under Section 17,
17 Article VII, [~~Section 17, of the~~] Texas Constitution.

18 (g) The nonresident tuition fee prescribed by this chapter
19 does not apply to a nonresident student who is a resident of a
20 county or parish of Arkansas, Louisiana, New Mexico, or Oklahoma
21 that is adjacent to this state and who registers in an institution
22 of higher education, the governing board of which has agreed to
23 admit the student at the resident tuition fee prescribed by this
24 chapter. The state in which the student resides must allow a
25 resident of a county of this state that is adjacent to that state to
26 register in a public institution of higher education in that state
27 at the tuition fee charged residents of that state. The student

1 shall pay tuition equal to that charged residents of this state at
2 the institution.

3 (h) In this section:

4 (1) "Coordinating board" means the Texas Higher
5 Education Coordinating Board.

6 (2) "General academic teaching institution" and
7 "public technical institute" have the meanings assigned by Section
8 61.003.

9 Sec. 54.232 [~~54.074~~]. NATO AGREEMENT. A nonimmigrant alien
10 who resides in this state in accordance with the Agreement between
11 the Parties to the North Atlantic Treaty Regarding the Status of
12 Their Forces (4 U.S.T. 1792) and the spouse or children of that
13 alien are considered to be residents for tuition and fee purposes
14 under this title.

15 Sec. 54.233. ACADEMIC COMMON MARKET. The governing board
16 of an institution of higher education shall charge nonresident
17 students participating in the Academic Common Market and enrolled
18 in programs designated under Section 160.07 the same amount charged
19 resident students in such programs.

20 Sec. 54.241 [~~54.058~~]. MILITARY PERSONNEL AND DEPENDENTS.

21 (a) Military personnel are classified as provided by this section.

22 (b) A person who is an officer, enlisted person, selectee,
23 or draftee of the Army, Army Reserve, Army National Guard, Air
24 National Guard, Air Force, Air Force Reserve, Navy, Navy Reserve,
25 Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard
26 Reserve of the United States, who is assigned to duty in Texas, and
27 the spouse and children of such an officer, enlisted person,

1 selectee, or draftee, are entitled to register in a state
 2 institution of higher education by paying the tuition fee and other
 3 fees or charges required of Texas residents, without regard to the
 4 length of time the officer, enlisted person, selectee, or draftee
 5 has been assigned to duty or resided in the state. However,
 6 out-of-state Army National Guard or Air National Guard members
 7 attending training with Texas Army or Air National Guard units
 8 under National Guard Bureau regulations may not be exempted from
 9 nonresident tuition by virtue of that training status nor may
 10 out-of-state Army, Air Force, Navy, Marine Corps, or Coast Guard
 11 Reserves training with units in Texas under similar regulations be
 12 exempted from nonresident tuition by virtue of that training
 13 status. It is the intent of the legislature that only those members
 14 of the Army or Air National Guard or other reserve forces mentioned
 15 above be exempted from the nonresident tuition fee and other fees
 16 and charges only when they become members of Texas units of the
 17 military organizations mentioned above.

18 (c) The spouse or child of a member of the Armed Forces of
 19 the United States who has been assigned to duty elsewhere
 20 immediately following assignment to duty in Texas is entitled to
 21 pay the tuition fees and other fees or charges provided for Texas
 22 residents as long as the spouse or child resides continuously in
 23 Texas.

24 (d) A spouse or dependent child of a member of the Armed
 25 Forces of the United States, who is not assigned to duty in Texas
 26 but who has previously resided in Texas for a six-month period, is
 27 entitled to pay the tuition fees and other fees or charges provided

1 for Texas residents for a term or semester at an institution of
2 higher education if the member:

3 (1) at least one year preceding the first day of the
4 term or semester executed a document with the applicable military
5 service that is in effect on the first day of the term or semester
6 and that:

7 (A) indicates that the member's permanent
8 residence address is in Texas; and

9 (B) designates Texas as the member's place of
10 legal residence for income tax purposes;

11 (2) has been registered to vote in Texas for the entire
12 year preceding the first day of the term or semester; and

13 (3) satisfies at least one of the following
14 requirements:

15 (A) for the entire year preceding the first day
16 of the term or semester has owned real property in Texas and in that
17 time has not been delinquent in the payment of any taxes on the
18 property;

19 (B) has had an automobile registered in Texas for
20 the entire year preceding the first day of the term or semester; or

21 (C) at least one year preceding the first day of
22 the term or semester executed a will that has not been revoked or
23 superseded indicating that the member is a resident of this state
24 and deposited the will with the county clerk of the county of the
25 member's residence under Section 71, Texas Probate Code.

26 (e) A Texas institution of higher education may charge to
27 the United States government the nonresident tuition fee for a

1 veteran enrolled under the provisions of a federal law or
2 regulation authorizing educational or training benefits for
3 veterans.

4 (f) The spouse or child of a member of the Armed Forces of
5 the United States who dies or is killed is entitled to pay the
6 resident tuition fee if the spouse or child becomes a resident of
7 Texas within 60 days of the date of death.

8 (g) If a member of the Armed Forces of the United States is
9 stationed outside Texas and the member's spouse or child
10 establishes residence in Texas by residing in Texas and by filing
11 with the Texas institution of higher education at which the spouse
12 or child plans to register a letter of intent to establish residence
13 in Texas, the institution of higher education shall permit the
14 spouse or child to pay the tuition, fees, and other charges provided
15 for Texas residents without regard to length of time that the spouse
16 or child has resided in Texas.

17 (h) The governing board of Midwestern State University may
18 set the resident and nonresident tuition rates for United States
19 military personnel enrolled in the bachelor of science or master of
20 science degree program in radiological sciences at Midwestern State
21 University at the rates the governing board considers appropriate,
22 notwithstanding any other provision of this subchapter, and may
23 exempt those military personnel from all or part of required fees
24 and charges while enrolled in one of those programs. The total
25 amount of tuition and required fees charged to a resident member of
26 the armed forces under this subsection may not be less than the
27 total amount of tuition and required fees charged to other resident

1 students in the same program. United States military personnel
 2 enrolled in one of those programs by instructional
 3 telecommunication are entitled to pay tuition fees and other fees
 4 or charges provided by the board for United States military
 5 personnel residing in Texas if they began the program while
 6 stationed at a military base or other installation in Texas as a
 7 member of the United States Armed Forces. In this subsection,
 8 "instructional telecommunication" means instruction delivered
 9 primarily by telecommunication technology, including open-channel
 10 television, cable television, closed-circuit television, low power
 11 television, communication and/or direct broadcast satellite,
 12 satellite master antenna system, microwave, videotape, videodisc,
 13 computer software, computer networks, and telephone lines.

14 (i) A former member of the Armed Forces of the United States
 15 or the former member's spouse or dependent child is entitled to pay
 16 the tuition fees and other fees or charges provided for Texas
 17 residents for any term or semester at a state institution of higher
 18 education that begins before the first anniversary of the member's
 19 separation from the Armed Forces if the former member:

20 (1) has retired or been honorably discharged from the
 21 Armed Forces; and

22 (2) has complied with the requirements of Subsection
 23 (d).

24 (j) A member of the Armed Forces of the United States or the
 25 child or spouse of a member of the Armed Forces of the United States
 26 who is entitled to pay tuition and fees at the rate provided for
 27 Texas residents under another provision of this section while

1 enrolled in a degree or certificate program is entitled to pay
2 tuition and fees at the rate provided for Texas residents in any
3 subsequent term or semester while the person is continuously
4 enrolled in the same degree or certificate program. For purposes of
5 this subsection, a person is not required to enroll in a summer term
6 to remain continuously enrolled in a degree or certificate program.
7 The person's eligibility to pay tuition and fees at the rate
8 provided for Texas residents under this subsection does not
9 terminate because the person is no longer a member of the Armed
10 Forces of the United States or the child or spouse of a member of the
11 Armed Forces of the United States.

