

By: Zaffirini

S.B. No. 32

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the consolidation of related higher education programs
3 governing tuition, fee exemptions, and waivers respective to
4 specific target populations.

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

6 SECTION 1. Sections 54.059, 54.063, 54.064, 54.065, 54.066,
7 54.073, 54.060, 54.074, 54.058, 54.069, and 54.013, Education Code,
8 are transferred to Subchapter D, Chapter 54, Education Code,
9 redesignated as Sections 54.211, 54.212, 54.213, 54.214, 54.222,
10 54.223, 54.231, 54.232, 54.241, 54.251, and 54.263, Education Code,
11 respectively, and amended; Sections 54.201, 54.207, 54.219,
12 54.209, 54.215, 54.2155, 54.204, 54.2041, 54.221, 54.222, 54.212,
13 54.213, 54.214, 54.205, 54.210, 54.2111, and 54.224, Education
14 Code, are redesignated as Sections 54.301, 54.331, 54.342, 54.343,
15 54.344, 54.345, 54.351, 54.352, 54.355, 54.356, 54.361, 54.362,
16 54.363, 54.364, 54.365, 54.367, and 54.368, Education Code,
17 respectively, and amended; Section 54.203, Education Code, as
18 amended by Chapters 1340 (S.B. 93) and 1369 (S.B. 847), Acts of the
19 81st Legislature, Regular Session, 2009, is reenacted,
20 redesignated as Section 54.341, Education Code, and amended;
21 Section 54.211, Education Code, as amended by Chapters 45 (S.B. 43)
22 and 1372 (S.B. 939), Acts of the 81st Legislature, Regular Session,
23 2009, is reenacted, redesignated as Section 54.366, Education Code,
24 and amended; Section 615.0225, Government Code, is transferred to

1 Subchapter D, Chapter 54, Education Code, redesignated as Section
2 54.354, Education Code, and amended; and Subchapter D, Chapter 54,
3 Education Code, is amended by amending the subchapter heading,
4 amending Sections 54.216, 54.217, and 54.218, and adding Sections
5 54.201, 54.202, 54.203, 54.204, 54.221, 54.233, 54.261, and 54.262
6 to read as follows:

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

9 Sec. 54.201. DEFINITIONS. In this subchapter:

10 (1) "Coordinating board" means the Texas Higher
11 Education Coordinating Board.

12 (2) "Dependent" means a person who:

13 (A) is younger than 18 years of age and has not
14 been emancipated by marriage or court order; or

15 (B) as provided by coordinating board rule, is
16 eligible to be claimed as a dependent of a parent of the person for
17 purposes of determining the parent's income tax liability under the
18 Internal Revenue Code of 1986.

19 (3) "Nonresident tuition" means the amount of tuition
20 paid by a person who is not a resident of this state and who is not
21 entitled or permitted to pay resident tuition under this
22 subchapter.

23 (4) "Parent" means a natural or adoptive parent,
24 managing or possessory conservator, or legal guardian of a person.

25 (5) "Public upper-level institution of higher
26 education" means an institution of higher education that offers
27 only junior-level and senior-level courses or only junior-level,

1 senior-level, and graduate-level courses.

2 (6) "Resident" has the meaning assigned by Subchapter
3 B.

4 (7) "Resident tuition" and "resident fees" mean the
5 amount of tuition or fees, as applicable, charged to a person who is
6 a resident of this state.

7 (8) "Tuition and fees" includes tuition, service fees,
8 laboratory fees, building use fees, and all other required fees
9 except room, board, or clothing fees, or deposits in the nature of
10 security for the return or proper care of property.

11 (9) "General academic teaching institution,"
12 "institution of higher education," "private or independent
13 institution of higher education," "public junior college," "public
14 senior college or university," "public state college," and "public
15 technical institute" have the meanings assigned by Section 61.003.