12 (k) A person is entitled to pay tuition and fees at an
13 institution of higher education at the rates provided for Texas
14 residents without regard to the length of time the person has
15 resided in this state if the person files with the institution at
16 which the person intends to register a letter of intent to establish
17 residence in this state and resides in this state while enrolled in
18 the institution and the person:

19 (1) is eligible for benefits under the federal
20 Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C.
21 Section 3301 et seq.) or any other federal law authorizing
22 educational benefits for veterans;

23 (2) is the spouse of a person described by Subdivision
24 (1); or

25 (3) is a child of a person described by Subdivision (1)
26 who is 25 years of age or younger on the first day of the semester or
27 other academic term for which the person is registering, except

1 that the Texas Higher Education Coordinating Board by rule shall
2 prescribe procedures by which a person who suffered from a severe
3 illness or other debilitating condition that affected the person's
4 ability to use the benefit provided by this subsection before
5 reaching that age may be granted additional time to use the benefit
6 corresponding to the time the person was unable to use the benefit
7 because of the illness or condition.

8 (1) In this section, "child" includes a stepchild.

9 Sec. 54.251 [~~54.069~~]. REGISTERED NURSES IN POSTGRADUATE
10 NURSING DEGREE PROGRAMS; OPTIONAL WAIVER. An institution of higher
11 education may permit a registered nurse authorized to practice
12 professional nursing in Texas to register by paying the tuition
13 fees and other fees or charges required for Texas residents under
14 Section 54.051, without regard to the length of time the registered
15 nurse has resided in Texas, if the registered nurse:

16 (1) is enrolled in a program designed to lead to a
17 master's degree or other higher degree in nursing; and

18 (2) intends to teach in a program in Texas designed to
19 prepare students for licensure as registered nurses.

20 Sec. 54.261. DESIGNATED TUITION; HARDSHIP; OPTIONAL
21 WAIVER. A governing board may waive all or part of the tuition
22 charged to a student under Section 54.0513 if it finds that the
23 payment of such tuition would cause an undue economic hardship on
24 the student.

25 Sec. 54.262. STUDENT SERVICES FEES; OPTIONAL WAIVER. The
26 governing board of an institution of higher education may waive all
27 or part of any compulsory fee or fees authorized by Section 54.503

in the case of any student for whom the payment of the fee would cause an undue financial hardship, provided the number of the students to whom the waiver is granted for a semester or term does not exceed 10 percent of the institution's total enrollment for that semester or term. The board may limit accordingly the participation of a student in the activities financed by the fee so waived.

Sec. 54.263 [~~54.013~~]. STUDENTS 55 YEARS OF AGE OR OLDER; OPTIONAL WAIVER. (a) An institution of higher education may charge a student 55 years of age or older tuition and fees at rates that are lower than the rates otherwise provided by this chapter, under the condition that a student under 55 years of age will not be precluded from enrolling in a course for credit toward a degree or certificate. The institution may set additional qualifications that a student must meet to qualify for tuition and fees at rates set under this section and may set different rates for different programs, campuses, or courses. The institution may set rates under this section for resident students, nonresident students, or both, and may set different rates for resident students and nonresident students.

(b) A tuition or fee rate set under this section must apply uniformly to each student that meets the applicable qualifications set by the institution to pay tuition or fees at that rate.

(c) The legislature in an appropriations act shall account for the rates authorized by Subsection (a) in a way that does not increase the general revenue appropriations to that institution.

Sec. 54.301 [~~54.201~~]. HIGHEST RANKING HIGH SCHOOL

1 GRADUATES; OPTIONAL EXEMPTION. The governing board of each
 2 institution of higher education may issue scholarships each year to
 3 the highest ranking graduate of each accredited high school of this
 4 state, exempting the graduates from the payment of tuition during
 5 both semesters of the first regular session immediately following
 6 their graduation. This exemption may be granted for any one of the
 7 first four regular sessions following the individual's graduation
 8 from high school when in the opinion of the institution's president
 9 the circumstances of an individual case, including military
 10 service, merit the action.

11 Sec. 54.331 [~~54.207~~]. STUDENTS FROM OTHER NATIONS OF THE
 12 AMERICAN HEMISPHERE. (a) The governing boards of the institutions
 13 of higher education may annually exempt from the payment of tuition
 14 fees the following students:

15 (1) 200 native-born students from the other nations of
 16 the American hemisphere; and

17 (2) 35 native-born students from a Latin American
 18 country designated by the United States Department of State.

19 (b) Ten students from each nation, as authorized in
 20 Subsection (a)(1) [~~of this section~~], shall be exempt as provided in
 21 this subsection. In the event any nation fails to have 10 students
 22 available and qualified for exemption, additional students from the
 23 other nations may be exempted, subject to the approval of the Texas
 24 Higher Education Coordinating Board [~~, Texas College and University~~
 25 ~~System,~~] and allocation by the coordinating board [~~it~~]. However,
 26 not more than 235 students from all the nations shall be exempt each
 27 year. In the event the nation designated in Subsection (a)(2) of

1 this section fails to have 35 students available and qualified for
2 exemption within a reasonable time, additional students from other
3 nations may be exempt, subject to the approval of the coordinating
4 board.

5 (c) Every applicant desiring the exemption shall furnish
6 satisfactory evidence, certified by the proper authority of the
7 applicant's ~~[his]~~ native country, that the applicant ~~[he]~~ is a bona
8 fide native-born citizen and resident of the country that ~~[which]~~
9 certifies the ~~[his]~~ application and that the applicant ~~[he]~~ is
10 scholastically qualified for admission.

11 (d) The coordinating board, after consultation with
12 representatives of the governing boards of the institutions of
13 higher education, shall formulate and prescribe a plan governing
14 the admission and distribution of all applicants desiring to
15 qualify under the provisions of this section.

16 (e) No student shall be exempted under this section who is
17 not a native-born citizen of the country certifying the student's
18 ~~[his]~~ qualifications and who has not lived in one of the nations of
19 this hemisphere for a period of at least five years. No member of
20 the Communist Party and no student from Cuba shall be eligible for
21 benefits under this section.

22 Sec. 54.341 ~~[54.203]~~. VETERANS AND OTHER MILITARY
23 PERSONNEL; ~~[7]~~ DEPENDENTS ~~[7-ETC]~~. (a) The governing board of each
24 institution of higher education shall exempt the following persons
25 from the payment of tuition, dues, fees, and other required
26 charges, including fees for correspondence courses but excluding
27 general deposit fees, student services fees, and any fees or

1 charges for lodging, board, or clothing, provided the person
2 seeking the exemption entered the service at a location in this
3 state, declared this state as the person's home of record in the
4 manner provided by the applicable military or other service, or
5 would have been determined to be a resident of this state for
6 purposes of Subchapter B at the time the person entered the service:

7 (1) all nurses and honorably discharged members of the
8 armed forces of the United States who served during the
9 Spanish-American War or during World War I;

10 (2) all nurses, members of the Women's Army Auxiliary
11 Corps, members of the Women's Auxiliary Volunteer Emergency
12 Service, and all honorably discharged members of the armed forces
13 of the United States who served during World War II except those who
14 were discharged from service because they were over the age of 38 or
15 because of a personal request on the part of the person that the
16 person be discharged from service;

17 (3) all honorably discharged men and women of the
18 armed forces of the United States who served during the national
19 emergency which began on June 27, 1950, and which is referred to as
20 the Korean War; and

21 (4) all persons who were honorably discharged from the
22 armed forces of the United States after serving on active military
23 duty, excluding training, for more than 180 days and who served a
24 portion of their active duty during:

25 (A) the Cold War which began on the date of the
26 termination of the national emergency cited in Subdivision (3);

27 (B) the Vietnam era which began on December 21,

1 1961, and ended on May 7, 1975;

2 (C) the Grenada and Lebanon era which began on
3 August 24, 1982, and ended on July 31, 1984;

4 (D) the Panama era which began on December 20,
5 1989, and ended on January 21, 1990;

6 (E) the Persian Gulf War which began on August 2,
7 1990, and ends on the date thereafter prescribed by Presidential
8 proclamation or September 1, 1997, whichever occurs first;

9 (F) the national emergency by reason of certain
10 terrorist attacks that began on September 11, 2001; or

11 (G) any future national emergency declared in
12 accordance with federal law.

13 (a-1) A person who before the 2009-2010 academic year
14 received an exemption provided by Subsection (a) continues to be
15 eligible for the exemption provided by that subsection as that
16 subsection existed on January 1, 2009, subject to the other
17 provisions of this section other than the requirement of Subsection
18 (a) that the person must have entered the service at a location in
19 this state, declared this state as the person's home of record, or
20 would have been determined to be a resident of this state for
21 purposes of Subchapter B at the time the person entered the service.