16 Sec. 54.202. GENERAL ELIGIBILITY PROVISIONS; LIMITATIONS
17 ON BENEFITS. (a) Unless otherwise provided by this subchapter, to
18 receive a tuition and fee waiver, exemption from tuition and fees,
19 or other benefit under this subchapter, a student must:

20 (1) meet all entrance requirements of the institution
21 of higher education from which the student receives the benefit;
22 and

23 (2) maintain a grade point average sufficient to
24 remain in good academic standing at the institution.

25 (b) Unless otherwise provided by this subchapter, the
26 coordinating board may impose time limitations or limitations on
27 the number of semesters or other academic terms a person may receive

1 a benefit provided by this subchapter that provide a student a
2 reasonable time to complete a degree while receiving the benefit as
3 the coordinating board considers appropriate to ensure the best use
4 of available funds and resources.

5 Sec. 54.203. UNIFORM PROCEDURES. (a) The coordinating
6 board shall post information regarding all tuition and fee waivers,
7 exemptions, and other benefits provided by this subchapter on the
8 same web page within the agency's Internet website in a manner that
9 is easily accessible to the public.

10 (b) The coordinating board shall adopt rules:

11 (1) to prescribe a uniform application procedure for
12 determining the eligibility of a person to receive a benefit under
13 this subchapter;

14 (2) to prescribe procedures governing the granting or
15 denial of a benefit under this subchapter, including procedures
16 relating to the determination of eligibility for a benefit;

17 (3) to require a person who applies for a benefit under
18 this subchapter to submit a free application for federal student
19 aid (FAFSA) or another standard financial aid application, as
20 determined appropriate by the coordinating board, for the purpose
21 of:

22 (A) evaluating the efficiency of the financial
23 support provided through the use of benefits under this subchapter;
24 and

25 (B) if applicable, determining the financial
26 need of a person for the purposes of determining the person's
27 eligibility to receive a benefit under this subchapter; and

1 (4) as the coordinating board otherwise determines
2 necessary for the administration of this subchapter.

3 Sec. 54.204. DESIGNATION OF REPRESENTATIVE OR OFFICE OF
4 INSTITUTION. The governing board of each institution of higher
5 education shall designate a campus representative or specific
6 campus offices to hold primary responsibility for administering all
7 tuition and fee waivers, exemptions, and other benefits provided
8 for by this chapter.

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

20 Sec. 54.212 [~~54.063~~]. TEACHING OR RESEARCH ASSISTANT. A
21 teaching assistant or research assistant of any institution of
22 higher education and the spouse and children of such a teaching
23 assistant or research assistant are entitled to register in an [~~a~~
24 ~~state~~] institution of higher education by paying resident [~~the~~]
25 tuition and fees [~~and other fees or charges required for Texas~~
26 ~~residents under Section 54.051 of this code~~], without regard to the
27 length of time the assistant has resided in Texas, if the assistant

1 is employed at least one-half time in a teaching or research
2 assistant position which relates to the assistant's degree program
3 under rules and regulations established by the employer
4 institution.

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

16 (b) The total number of students at an institution paying
17 resident tuition and fees under this section for a particular
18 semester may not exceed five percent of the total number of students
19 registered at the institution for the same semester of the
20 preceding academic year.

21 (c) A student who would be entitled to pay resident tuition
22 and fees in the 2009-2010 academic year under this section as this
23 section existed on January 1, 2009, because the student is awarded a
24 competitive scholarship for that academic year in the amount
25 prescribed by Subsection (a) before the beginning of the 2009 fall
26 semester is entitled to continue to pay resident tuition and fees
27 under this section as this section existed on January 1, 2009, in

1 each semester or other term in which the student is awarded such a
2 scholarship, as long as the student remains enrolled in the same
3 certificate or degree program. This subsection expires August 1,
4 2014.