22 (a-2) The exemptions provided for in Subsection (a) also
23 apply to the spouse of:

24 (1) a member of the armed forces of the United States:

25 (A) who was killed in action;

26 (B) who died while in service;

27 (C) who is missing in action;

(D) whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States; or

(E) who became totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; or

(2) a member of the Texas National Guard or the Texas Air National Guard who:

(A) was killed since January 1, 1946, while on active duty either in the service of this state or the United States; or

(B) is totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs, regardless of whether the member is eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.

(b) The exemptions provided for in Subsection (a) also apply to:

(1) the children of members of the armed forces of the United States:

(A) who are or were killed in action;

(B) who die or died while in service;

(C) who are missing in action;

(D) whose death is documented to be directly caused by illness or injury connected with service in the armed

1 forces of the United States; or

2 (E) who became totally disabled for purposes of
3 employability according to the disability ratings of the Department
4 of Veterans Affairs as a result of a service-related injury; and

5 (2) the children of members of the Texas National
6 Guard and the Texas Air National Guard who:

7 (A) were killed since January 1, 1946, while on
8 active duty either in the service of their state or the United
9 States; or

10 (B) are totally disabled for purposes of
11 employability according to the disability ratings of the Department
12 of Veterans Affairs, regardless of whether the members are eligible
13 to receive disability benefits from the department, as a result of a
14 service-related injury suffered since January 1, 1946, while on
15 active duty either in the service of this state or the United
16 States.

17 (b-1) To qualify for an exemption under Subsection (a-2) or
18 (b), the spouse or child must be classified as a resident under
19 Subchapter B on the date of the spouse's or child's registration.

20 (b-2) The governing board of an institution of higher
21 education shall exempt from the payment of resident tuition at the
22 institution a dependent child, including a stepchild, of a member
23 of the Armed Forces of the United States who is a resident of this
24 state or is entitled to pay resident tuition under this subchapter,
25 for any semester or other academic term during which the member of
26 the armed forces is deployed on active duty for the purpose of
27 engaging in a combative military operation outside the United

1 States. In its appropriations to institutions of higher education,
2 the legislature shall provide sufficient funds to cover the full
3 costs of the exemptions provided by this subsection.

4 (c) A person may not receive exemptions provided for by this
5 section for more than a cumulative total of 150 credit hours.

6 (d) The governing board of each institution of higher
7 education granting an exemption under this section shall require
8 every applicant claiming the exemption to submit satisfactory
9 evidence that the applicant qualifies for the exemption.

10 (e) The exemption from tuition, fees, and other charges
11 provided for by this section does not apply to a person who at the
12 time of registration is entitled to receive educational benefits
13 under federal legislation that may be used only for the payment of
14 tuition and fees if the value of those benefits received in a
15 semester or other term is equal to or exceeds the value of the
16 exemption for the same semester or other term. If the value of
17 federal benefits that may be used only for the payment of tuition
18 and fees and are received in a semester or other term does not equal
19 or exceed the value of the exemption for the same semester or other
20 term, the person is entitled to receive both those federal benefits
21 and the exemption in the same semester or other term. The combined
22 amount of the federal benefit that may be used only for the payment
23 of tuition and fees plus the amount of the exemption received in a
24 semester or other term may not exceed the cost of tuition and fees
25 for that semester or other term.

26 (e-1) A person may not receive an exemption under this
27 section if the person is in default on a loan made or guaranteed for

educational purposes by the State of Texas.

(f) The governing board of each institution of higher education may enter into contracts with the United States government, or any of its agencies, to furnish instruction to ex-servicemen and ex-service women at a tuition rate which covers the estimated cost of the instruction or, in the alternative, at a tuition rate of \$100 a semester, as may be determined by the governing board. If the rates specified are prohibited by federal law for any particular class of ex-servicemen or ex-service women, the tuition rate shall be set by the governing board, but shall not be less than the established rate for civilian students. If federal law provides as to any class of veterans that the tuition payments are to be deducted from subsequent benefits to which the veteran may be entitled, the institution shall refund to any veteran who is a resident of Texas within the meaning of this section the amount by which any adjusted compensation payment is actually reduced because of tuition payments made to the institution by the federal government for the veteran.

(g) The governing board of a public junior college ~~[district]~~, public technical institute, or public state college, as those terms are defined by Section 61.003, may establish a fee for extraordinary costs associated with a specific course or program and may provide that the exemptions provided by this section do not apply to this fee.

(h) The governing board of each institution of higher education shall electronically report to the Texas Higher Education Coordinating Board the information required by Section 61.0516

1 relating to each individual receiving an exemption from fees and
2 charges under Subsection (a), (a-2), or (b). The institution shall
3 report the information not later than December 31 of each year for
4 the fall semester, May 31 of each year for the spring semester, and
5 September 30 of each year for the summer session.

6 (i) The Texas Higher Education Coordinating Board may adopt
7 rules to provide for the efficient and uniform application of this
8 section.

9 (j) In determining whether to admit a person to any
10 certificate program or any baccalaureate, graduate, postgraduate,
11 or professional degree program, an institution of higher education
12 may not consider the fact that the person is eligible for an
13 exemption under this section.

14 (k) The Texas Higher Education Coordinating Board by rule
15 shall prescribe procedures to allow a person who becomes eligible
16 for an exemption provided by Subsection (a) to waive the person's
17 right to any unused portion of the maximum number of cumulative
18 credit hours for which the person could receive the exemption and
19 assign the exemption for the unused portion of those credit hours to
20 a child of the person. The procedures shall provide:

21 (1) the manner in which a person may waive the
22 exemption and designate a child to receive the exemption;

23 (2) a procedure permitting the person to designate a
24 different child to receive the exemption if the child previously
25 designated to receive the exemption did not use the exemption under
26 this section for all of the assigned portion of credit hours; and

27 (3) a method of documentation to enable institutions

1 of higher education to determine the eligibility of the designated
2 child to receive the exemption.

3 (1) To be eligible to receive an exemption under Subsection
4 (k), the child must:

5 (1) be a student who is classified as a resident under
6 Subchapter B when the child enrolls in an institution of higher
7 education;

8 (2) make satisfactory academic progress in a degree,
9 certificate, or continuing education program as determined by the
10 institution at which the child is enrolled in accordance with the
11 policy of the institution's financial aid department, except that
12 the institution may not require the child to enroll in a minimum
13 course load; and

14 (3) be 25 years of age or younger on the first day of
15 the semester or other academic term for which the exemption is
16 claimed, except that the Texas Higher Education Coordinating Board
17 by rule shall prescribe procedures by which a child who suffered
18 from a severe illness or other debilitating condition that affected
19 the child's ability to use the exemption before reaching that age
20 may be granted additional time to use the exemption corresponding
21 to the time the child was unable to use the exemption because of the
22 illness or condition.

23 (m) For purposes of this section, a person is the child of
24 another person if:

25 (1) the person is the stepchild or the biological or
26 adopted child of the other person; or

27 (2) the other person claimed the person as a dependent

1 on a federal income tax return filed for the preceding year or will
2 claim the person as a dependent on a federal income tax return for
3 the current year.

4 Sec. 54.342 [~~54.219~~]. PRISONERS OF WAR. (a) In this
5 section, "tuition and required fees" includes tuition, service
6 fees, lab fees, building use fees, and all other required fees
7 except room, board, or clothing fees or deposits in the nature of
8 security for the return or proper care of property.

9 (b) For each semester or summer session and for a total
10 number of semester credit hours not to exceed 120, the governing
11 body of each institution of higher education shall exempt from the
12 payment of tuition and required fees any person who:

13 (1) is a resident of Texas and was a resident of Texas
14 at the time of the person's original entry into the United States
15 armed forces;

16 (2) was first classified as a prisoner of war by the
17 United States Department of Defense on or after January 1, 1999; and

18 (3) is enrolled for at least 12 semester credit hours.

19 (c) For each semester or session in which a person receives
20 an exemption from tuition and required fees under Subsection (b),
21 the governing body of the institution the person attends shall
22 exempt the person from the payment of fees and charges for lodging
23 and board if the person resides on the campus of the institution.
24 If the person does not reside on the campus of the institution, the
25 institution shall provide to the person a reasonable stipend to
26 cover the costs of the person's lodging and board.

27 (d) For each semester or session in which a person receives

1 an exemption from tuition and required fees under Subsection (b),
2 the governing body of the institution the person attends shall
3 award to the person a scholarship to cover the costs of books and
4 similar educational materials required for course work at the
5 institution.