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

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

16 (1) holds a competitive academic scholarship or
17 stipend;

18 (2) is accepted in a clinical and biomedical research
19 training program designed to lead to both doctor of medicine and
20 doctor of philosophy degrees; and

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

23 Sec. 54.216. STUDENTS ENROLLED IN COURSE FOR CONCURRENT
24 HIGH SCHOOL AND COLLEGE-LEVEL CREDIT; OPTIONAL WAIVER. The
25 governing board of an institution of higher education may waive all
26 or part of the tuition and fees charged by the institution for a
27 student enrolled in a course for which the student is entitled to

1 simultaneously receive both:

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

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

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

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

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

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

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

23 Sec. 54.221. THE UNIVERSITY OF TEXAS SYSTEM; SCIENCE AND
24 TECHNOLOGY DEVELOPMENT, MANAGEMENT, AND TRANSFER. To the extent
25 provided for in an agreement authorized by Section 65.45, a person
26 employed by the entity with whom the system enters into such an
27 agreement, or the person's spouse or child, may pay resident

1 tuition and fees when enrolled in an institution of The University
2 of Texas System.

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

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

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

20 (b) The coordinating board [~~Texas Higher Education~~
21 ~~Coordinating Board~~], in consultation with the Texas Economic
22 Development and Tourism Office, shall establish procedures to
23 determine:

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

26 (2) the date on which the business or organization
27 became established in this state as part of the program of state

1 economic development and diversification.

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

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

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

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

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

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

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

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

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

1 (1) is a resident of Arkansas, Louisiana, New Mexico,
2 or Oklahoma and who registers in a public upper-level institution
3 of higher education, Lamar State College--Orange, Lamar State
4 College--Port Arthur, a [~~Texas~~] public junior college, or a public
5 technical institute that is situated in a county immediately
6 adjacent to the state in which the nonresident student resides; or

7 (2) [~~. The nonresident tuition fee prescribed by this~~
8 ~~chapter does not apply to a nonresident student who~~] is a resident
9 of New 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.

14 (b) The nonresident student described by Subsection (a) [~~in~~
15 ~~this subsection~~] shall pay an amount equivalent to the amount
16 charged a Texas student registered at a similar school in the state
17 in which the nonresident student resides.

18 (c) [~~For purposes of this subsection, "public upper-level~~
19 ~~institution of higher education" means an institution of higher~~
20 ~~education that offers only junior-level and senior-level courses or~~
21 ~~only junior-level, senior-level, and graduate-level courses.~~

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

26 (1) any general academic teaching institution or
27 component of the Texas State Technical College System located in a

1 county immediately adjacent to the nation in which the foreign
2 student resides;

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

9 (3) Texas A&M University--Kingsville, Texas A&M
10 University--Corpus Christi, or The University of Texas at San
11 Antonio [~~or~~

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

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

24 (e) [~~(d)~~] The coordinating board by rule shall establish a
25 program with the United Mexican States and with Canada for the
26 exchange of students and shall establish programs with other
27 nations for the exchange of students to the extent practicable. The

1 foreign student tuition fee prescribed in this chapter does not
2 apply to a foreign student participating in an exchange program
3 established under this section.

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

14 (g) [~~(f)~~] The payment of resident tuition at Lamar State
15 College--Orange, Lamar State College--Port Arthur, or a public
16 technical institute as authorized by Subsection (a) or at an
17 institution of higher education as authorized by Subsection (h)
18 [~~(g)~~] does not affect the constitutionally dedicated funding to
19 which institutions of higher education are entitled under Section
20 17, Article VII, [Section 17, of the] Texas Constitution.

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

1 resident of a county of this state that is adjacent to that state to
2 register in a public institution of higher education in that state
3 at the tuition [~~fee~~] charged residents of that state. The student
4 shall pay tuition equal to that charged residents of this state at
5 the institution.

6 [~~(h) In this section:~~

7 [~~(1) "Coordinating board" means the Texas Higher
8 Education Coordinating Board.~~

9 [~~(2) "General academic teaching institution" and
10 "public technical institute" have the meanings assigned by Section
11 61.003.~~]

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

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

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

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

25 (b) A person who is an officer, enlisted person, selectee,
26 or draftee of the Army, Army Reserve, Army National Guard, Air
27 National Guard, Air Force, Air Force Reserve, Navy, Navy Reserve,

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

22 (c) The spouse or child of a member of the Armed Forces of
23 the United States who has been assigned to duty elsewhere
24 immediately following assignment to duty in Texas is entitled to
25 pay resident [~~the~~] tuition [~~fees~~] and [~~other~~] fees [~~or charges~~
26 ~~provided for Texas residents~~] as long as the spouse or child resides
27 continuously in Texas.