6 (e) An institution may use any available revenue, including
7 legislative appropriations, and shall solicit and accept gifts,
8 grants, and donations for the purposes of this section. The
9 institution shall use gifts, grants, and donations received for the
10 purposes of this section before using any other revenue.

11 Sec. 54.343 [~~54.209~~]. CHILDREN OF PRISONERS OF WAR OR
12 PERSONS MISSING IN ACTION. (a) In this section:

13 (1) "Dependent child" means a person under 21 years of
14 age, or a person under 25 years of age who receives the majority of
15 his support from his parent or parents.

16 (2) "Tuition and fees" includes tuition, service fees,
17 lab fees, building use fees, and all other fees except room, board,
18 or clothing fees, or deposits in the nature of security for the
19 return or proper care of property.

20 (b) The governing body of each institution of higher
21 education, on presentation of satisfactory evidence, shall exempt
22 from the payment of tuition and fees the dependent child of any
23 person who is a domiciliary of Texas on active duty as a member of
24 the armed forces of the United States, and who at the time of the
25 registration is classified by the Department of Defense as a
26 prisoner of war or as missing in action.

27 Sec. 54.344 [~~54.215~~]. PARTICIPANTS IN MILITARY FUNERALS.

1 The governing board of each institution of higher education shall
2 provide a \$25 exemption from tuition and required fees under this
3 chapter to a student in exchange for a voucher issued to the student
4 under Section 434.0072, Government Code, that is presented by the
5 student to the institution.

6 Sec. 54.345 [~~54.2155~~]. ASSISTANCE FOR TUITION AND FEES FOR
7 MEMBERS OF STATE MILITARY FORCES. (a) For each semester, the
8 adjutant general of the state military forces shall certify to
9 institutions of higher education as described by Section 431.090,
10 Government Code, information identifying the persons to whom the
11 adjutant general has awarded assistance for tuition and mandatory
12 fees under that section.

13 (b) An institution of higher education shall exempt a person
14 certified by the adjutant general as described by Subsection (a)
15 from the payment of tuition for the semester credit hours for which
16 the person enrolls, not to exceed 12 semester credit hours. If the
17 person is not charged tuition at the rate provided for other Texas
18 residents, the amount of the exemption may not exceed the amount of
19 tuition the person would be charged as a Texas resident for the
20 number of semester credit hours for which the person enrolls, not to
21 exceed 12 semester credit hours.

22 (c) An institution of higher education shall exempt a person
23 who receives an exemption from tuition under Subsection (b) from
24 the payment of all mandatory fees for any semester in which the
25 person receives the tuition exemption.

26 Sec. 54.351 [~~54.204~~]. CHILDREN OF DISABLED FIREFIGHTERS
27 AND LAW ENFORCEMENT OFFICERS. (a) In this section:

1 (1) "Eligible firefighter or law enforcement officer"
2 means:

- 3 (A) a full-paid or volunteer firefighter;
4 (B) a full-paid or volunteer municipal, county,
5 or state peace officer, including a game warden; or
6 (C) a custodial officer of the Texas Department
7 of Criminal Justice.

8 (2) "Disability" means inability to engage in any
9 substantial gainful activity by reason of a medically determinable
10 physical or mental impairment that can be expected to result in
11 death or to be of long-continued and indefinite duration. A person
12 is not considered to be under a disability unless the person
13 provides any proof of the existence of the disability as may be
14 required.

15 (b) The governing board of each institution of higher
16 education shall exempt from the payment of all dues, fees, and
17 charges any person whose parent is an eligible firefighter or law
18 enforcement officer who has suffered an injury, resulting in death
19 or disability, sustained in the line of duty according to the
20 regulations and criteria then in effect governing the department or
21 agency in which the eligible firefighter or law enforcement officer
22 volunteered or was employed. The exemption does not apply to
23 general deposits or to fees or charges for lodging, board, or
24 clothing.

25 (c) A person is not entitled to the exemption if the person:
26 (1) does not apply initially for the exemption before
27 the date the person:

1 (A) becomes 21 years of age, if the person is not
2 covered by Paragraph (B); or

3 (B) becomes 22 years of age, if the person is
4 eligible to participate in a school district's special education
5 program under Section 29.003;

6 (2) does not meet all entrance requirements of the
7 institution; or

8 (3) does not maintain a scholastic average sufficient
9 to remain in good standing.

10 (d) Subject to Subsection (e), a person may receive an
11 exemption only for the first 120 undergraduate semester credit
12 hours for which the person registers.

13 (e) A person is not entitled to an exemption for any term or
14 semester the person begins after the date the person becomes 26
15 years of age.

16 (f) A person entitled to an exemption under the provisions
17 of this section shall, when transferring from a public junior
18 college to a public senior college or university, meet the standard
19 entrance requirements required by the senior college or university
20 of an applicant for admission not covered by the provisions of this
21 section.

22 (g) An eligible firefighter or law enforcement officer
23 whose injury results in a disability shall submit to a physical
24 examination by a physician designated by the United States Social
25 Security Administration to conduct physical examinations and to
26 make disability reports to the Social Security Administration. If
27 the physician decides the injury received has resulted in a

1 disability, the physician shall certify that fact to the head of the
2 department in which the eligible firefighter or law enforcement
3 officer volunteers or is employed.

4 (h) The head of the department in which the eligible
5 firefighter or law enforcement officer volunteered or was employed
6 at the time the firefighter or law enforcement officer sustained
7 the injury shall file a certificate with the Texas Higher Education
8 Coordinating Board on a form prepared by the board for the purpose.
9 The head of the department shall attach the certificate of the
10 examining physician if an examination is required by Subsection (g)
11 ~~[of this section]~~. A copy of the certificate on file with the
12 coordinating board is sufficient evidence for the institution to
13 grant the exemption.

14 Sec. 54.352 ~~[54.2041]~~. DISABLED PEACE OFFICERS; OPTIONAL
15 EXEMPTION. (a) The governing board of an institution of higher
16 education may exempt a student from the payment of tuition and
17 required fees authorized by this chapter for a course for which
18 space is available if the student:

19 (1) is a resident of this state and has resided in this
20 state for the 12 months immediately preceding the beginning of the
21 semester or session for which an exemption is sought;

22 (2) is permanently disabled as a result of an injury
23 suffered during the performance of a duty as a peace officer of this
24 state or a political subdivision of this state; and

25 (3) is unable to continue employment as a peace
26 officer because of the disability.

27 (b) A person may not receive an exemption under this section

1 for more than 12 semesters or sessions while the person is enrolled
2 in an undergraduate program or while the person is attending only
3 undergraduate courses.

4 (c) A person may not receive an exemption under this section
5 if the person is enrolled in a master's degree program or is
6 attending postgraduate courses to meet the requirements of a
7 master's degree program and the person has previously received a
8 master's degree and received an exemption under this section for a
9 semester or session while attending a postgraduate course to meet
10 the requirements of the master's degree program.

11 (d) A person may not receive an exemption under this section
12 if the person is enrolled in a doctoral degree program or is
13 attending postgraduate courses to meet the requirements of a
14 doctoral degree program and the person has previously received a
15 doctoral degree and received an exemption under this section for a
16 semester or session while attending a postgraduate course to meet
17 the requirements of the doctoral degree program.

18 (e) A person must apply for an exemption in the manner
19 provided by the governing board of the institution. The governing
20 board shall require an applicant for an exemption to submit
21 satisfactory evidence that the applicant is eligible for the
22 exemption.

23 (f) The legislature, in an appropriations act, shall
24 account for the rates of tuition and fees authorized by Subsection
25 (a) in a way that does not increase the general revenue
26 appropriations to that institution.

27 (g) In this section, "injury suffered during the

1 performance of a duty as a peace officer" means an injury occurring
2 as a result of the peace officer's performance of any of the
3 following law enforcement duties:

4 (1) traffic enforcement or traffic control duties,
5 including enforcement of traffic laws, investigation of vehicle
6 accidents, or directing traffic;

7 (2) pursuit, arrest, or search of a person reasonably
8 believed to have violated a law;

9 (3) investigation, including undercover
10 investigation, of a criminal act;

11 (4) patrol duties, including automobile, bicycle,
12 foot, air, or horse patrol;

13 (5) duties related to the transfer of prisoners; or

14 (6) training duties, including participation in any
15 training required by the officer's employer or supervisor or by the
16 Commission on Law Enforcement Officer Standards and Education.

17 (h) For the purpose of this section, a peace officer is
18 considered permanently disabled only if the chief administrative
19 officer of the law enforcement agency or other entity that employed
20 the officer at the time of the injury determines the officer is
21 permanently disabled and satisfies any requirement of an
22 institution under Subsection (e).

23 Sec. 54.354 [~~615.0225~~]. EDUCATION BENEFITS FOR CERTAIN
24 SURVIVORS. (a) A person is eligible to receive education benefits
25 under this section if the person is:

26 (1) a surviving spouse; or

27 (2) a surviving minor child as defined by Section

1 615.001, Government Code.

2 (b) An eligible person who enrolls as a full-time student at
3 an institution of higher education as defined by Section 61.003[
4 ~~Education Code~~,] is exempt from tuition and fees at that
5 institution of higher education until the student receives a
6 bachelor's degree or 200 hours of course credit, whichever occurs
7 first.

8 (c) If the student elects to reside in housing provided by
9 the institution of higher education and qualifies to reside in that
10 housing, the institution shall pay from the general revenue
11 appropriated to the institution the cost of the student's contract
12 for food and housing until the student receives a bachelor's degree
13 or 200 hours of course credit, whichever occurs first. If there is
14 no space available in the institution's housing, the institution
15 shall, from the general revenue appropriated to the institution,
16 pay to the student each month the equivalent amount that the
17 institution would have expended had the student lived in the
18 institution's housing. The institution is not required to pay the
19 student the monthly payment if the student would not qualify to live
20 in the institution's housing.

21 (d) The institution of higher education shall, from the
22 general revenue appropriated to the institution, pay to the student
23 the cost of the student's textbooks until the student receives a
24 bachelor's degree or 200 hours of course credit, whichever occurs
25 first.

26 (e) A payment under this section is in addition to any
27 payment made under Section 615.022, Government Code.

1 Sec. 54.355 [~~54.221~~]. CHILDREN OF PROFESSIONAL NURSING
2 PROGRAM FACULTY. (a) In this section:

3 (1) "Child" means a child 25 years of age or younger
4 and includes an adopted child.

5 (2) "Graduate professional nursing program" means an
6 educational program of a public or private institution of higher
7 education that prepares students for a master's or doctoral degree
8 in nursing.

9 (3) "Undergraduate professional nursing program"
10 means a public or private educational program for preparing
11 students for initial licensure as registered nurses.

12 (b) The governing board of an institution of higher
13 education shall exempt from the payment of tuition a resident of
14 this state enrolled as an undergraduate student at the institution
15 who is a child of a person who, at the beginning of the semester or
16 other academic term for which an exemption is sought, holds a
17 master's or doctoral degree in nursing, if not employed or under
18 contract as a teaching assistant under Subdivision (1) or (2), or a
19 baccalaureate degree in nursing, if employed or under contract as a
20 teaching assistant under Subdivision (1) or (2), and:

21 (1) is employed by an undergraduate or graduate
22 professional nursing program in this state as a full-time member of
23 its faculty or staff with duties that include teaching, serving as a
24 teaching assistant, performing research, serving as an
25 administrator, or performing other professional services; or

26 (2) has contracted with an undergraduate or graduate
27 professional nursing program in this state to serve as a full-time

1 member of its faculty or staff to perform duties described by
2 Subdivision (1) during all or part of the semester or other academic
3 term for which an exemption is sought or, if the child is enrolled
4 for a summer session, during all or part of that session or for the
5 next academic year.

6 (c) A child who would qualify for an exemption under this
7 section but for the fact that the child's parent is not employed
8 full-time is eligible for an exemption on a pro rata basis equal to
9 the percentage of full-time employment the parent is employed,
10 except that a parent employed for less than 25 percent of full-time
11 employment is considered to be employed for 25 percent of full-time
12 employment.

13 (d) A person is not eligible for an exemption under this
14 section if the person:

15 (1) has previously received an exemption under this
16 section for 10 semesters or summer sessions at any institution or
17 institutions of higher education; or

18 (2) has received a baccalaureate degree.

19 (e) For purposes of Subsection (d), a summer session that is
20 less than nine weeks in duration is considered one-half of a summer
21 session.

22 (f) The tuition exemption provided by this section applies
23 only to enrollment of a child at the institution at which the
24 child's parent is employed or is under contract.

25 (g) The Texas Higher Education Coordinating Board shall
26 adopt:

27 (1) rules governing the granting or denial of an

1 exemption under this section, including rules relating to the
2 determination of eligibility for an exemption; and

3 (2) a uniform application form for an exemption under
4 this section.

5 Sec. 54.356 [~~54.222~~]. PRECEPTORS FOR PROFESSIONAL NURSING
6 EDUCATION PROGRAMS. (a) In this section, "child" and
7 "undergraduate professional nursing program" have the meanings
8 assigned by Section 54.355 [~~54.221~~].

9 (b) The governing board of an institution of higher
10 education shall exempt from the payment of \$500 of the total amount
11 of tuition a resident of this state enrolled as a student at the
12 institution who:

13 (1) is a registered nurse; and

14 (2) serves under a written preceptor agreement with an
15 undergraduate professional nursing program as a clinical preceptor
16 for students enrolled in the program.

17 (b-1) A person is entitled to an exemption under Subsection
18 (b) for one semester or other academic term for each semester or
19 other academic term during which the person serves as a clinical
20 preceptor as described by Subsection (b). The person may claim the
21 exemption in:

22 (1) the semester or other academic term in which the
23 person serves as a clinical preceptor; or

24 (2) a different semester or other academic term that
25 begins before the first anniversary of the last day of a semester or
26 other academic term described by Subdivision (1), if the person
27 does not claim the exemption in the semester or other term during

1 which the person serves as a clinical preceptor.

2 (c) The governing board of an institution of higher
3 education shall exempt from the payment of \$500 of the total amount
4 of tuition a resident of this state enrolled as an undergraduate
5 student at the institution who is a child of a person who meets the
6 requirements of Subsection (b). The child is entitled to an
7 exemption for one semester or other academic term for each semester
8 or other academic term during which the parent serves as a clinical
9 preceptor. The child may claim the exemption in any semester or
10 other academic term during which the parent could have claimed an
11 exemption under Subsection (b). The child's eligibility for an
12 exemption is not affected by whether the parent also received an
13 exemption under Subsection (b) for the same qualifying service as a
14 clinical preceptor.

15 (d) Notwithstanding Subsections (b) and (c), if a person
16 eligible for an exemption under this section owes less than \$500 in
17 tuition, the governing board of the institution of higher education
18 in which the person is enrolled shall exempt the person from the
19 payment of only the amount of tuition the person owes.

20 (e) A person is not eligible for an exemption under
21 Subsection (c) if the person:

22 (1) has previously received an exemption under this
23 section for 10 semesters or summer sessions at any institution or
24 institutions of higher education; or

25 (2) has received a baccalaureate degree.

26 (f) For purposes of Subsection (e), a summer session that is
27 less than nine weeks in duration is considered one-half of a summer

1 session.

2 (g) The Texas Higher Education Coordinating Board shall
3 adopt:

4 (1) rules governing the granting or denial of an
5 exemption under this section, including rules relating to the
6 determination of eligibility for an exemption; and

7 (2) a uniform application form for an exemption under
8 this section.

9 Sec. 54.361 [~~54.212~~]. ONE-YEAR EXEMPTION FOR CERTAIN TANF
10 STUDENTS. A student is exempt from the payment of tuition and fees
11 authorized by this chapter for the first academic year in which the
12 student enrolls at an institution of higher education if the
13 student:

14 (1) graduated from a public high school in this state;

15 (2) successfully completed the attendance
16 requirements under Section 25.085 [~~21.032~~];

17 (3) during the student's last year of public high
18 school in this state, was a dependent child receiving financial
19 assistance under Chapter 31, Human Resources Code, for not less
20 than six months;

21 (4) is younger than 22 years of age on the date of
22 enrollment;

23 (5) enrolls at the institution as an undergraduate
24 student not later than the second anniversary of the date of
25 graduation from a public high school in this state;

26 (6) has met the entrance examination requirements of
27 the institution before the date of enrollment; and

(7) is classified as a resident under Subchapter B.

Sec. 54.362 [~~54.213~~]. FUNDING OF EXEMPTIONS. (a) An institution of higher education may fund tuition exemptions under Section 54.361 [~~54.212~~] or 54.363 [~~54.214~~] from local funds or from funds appropriated to the institution. An institution of higher education is not required to provide tuition exemptions beyond those funded through appropriations specifically designated for this purpose.