1 (d) A spouse or dependent child of a member of the Armed
2 Forces of the United States, who is not assigned to duty in Texas
3 but who has previously resided in Texas for a six-month period, is
4 entitled to pay resident ~~[the]~~ tuition ~~[fees]~~ and ~~[other]~~ fees ~~[or~~
5 ~~charges provided for Texas residents]~~ for a term or semester at an
6 institution of higher education if the member:

7 (1) at least one year preceding the first day of the
8 term or semester executed a document with the applicable military
9 service that is in effect on the first day of the term or semester
10 and that:

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

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

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

17 (3) satisfies at least one of the following
18 requirements:

19 (A) for the entire year preceding the first day
20 of the term or semester has owned real property in Texas and in that
21 time has not been delinquent in the payment of any taxes on the
22 property;

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

25 (C) at least one year preceding the first day of
26 the term or semester executed a will that has not been revoked or
27 superseded indicating that the member is a resident of this state

1 and deposited the will with the county clerk of the county of the
2 member's residence under Section 71, Texas Probate Code.

3 (e) An [~~A Texas~~] institution of higher education may charge
4 to the United States government the nonresident tuition [~~fee~~] for a
5 veteran enrolled under the provisions of a federal law or
6 regulation authorizing educational or training benefits for
7 veterans.

8 (f) The spouse or child of a member of the Armed Forces of
9 the United States who dies or is killed is entitled to pay [~~the~~]
10 resident tuition [~~fee~~] if the spouse or child becomes a resident of
11 Texas within 60 days of the date of death.

12 (g) If a member of the Armed Forces of the United States is
13 stationed outside Texas and the member's spouse or child
14 establishes residence in Texas by residing in Texas and by filing
15 with the Texas institution of higher education at which the spouse
16 or child plans to register a letter of intent to establish residence
17 in Texas, the institution of higher education shall permit the
18 spouse or child to pay resident [~~the~~] tuition and [~~7~~] fees [~~and~~
19 ~~other charges provided for Texas residents~~] without regard to
20 length of time that the spouse or child has resided in Texas.

21 (h) The governing board of Midwestern State University may
22 set the resident and nonresident tuition rates for United States
23 military personnel enrolled in the bachelor of science or master of
24 science degree program in radiological sciences at Midwestern State
25 University at the rates the governing board considers appropriate,
26 notwithstanding any other provision of this subchapter, and may
27 exempt those military personnel from all or part of required

1 tuition and fees [~~and charges~~] while enrolled in one of those
2 programs. The total amount of tuition and [~~required~~] fees charged
3 to a resident member of the armed forces under this subsection may
4 not be less than the total amount of tuition and [~~required~~] fees
5 charged to other resident students in the same program. United
6 States military personnel enrolled in one of those programs by
7 instructional telecommunication are entitled to pay tuition [~~fees~~]
8 and [~~other~~] fees [~~or charges~~] provided by the board for United
9 States military personnel residing in Texas if they began the
10 program while stationed at a military base or other installation in
11 Texas as a member of the United States Armed Forces. In this
12 subsection, "instructional telecommunication" means instruction
13 delivered primarily by telecommunication technology, including
14 open-channel television, cable television, closed-circuit
15 television, low power television, communication and/or direct
16 broadcast satellite, satellite master antenna system, microwave,
17 videotape, videodisc, computer software, computer networks, and
18 telephone lines.