(b) Savings to the foundation school fund that occur as a result of the Early High School Graduation Scholarship program created in Subchapter K, Chapter 56, and that are not required for the funding of state credits for tuition and mandatory fees under Section 56.204 or school district credits under Section 56.2075 shall be used first to provide tuition exemptions under Section 54.361 [~~54.212~~]. Any of those savings remaining after providing tuition exemptions under Section 54.361 [~~54.212~~] shall be used to provide tuition exemptions under Section 54.363 [~~54.214~~]. The Texas Education Agency shall also accept and make available to provide tuition exemptions under Section 54.363 [~~54.214~~] gifts, grants, and donations made to the agency for that purpose. Payment of funds under this subsection shall be made in the manner provided by Section 56.207 for state credits under Subchapter K, Chapter 56.

Sec. 54.363 [~~54.214~~]. EDUCATIONAL AIDES. (a) In this section, "coordinating board" means the Texas Higher Education Coordinating Board.

(b) The governing board of an institution of higher education shall exempt an eligible educational aide from the

1 payment of tuition and fees, other than class or laboratory fees.

2 (c) To be eligible for an exemption under this section, a
3 person must:

4 (1) be a resident of this state;

5 (2) be a school employee serving in any capacity;

6 (3) for the initial term or semester for which the
7 person receives an exemption under this section, have worked as an
8 educational aide for at least one school year during the five years
9 preceding that term or semester;

10 (4) establish financial need as determined by
11 coordinating board rule;

12 (5) be enrolled in courses required for teacher
13 certification at the institution of higher education granting the
14 exemption;

15 (6) maintain an acceptable grade point average as
16 determined by coordinating board rule; and

17 (7) comply with any other requirements adopted by the
18 coordinating board under this section.

19 (d) The institution of higher education at which a person
20 seeking an exemption under this section is enrolled must certify
21 the person's eligibility to receive the exemption. As soon as
22 practicable after receiving an application for certification, the
23 institution shall make the determination of eligibility and give
24 notice of its determination to the applicant and to the school
25 district employing the applicant as an educational aide.

26 (e) The coordinating board shall adopt rules consistent
27 with this section as necessary to implement this section. The

1 coordinating board shall distribute a copy of the rules adopted
2 under this section to each school district and institution of
3 higher education in this state.

4 (f) The board of trustees of a school district shall
5 establish a plan to encourage the hiring of educational aides who
6 show a willingness to become certified teachers.

7 (g) The governing board of an institution of higher
8 education that offers courses required for teacher certification
9 shall establish a plan to make those courses more accessible to
10 those who seek teacher certification. The board shall consider as
11 part of its plan to make those courses more accessible for teacher
12 certification, evening classes, Internet classes, or other means
13 approved by the Texas Higher Education Coordinating Board.

14 Sec. 54.364 [~~54.205~~]. BLIND, DEAF STUDENTS. (a) In this
15 section:

16 (1) "Resident" has the same meaning as is assigned it
17 in Subchapter B of this chapter.

18 (2) "Blind person" means a person who is a "blind
19 disabled individual" as defined in Section 91.051(5), Human
20 Resources Code.

21 (3) "Deaf person" means a person whose sense of
22 hearing is nonfunctional, after all necessary medical treatment,
23 surgery, and use of hearing aids, for understanding normal
24 conversation.

25 (4) "Tuition fees" includes all dues, fees, and
26 enrollment charges whatsoever for which exemptions may be lawfully
27 made, including fees for correspondence courses, general deposit

1 fees, and student services fees, but does not include fees or
2 charges for lodging, board, or clothing.

3 (5) "Institution of higher education" has the meaning
4 assigned by Section 61.003, except that the term includes the
5 Southwest Collegiate Institute for the Deaf.

6 (b) A deaf or blind person who is a resident is entitled to
7 exemption from the payment of tuition fees at any institution of
8 higher education utilizing public funds if the person ~~[he]~~
9 presents:

10 (1) certification that the person ~~[he]~~ is a "blind
11 person" or a "deaf person" as defined in Subsection (a) ~~[of this~~
12 ~~section]~~ by the Department of Assistive and Rehabilitative Services
13 ~~[Texas Rehabilitation Commission, Texas Commission for the Blind,~~
14 ~~or Texas Commission for the Deaf and Hard of Hearing, as~~
15 ~~appropriate,~~ in a written statement, which certification is
16 considered conclusive;

17 (2) a written statement of purpose from the person
18 that indicates the certificate or degree program to be pursued or
19 the professional enhancement from the course of study for that
20 certificate or degree program;

21 (3) a high school diploma or its equivalent;

22 (4) a letter of recommendation from the principal of
23 the high school attended by the deaf or blind individual, a public
24 official, or some other responsible person who knows the deaf or
25 blind individual and is willing to serve as a reference; and

26 (5) proof that the person ~~[he]~~ meets all other
27 entrance requirements of the institution.

1 (c) The governing board of an institution may establish
2 special entrance requirements to fit the circumstances of deaf and
3 blind persons. The Department of Assistive and Rehabilitative
4 Services [~~Texas Rehabilitation Commission, the Texas Commission~~
5 ~~for the Blind, the Texas Commission for the Deaf and Hard of~~
6 ~~Hearing,~~] and the Texas Higher Education Coordinating Board may
7 develop any rules and procedures that these agencies determine
8 necessary for the efficient implementation of this section.

9 (d) For the purposes of this section, a person is required
10 to present certification that the person is a "blind person" or a
11 "deaf person" as required under Subsection (b)(1) [~~of this section~~]
12 at the time the person initially enrolls at an institution of higher
13 education in the course of study designated by the person under
14 Subsection (b)(2) [~~of this section~~]. The certification is valid
15 for each semester that the person enrolls at that institution in the
16 designated course of study.

17 (e) A person who qualifies for an exemption under this
18 section is entitled to the exemption for each course in which the
19 person enrolls at an institution of higher education.

20 Sec. 54.365 [~~54.210~~]. SENIOR CITIZENS; OPTIONAL BENEFIT.

21 (a) In this section, "senior citizen" means a person 65 years of
22 age or older.

23 (b) The governing board of a state-supported institution of
24 higher education may allow a senior citizen to audit any course
25 offered by the institution without the payment of a fee if space is
26 available.

27 (c) The governing board of an institution of higher

1 education may allow a senior citizen to enroll for credit in up to
2 six hours of courses offered by the institution each semester or
3 summer term without payment of tuition if space is available.

4 Sec. 54.366 [~~54.211~~]. EXEMPTIONS FOR STUDENTS UNDER
5 CONSERVATORSHIP OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.

6 (a) A student is exempt from the payment of tuition and fees
7 authorized in this chapter, including tuition and fees charged by
8 an institution of higher education for a dual credit course or other
9 course for which a high school student may earn joint high school
10 and college credit, if the student:

11 (1) was under the conservatorship of the Department of
12 Family and Protective Services:

13 (A) on the day preceding the student's 18th
14 birthday;

15 (B) on or after the day of the student's 14th
16 birthday, if the student was also eligible for adoption on or after
17 that day;

18 (C) on the day the student graduated from high
19 school or received the equivalent of a high school diploma;

20 (D) on the day preceding:

21 (i) the date the student is adopted, if that
22 date is on or after September 1, 2009; or

23 (ii) the date permanent managing
24 conservatorship of the student is awarded to a person other than the
25 student's parent, if that date is on or after September 1, 2009; or

26 (E) [~~(D)~~] during an academic term in which the
27 student was enrolled in a dual credit course or other course for

1 which a high school student may earn joint high school and college
2 credit; and

3 (2) enrolls in an institution of higher education as
4 an undergraduate student or in a dual credit course or other course
5 for which a high school student may earn joint high school and
6 college credit not later than the student's 25th birthday.

7 (b) The Texas Education Agency and the Texas Higher
8 Education Coordinating Board shall develop outreach programs to
9 ensure that students in the conservatorship of the Department of
10 Family and Protective Services and in grades 9-12 are aware of the
11 availability of the exemption from the payment of tuition and fees
12 provided by this section.

13 Sec. 54.367 [~~54.2111~~]. EXEMPTIONS FOR ADOPTED STUDENTS
14 FORMERLY IN FOSTER OR OTHER RESIDENTIAL CARE. (a) A student is
15 exempt from the payment of tuition and fees authorized by this
16 chapter if the student:

17 (1) was adopted; and

18 (2) was the subject of an adoption assistance
19 agreement under Subchapter D, Chapter 162, Family Code, that:

20 (A) provided monthly payments and medical
21 assistance benefits; and

22 (B) was not limited to providing only for the
23 reimbursement of nonrecurring expenses, including reasonable and
24 necessary adoption fees, court costs, attorney's fees, and other
25 expenses directly related to the legal adoption of the child.

26 (b) The Texas Education Agency and the Texas Higher
27 Education Coordinating Board shall develop outreach programs to

1 ensure that adopted students in grades 9-12 formerly in foster or
2 other residential care are aware of the availability of the
3 exemption from the payment of tuition and fees provided by this
4 section.

5 Sec. 54.368 [~~54.224~~]. INTERINSTITUTIONAL ACADEMIC
6 PROGRAMS; OPTIONAL EXEMPTION. (a) In this section:

7 (1) "Interinstitutional academic program" means a
8 program under which a student may, in accordance with a written
9 agreement between an institution of higher education and one or
10 more other institutions of higher education or private or
11 independent institutions of higher education, take courses at each
12 institution that is a party to the agreement as necessary to fulfill
13 the program's degree or certificate requirements.

14 (2) "Private or independent institution of higher
15 education" has the meaning assigned by Section 61.003.

16 (b) Notwithstanding any other provision of this chapter,
17 the governing board of an institution of higher education may
18 exempt from the payment of tuition and required fees authorized by
19 this chapter a student who is taking a course, including an
20 interdisciplinary course, at the institution under an
21 interinstitutional academic program agreement but who is enrolled
22 primarily at another institution of higher education or at a
23 private or independent institution of higher education that is a
24 party to the agreement and to which the student is responsible for
25 the payment of tuition and fees.

26 SECTION 2. Subsection (c), Section 21.050, Education Code,
27 is amended to read as follows:

1 (c) A person who receives a bachelor's degree required for a
2 teaching certificate on the basis of higher education coursework
3 completed while receiving an exemption from tuition and fees under
4 Section 54.363 [~~54.214~~] may not be required to participate in any
5 field experience or internship consisting of student teaching to
6 receive a teaching certificate.

7 SECTION 3. Section 54.011, Education Code, is amended to
8 read as follows:

9 Sec. 54.011. TUITION LIMIT IN CASES OF CONCURRENT
10 ENROLLMENT. When a student registers at more than one public
11 institution of higher education at the same time, the student's
12 [~~his~~] tuition charges shall be determined in the following manner:

13 (1) The student shall pay the full tuition charge to
14 the first institution at which the student [~~he~~] is registered; and
15 in any event the student [~~he~~] shall pay an amount at least equal to
16 the minimum tuition specified in this code.

17 (2) If the minimum tuition specified in this code for
18 the first institution at which the student is registered is equal to
19 or greater than the minimum tuition specified in this code for the
20 second institution at which the student is registered concurrently,
21 the student shall not be required to pay the specified minimum
22 tuition charge to the second institution in addition to the tuition
23 charge paid to the first institution, but shall pay only the hourly
24 rates, as provided in this code, to the second institution.

25 (3) If the minimum tuition specified in this code for
26 the first institution at which the student is registered is less
27 than the specified minimum tuition charge at the second institution

(that is, if the second institution has a higher minimum tuition charge specified in this code), then the student shall first register at the institution having the lower minimum tuition and shall pay to the second institution only the amount equal to the difference between the student's ~~[his]~~ total tuition charge at the second institution and the student's ~~[his]~~ total tuition charge at the first institution, but in no case shall the student pay to the second institution less than the hourly rates as provided in this code.

(4) If a student is considered to be a Texas resident and therefore qualified to pay Texas resident tuition rates by one institution at which the student ~~[he]~~ is registered, the ~~[that]~~ student shall be considered a Texas resident at each of the institutions at which the student ~~[he]~~ is concurrently registered for the purposes of determining the proper tuition charges. Nothing in this subdivision shall be so construed as to allow a nonresident to pay resident tuition except at institutions covered by Section 54.231 ~~[54.060 of this code]~~.

SECTION 4. Subsection (c), Section 54.545, Education Code, is amended to read as follows:

(c) Subchapters B and D do not apply to a fee charged under this section, except to a fee for a correspondence course taken by a student who would qualify for an exemption from tuition under Section 54.341 ~~[54.203]~~ if the correspondence course applies towards the student's degree plan. The governing board of an institution of higher education may grant an exemption provided by Section 54.341 ~~[54.203]~~ for continuing education courses.

SECTION 5. Section 56.455, Education Code, is amended to read as follows:

Sec. 56.455. INITIAL ELIGIBILITY FOR LOAN. To be eligible initially for a Texas B-On-time loan, a person must:

(1) be a resident of this state under Section 54.052 or be entitled, as a child of a member of the armed forces of the United States, to pay tuition at the rate provided for residents of this state under Section 54.241 [~~54.058~~];

(2) meet one of the following academic requirements:

(A) be a graduate of a public or private high school in this state who graduated not earlier than the 2002-2003 school year under the recommended or advanced high school program established under Section 28.025(a) or its equivalent;

(B) be a graduate of a high school operated by the United States Department of Defense who:

(i) graduated from that school not earlier than the 2002-2003 school year; and

(ii) at the time of graduation from that school was a dependent child of a member of the armed forces of the United States; or

(C) have received an associate degree from an eligible institution not earlier than May 1, 2005;

(3) be enrolled for a full course load for an undergraduate student, as determined by the coordinating board, in an undergraduate degree or certificate program at an eligible institution;

(4) be eligible for federal financial aid, except that

1 a person is not required to meet any financial need requirement
2 applicable to a particular federal financial aid program; and

3 (5) comply with any additional nonacademic
4 requirement adopted by the coordinating board under this
5 subchapter.

6 SECTION 6. Section 61.0516, Education Code, is amended to
7 read as follows:

8 Sec. 61.0516. ELECTRONIC SYSTEM TO MONITOR TUITION
9 EXEMPTIONS FOR VETERANS AND DEPENDENTS. The board shall develop a
10 system to electronically monitor the use of tuition exemptions
11 under Section 54.341 [~~54.203~~]. The system must allow the board to
12 electronically receive, for each semester, the following
13 information from institutions of higher education:

- 14 (1) the name of the institution;
- 15 (2) the name, identification number, and date of birth
16 of each individual attending the institution and receiving benefits
17 for the semester under Section 54.341 [~~54.203~~];
- 18 (3) for each individual receiving benefits, the number
19 of credit hours for which the individual received an exemption for
20 the semester;
- 21 (4) for each individual receiving benefits at the
22 institution during the semester, the total cumulative number of
23 credit hours for which the individual has received an exemption at
24 the institution; and
- 25 (5) any other information required by the board.

26 SECTION 7. Section 61.073, Education Code, is amended to
27 read as follows:

1 Sec. 61.073. ALLOCATION OF FUNDS FOR TUITION AND FEE
2 EXEMPTIONS. Funds shall be appropriated to the board [~~Texas Higher~~
3 ~~Education Coordinating Board~~] for allocation to each junior [~~and~~
4 ~~community~~] college in an amount equal to the total of all tuition
5 and [~~laboratory~~] fees forgone [~~foregone~~] each semester as a result
6 of the tuition and [~~laboratory~~] fee exemptions required by law in
7 Sections 54.301, 54.331, 54.341, 54.343, 54.351, 54.352, 54.353,
8 54.3531, and 54.364 [~~54.201 through 54.209, Texas Education Code~~].

9 SECTION 8. Subdivision (2), Section 61.9751, Education
10 Code, is amended to read as follows:

11 (2) "Nursing education program" means an
12 undergraduate professional nursing program or a graduate
13 professional nursing program as those terms are defined by Section
14 54.355 [~~54.221~~].

15 SECTION 9. Subsection (c), Section 76.07, Education Code,
16 is amended to read as follows:

17 (c) A nonresident student who is simultaneously enrolled in
18 the institution and another public institution of higher education
19 under a program offered jointly by the two institutions under a
20 partnership agreement and who pays the fees and charges required of
21 Texas residents at one of the institutions as provided by Section
22 54.213 [~~54.064~~] because the student holds a competitive scholarship
23 is entitled to pay the fees and charges required of Texas residents
24 at each public institution of higher education in which the student
25 is simultaneously enrolled under the program.