19 (i) A former member of the Armed Forces of the United States
20 or the former member's spouse or dependent child is entitled to pay
21 resident [~~the~~] tuition and fees [~~and other fees or charges provided~~
22 ~~for Texas residents~~] for any term or semester at an [~~a state~~]
23 institution of higher education that begins before the first
24 anniversary of the member's separation from the Armed Forces if the
25 former member:

26 (1) has retired or been honorably discharged from the
27 Armed Forces; and

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

3 (j) A member of the Armed Forces of the United States or the
4 child or spouse of a member of the Armed Forces of the United States
5 who is entitled to pay resident tuition and fees [~~at the rate~~
6 ~~provided for Texas residents~~] under another provision of this
7 section while enrolled in a degree or certificate program is
8 entitled to pay resident tuition and fees [~~at the rate provided for~~
9 ~~Texas residents~~] in any subsequent term or semester while the
10 person is continuously enrolled in the same degree or certificate
11 program. For purposes of this subsection, a person is not required
12 to enroll in a summer term to remain continuously enrolled in a
13 degree or certificate program. The person's eligibility to pay
14 resident tuition and fees [~~at the rate provided for Texas~~
15 ~~residents~~] under this subsection does not terminate because the
16 person is no longer a member of the Armed Forces of the United
17 States or the child or spouse of a member of the Armed Forces of the
18 United States.

19 (k) A person is entitled to pay resident tuition and fees at
20 an institution of higher education [~~at the rates provided for Texas~~
21 ~~residents~~] without regard to the length of time the person has
22 resided in this state if the person files with the institution at
23 which the person intends to register a letter of intent to establish
24 residence in this state and resides in this state while enrolled in
25 the institution and the person:

26 (1) is eligible for benefits under the federal
27 Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C.

1 Section 3301 et seq.) or any other federal law authorizing
2 educational benefits for veterans;

3 (2) is the spouse of a person described by Subdivision
4 (1); or

5 (3) is a child of a person described by Subdivision (1)
6 who is 25 years of age or younger on the first day of the semester or
7 other academic term for which the person is registering, except
8 that the coordinating board [~~Texas Higher Education Coordinating~~
9 ~~Board~~] by rule shall prescribe procedures by which a person who
10 suffered from a severe illness or other debilitating condition that
11 affected the person's ability to use the benefit provided by this
12 subsection before reaching that age may be granted additional time
13 to use the benefit corresponding to the time the person was unable
14 to use the benefit because of the illness or condition.

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

16 Sec. 54.251 [~~54.069~~]. REGISTERED NURSES IN POSTGRADUATE
17 NURSING DEGREE PROGRAMS; OPTIONAL WAIVER. An institution of higher
18 education may permit a registered nurse authorized to practice
19 professional nursing in Texas to register by paying resident [~~the~~
20 tuition and fees [~~and other fees or charges required for Texas~~
21 ~~residents under Section 54.051~~], without regard to the length of
22 time the registered nurse has resided in Texas, if the registered
23 nurse:

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

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

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

6 Sec. 54.262. STUDENT SERVICES FEES; OPTIONAL WAIVER. The
7 governing board of an institution of higher education may waive all
8 or part of any compulsory fee or fees authorized by Section 54.503
9 in the case of any student for whom the payment of the fee would
10 cause an undue financial hardship, provided the number of the
11 students to whom the waiver is granted for a semester or term does
12 not exceed 10 percent of the institution's total enrollment for
13 that semester or term. The board may limit accordingly the
14 participation of a student in the activities financed by the fee so
15 waived.

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

1 nonresident students.

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

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

8 Sec. 54.301 [~~54.201~~]. HIGHEST RANKING HIGH SCHOOL
9 GRADUATES; OPTIONAL EXEMPTION. The governing board of each
10 institution of higher education may issue scholarships each year to
11 the highest ranking graduate of each accredited high school of this
12 state, exempting the graduates from the payment of tuition during
13 both semesters of the first regular session immediately following
14 their graduation. This exemption may be granted for any one of the
15 first four regular sessions following the individual's graduation
16 from high school when in the opinion of the institution's president
17 the circumstances of an individual case, including military
18 service, merit the action.

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

23 (1) 200 native-born students from the other nations of
24 the American hemisphere; and

25 (2) 35 native-born students from a Latin American
26 country designated by the United States Department of State.

27 (b) Ten students from each nation, as authorized in

1 Subsection (a)(1) [~~of this section~~], shall be exempt as provided in
2 this subsection. In the event any nation fails to have 10 students
3 available and qualified for exemption, additional students from the
4 other nations may be exempted, subject to the approval of the
5 coordinating board [~~Coordinating Board, Texas College and~~
6 ~~University System~~], and allocation by the coordinating board [~~it~~].
7 However, not more than 235 students from all the nations shall be
8 exempt each year. In the event the nation designated in Subsection
9 (a)(2) of this section fails to have 35 students available and
10 qualified for exemption within a reasonable time, additional
11 students from other nations may be exempt, subject to the approval
12 of the coordinating board.

13 (c) Every applicant desiring the exemption shall furnish
14 satisfactory evidence, certified by the proper authority of the
15 applicant's [~~his~~] native country, that the applicant [~~he~~] is a bona
16 fide native-born citizen and resident of the country that [~~which~~]
17 certifies the [~~his~~] application and that the applicant [~~he~~] is
18 scholastically qualified for admission.

19 (d) The coordinating board, after consultation with
20 representatives of the governing boards of the institutions of
21 higher education, shall formulate and prescribe a plan governing
22 the admission and distribution of all applicants desiring to
23 qualify under the provisions of this section.

24 (e) No student shall be exempted under this section who is
25 not a native-born citizen of the country certifying the student's
26 [~~his~~] qualifications and who has not lived in one of the nations of
27 this hemisphere for a period of at least five years. No member of

1 the Communist Party and no student from Cuba shall be eligible for
2 benefits under this section.

3 Sec. 54.341 [~~54.203~~]. VETERANS AND OTHER MILITARY
4 PERSONNEL; [~~7~~] DEPENDENTS [~~7, ETC~~]. (a) The governing board of each
5 institution of higher education shall exempt the following persons
6 from the payment of all tuition and and [~~7, dues, 7~~] fees, [~~and other~~
7 ~~required charges, including fees for correspondence courses but~~
8 ~~excluding general deposit fees, student services fees, and any fees~~
9 ~~or charges for lodging, board, or clothing,~~] provided the person
10 seeking the exemption entered the service at a location in this
11 state, declared this state as the person's home of record in the
12 manner provided by the applicable military or other service, or
13 would have been determined to be a resident of this state for
14 purposes of Subchapter B at the time the person entered the service:

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

18 (2) all nurses, members of the Women's Army Auxiliary
19 Corps, members of the Women's Auxiliary Volunteer Emergency
20 Service, and all honorably discharged members of the armed forces
21 of the United States who served during World War II except those who
22 were discharged from service because they were over the age of 38 or
23 because of a personal request on the part of the person that the
24 person be discharged from service;

25 (3) all honorably discharged men and women of the
26 armed forces of the United States who served during the national
27 emergency which began on June 27, 1950, and which is referred to as

1 the Korean War; and

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

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

8 (B) the Vietnam era which began on December 21,
9 1961, and ended on May 7, 1975;

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

12 (D) the Panama era which began on December 20,
13 1989, and ended on January 21, 1990;

14 (E) the Persian Gulf War which began on August 2,
15 1990, and ends on the date thereafter prescribed by Presidential
16 proclamation or September 1, 1997, whichever occurs first;

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

19 (G) any future national emergency declared in
20 accordance with federal law.

21 (a-1) A person who before the 2009-2010 academic year
22 received an exemption provided by Subsection (a) continues to be
23 eligible for the exemption provided by that subsection as that
24 subsection existed on January 1, 2009, subject to the other
25 provisions of this section other than the requirement of Subsection
26 (a) that the person must have entered the service at a location in
27 this state, declared this state as the person's home of record, or

1 would have been determined to be a resident of this state for
2 purposes of Subchapter B at the time the person entered the service.