26 SECTION 10. Subsection (a), Section 131.005, Education
27 Code, is amended to read as follows:

1 (a) A Texas resident student enrolled in the institute is
2 exempt from tuition fees under Section 54.364 [~~54.205 of this~~
3 ~~code~~].

4 SECTION 11. Subsection (i), Section 162.304, Family Code,
5 is amended to read as follows:

6 (i) A child for whom a subsidy is provided under Subsection
7 (b-1) for premiums for health benefits coverage and who does not
8 receive any other subsidy under this section is not considered to be
9 the subject of an adoption assistance agreement for any other
10 purpose, including for determining eligibility for the exemption
11 from payment of tuition and fees for higher education under Section
12 54.367 [~~54.2111~~], Education Code.

13 SECTION 12. Subsection (i), Section 431.090, Government
14 Code, is amended to read as follows:

15 (i) From money appropriated for purposes of this section,
16 the adjutant general shall authorize the comptroller to reimburse
17 an institution of higher education in an amount equal to the amount
18 of the exemption from tuition and mandatory fees the institution
19 grants to a person under Section 54.345 [~~54.2155~~], Education Code.

20 SECTION 13. Subsection (b), Section 434.0072, Government
21 Code, is amended to read as follows:

22 (b) The commission shall establish a program to issue
23 vouchers to be exchanged for an exemption from the payment of
24 tuition and required fees at an institution of higher education as
25 provided by Section 54.344 [~~54.215~~], Education Code, to students in
26 grades 6 through 12 or at postsecondary educational institutions
27 who sound "Taps" on a bugle, trumpet, or cornet during military

honors funerals held in this state for deceased veterans. A voucher must be issued in the amount of \$25 for each time a student sounds "Taps" as described by this subsection.

SECTION 14. Subsection (a), Section 824.602, Government Code, as amended by Chapters 674 (S.B. 132) and 1359 (S.B. 1691), Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;

(3) in one or more positions on as much as a full-time basis, if the work occurs in not more than six months of a school year that begins after the retiree's effective date of retirement;

(4) in a position, other than as a substitute, on no more than a one-half time basis for no more than 90 days in the school year, if the retiree is a disability retiree;

(5) in a position as a classroom teacher on as much as a full-time basis, if the retiree has retired under Section 824.202(a) or (a-1), is certified under Subchapter B, Chapter 21, Education Code, to teach the subjects assigned, is teaching in an acute shortage area as determined by the board of trustees of a

1 school district as provided by Subsection (m), and has been
2 separated from service with all public schools for at least 12
3 months;

4 (6) in a position as a principal, including as an
5 assistant principal, on as much as a full-time basis, if the retiree
6 has retired under Section 824.202(a) or (a-1) without reduction for
7 retirement at an early age, is certified under Subchapter B,
8 Chapter 21, Education Code, to serve as a principal, and has been
9 separated from service with all public schools for at least 12
10 months;

11 (7) as a bus driver for a school district on as much as
12 a full-time basis, if the retiree has retired under Section
13 824.202(a) or (a-1), and the retiree's primary employment is as a
14 bus driver; or

15 (8) as a faculty member, during the period beginning
16 with the 2005 fall semester and ending on the last day of the 2015
17 spring semester, in an undergraduate professional nursing program
18 or graduate professional nursing program, as defined by Section
19 54.355 [~~54.221~~], Education Code, and if the retiree has been
20 separated from service with all public schools for at least 12
21 months.

22 SECTION 15. Subdivision (1-b), Subsection (a), Section
23 2306.562, Government Code, is amended to read as follows:

24 (1-b) "Graduate professional nursing program" and
25 "undergraduate professional nursing program" have the meanings
26 assigned by Section 54.355 [~~54.221~~], Education Code.

27 SECTION 16. The following provisions of the Education Code

are repealed:

- (1) Subsection (d), Section 54.0513;
- (2) Subsection (e), Section 54.503;
- (3) Subsection (d), Section 65.45; and
- (4) Subsection (c), Section 160.07.

SECTION 17. (a) Section 54.208, Education Code, as amended by Chapters 1285 (H.B. 2013) and 1299 (H.B. 2347), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

(b) Subchapter D, Chapter 54, Education Code, is amended by adding Sections 54.353 and 54.3531 to read as follows:

Sec. 54.353. FIREFIGHTERS AND PEACE OFFICERS ENROLLED IN CERTAIN COURSES. (a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees a student who is employed as a firefighter by a political subdivision of this state and who enrolls in a course or courses offered as part of a fire science curriculum.

(b) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees charged by the institution for a criminal justice or law enforcement course or courses an undergraduate student who:

- (1) is employed as a peace officer by this state or by a political subdivision of this state;
- (2) is enrolled in a criminal justice or law enforcement-related degree program at the institution;
- (3) is making satisfactory academic progress toward the student's degree as determined by the institution; and
- (4) applies for the exemption at least one week before

1 the last date of the institution's regular registration period for
2 the applicable semester or other term.

3 (c) Notwithstanding Subsection (b), a student may not
4 receive an exemption under that subsection for any course if the
5 student has previously attempted a number of semester credit hours
6 for courses taken at any institution of higher education while
7 classified as a resident student for tuition purposes in excess of
8 the maximum number of those hours specified by Section 61.0595(a)
9 as eligible for funding under the formulas established under
10 Section 61.059.

11 (d) Notwithstanding Subsection (b), the governing board of
12 an institution of higher education may not provide exemptions under
13 that subsection to students enrolled in a specific class in a number
14 that exceeds 20 percent of the maximum student enrollment
15 designated by the institution for that class.

16 (e) An exemption provided under this section does not apply
17 to deposits that may be required in the nature of security for the
18 return or proper care of property loaned for the use of students.

19 (f) The coordinating board shall adopt:

20 (1) rules governing the granting or denial of an
21 exemption under this section, including rules relating to the
22 determination of a student's eligibility for an exemption; and

23 (2) a uniform listing of degree programs covered by
24 the exemption under this section.

25 (g) If the legislature does not specifically appropriate
26 funds to an institution of higher education in an amount sufficient
27 to pay the institution's costs in complying with this section for a

1 semester, the governing board of the institution of higher
2 education shall report to the Senate Finance Committee and the
3 House Appropriations Committee the cost to the institution of
4 complying with this section for that semester.

5 Sec. 54.3531. FIREFIGHTERS ENROLLED IN FIRE SCIENCE
6 COURSES. (a) The governing board of an institution of higher
7 education shall exempt from the payment of tuition and laboratory
8 fees any student enrolled in one or more courses offered as part of
9 a fire science curriculum who:

10 (1) is employed as a firefighter by a political
11 subdivision of this state; or

12 (2) is currently, and has been for at least one year,
13 an active member of an organized volunteer fire department in this
14 state, as defined by the fire fighters' pension commissioner, who
15 holds:

16 (A) an Accredited Advanced level of
17 certification, or an equivalent successor certification, under the
18 State Firemen's and Fire Marshals' Association of Texas volunteer
19 certification program; or

20 (B) Phase V (Firefighter II) certification, or an
21 equivalent successor certification, under the Texas Commission on
22 Fire Protection's voluntary certification program under Section
23 419.071, Government Code.

24 (b) An exemption provided under this section does not apply
25 to deposits that may be required in the nature of security for the
26 return or proper care of property loaned for the use of students.

27 (c) Notwithstanding Subsection (a), a student who for a

semester or term at an institution of higher education receives an exemption under this section may continue to receive the exemption for a subsequent semester or term at any institution only if the student makes satisfactory academic progress toward a degree or certificate at that institution as determined by the institution for purposes of financial aid.

(d) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of additional tuition the institution elects to charge a resident undergraduate student under Section 54.014(a) or (f).

(e) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of tuition the institution charges a graduate student in excess of the amount of tuition charged to similarly situated graduate students because the student has a number of semester credit hours of doctoral work in excess of the applicable number provided by Section 61.059(1)(1) or (2).

(f) The coordinating board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

SECTION 18. The changes in law made by this Act apply beginning with tuition and other fees charged for the 2012-2013 academic year. Tuition and other fees charged for an academic period before that academic year are covered by the law in effect

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1 immediately before the effective date of this Act, and the former
2 law is continued in effect for that purpose.

3 SECTION 19. This Act takes effect January 1, 2012.