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

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

6 (A) who was killed in action;

7 (B) who died while in service;

8 (C) who is missing in action;

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

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

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

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

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

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

1 to:

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

4 (A) who are or were killed in action;

5 (B) who die or died while in service;

6 (C) who are missing in action;

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

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

13 (2) the children of members of the Texas National
14 Guard and the Texas Air National Guard who:

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

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

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

1 (b-2) The governing board of an institution of higher
2 education shall exempt from the payment of resident tuition and
3 fees at the institution a dependent child, including a stepchild,
4 of a member of the Armed Forces of the United States who is a
5 resident of this state or is entitled to pay resident tuition and
6 fees under this subchapter, for any semester or other academic term
7 during which the member of the armed forces is deployed on active
8 duty for the purpose of engaging in a combative military operation
9 outside the United States. In its appropriations to institutions
10 of higher education, the legislature shall provide sufficient funds
11 to cover the full costs of the exemptions provided by this
12 subsection.

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

15 ~~[(d) The governing board of each institution of higher
16 education granting an exemption under this section shall require
17 every applicant claiming the exemption to submit satisfactory
18 evidence that the applicant qualifies for the exemption.]~~

19 (e) The exemption from tuition, fees, and other charges
20 provided for by this section does not apply to a person who at the
21 time of registration is entitled to receive educational benefits
22 under federal legislation that may be used only for the payment of
23 tuition and fees if the value of those benefits received in a
24 semester or other term is equal to or exceeds the value of the
25 exemption for the same semester or other term. If the value of
26 federal benefits that may be used only for the payment of tuition
27 and fees and are received in a semester or other term does not equal

1 or exceed the value of the exemption for the same semester or other
2 term, the person is entitled to receive both those federal benefits
3 and the exemption in the same semester or other term. The combined
4 amount of the federal benefit that may be used only for the payment
5 of tuition and fees plus the amount of the exemption received in a
6 semester or other term may not exceed the cost of tuition and fees
7 for that semester or other term.

8 (e-1) A person may not receive an exemption under this
9 section if the person is in default on a loan made or guaranteed for
10 educational purposes by the State of Texas.

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

1 (g) The governing board of a public junior college district,
2 public state college, or public technical institute may establish a
3 fee for extraordinary costs associated with a specific course or
4 program and may provide that the exemptions provided by this
5 section do not apply to this fee.

6 (h) The governing board of each institution of higher
7 education shall electronically report to the coordinating board
8 [~~Texas Higher Education Coordinating Board~~] the information
9 required by Section 61.0516 relating to each individual receiving
10 an exemption from fees and charges under Subsection (a), (a-2), or
11 (b). The institution shall report the information not later than
12 December 31 of each year for the fall semester, May 31 of each year
13 for the spring semester, and September 30 of each year for the
14 summer session.

15 [~~(i) The Texas Higher Education Coordinating Board may~~
16 ~~adopt rules to provide for the efficient and uniform application of~~
17 ~~this section.~~]

18 (j) In determining whether to admit a person to any
19 certificate program or any baccalaureate, graduate, postgraduate,
20 or professional degree program, an institution of higher education
21 may not consider the fact that the person is eligible for an
22 exemption under this section.

23 (k) The coordinating board [~~Texas Higher Education~~
24 ~~Coordinating Board~~] by rule shall prescribe procedures to allow a
25 person who becomes eligible for an exemption provided by Subsection
26 (a) to waive the person's right to any unused portion of the maximum
27 number of cumulative credit hours for which the person could

1 receive the exemption and assign the exemption for the unused
2 portion of those credit hours to a child of the person. The
3 procedures shall provide:

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

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

10 (3) a method of documentation to enable institutions
11 of higher education to determine the eligibility of the designated
12 child to receive the exemption.

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

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

18 (2) make satisfactory academic progress in a degree,
19 certificate, or continuing education program as determined by the
20 institution at which the child is enrolled in accordance with the
21 policy of the institution's financial aid department, except that
22 the institution may not require the child to enroll in a minimum
23 course load; and

24 (3) be 25 years of age or younger on the first day of
25 the semester or other academic term for which the exemption is
26 claimed, except that the coordinating board [~~Texas Higher Education~~
27 ~~Coordinating Board~~] by rule shall prescribe procedures by which a

1 child who suffered from a severe illness or other debilitating
2 condition that affected the child's ability to use the exemption
3 before reaching that age may be granted additional time to use the
4 exemption corresponding to the time the child was unable to use the
5 exemption because of the illness or condition.

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

8 (1) the person is the stepchild or the biological or
9 adopted child of the other person; or

10 (2) the other person claimed the person as a dependent
11 on a federal income tax return filed for the preceding year or will
12 claim the person as a dependent on a federal income tax return for
13 the current year.

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

19 [~~(b)~~] For each semester or summer session and for a total
20 number of semester credit hours not to exceed 120, the governing
21 body of each institution of higher education shall exempt from the
22 payment of tuition and [~~required~~] fees any person who:

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

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

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

2 (b) [~~(c)~~] For each semester or session in which a person
3 receives an exemption from tuition and [~~required~~] fees under
4 Subsection (a) [~~(b)~~], the governing body of the institution the
5 person attends shall exempt the person from the payment of fees and
6 charges for lodging and board if the person resides on the campus of
7 the institution. If the person does not reside on the campus of the
8 institution, the institution shall provide to the person a
9 reasonable stipend to cover the costs of the person's lodging and
10 board.

11 (c) [~~(d)~~] For each semester or session in which a person
12 receives an exemption from tuition and [~~required~~] fees under
13 Subsection (a) [~~(b)~~], the governing body of the institution the
14 person attends shall award to the person a scholarship to cover the
15 costs of books and similar educational materials required for
16 course work at the institution.

17 (d) [~~(e)~~] An institution may use any available revenue,
18 including legislative appropriations, and shall solicit and accept
19 gifts, grants, and donations for the purposes of this section. The
20 institution shall use gifts, grants, and donations received for the
21 purposes of this section before using any other revenue.

22 Sec. 54.343 [~~54.209~~]. CHILDREN OF PRISONERS OF WAR OR
23 PERSONS MISSING IN ACTION. (a) In this section, "dependent [~~+~~

24 [~~(1)~~ "~~Dependent~~] child" means a person under 21 years
25 of age, or a person under 25 years of age who receives the majority
26 of his support from his parent or parents.

27 [~~(2)~~ "~~Tuition and fees~~" includes tuition, service

1 ~~fees, lab fees, building use fees, and all other fees except room,~~
2 ~~board, or clothing fees, or deposits in the nature of security for~~
3 ~~the return or proper care of property.]~~

4 (b) The governing body of each institution of higher
5 education, on presentation of satisfactory evidence, shall exempt
6 from the payment of tuition and fees the dependent child of any
7 person who is a domiciliary of Texas on active duty as a member of
8 the armed forces of the United States, and who at the time of the
9 registration is classified by the Department of Defense as a
10 prisoner of war or as missing in action.

11 Sec. 54.344 [~~54.215~~]. PARTICIPANTS IN MILITARY FUNERALS.
12 The governing board of each institution of higher education shall
13 provide a \$25 exemption from tuition and [~~required~~] fees [~~under~~
14 ~~this chapter~~] to a student in exchange for a voucher issued to the
15 student under Section 434.0072, Government Code, that is presented
16 by the student to the institution.

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

24 (b) An institution of higher education shall exempt a person
25 certified by the adjutant general as described by Subsection (a)
26 from the payment of tuition and fees for the semester credit hours
27 for which the person enrolls, not to exceed 12 semester credit

1 hours. If the person is [~~not~~] charged nonresident tuition and fees
2 [~~at the rate provided for other Texas residents~~], the amount of the
3 exemption may not exceed the amount of resident tuition and fees the
4 person would be charged [~~as a Texas resident~~] for the number of
5 semester credit hours for which the person enrolls, not to exceed 12
6 semester credit hours.

7 [~~(c) An institution of higher education shall exempt a~~
8 ~~person who receives an exemption from tuition under Subsection (b)~~
9 ~~from the payment of all mandatory fees for any semester in which the~~
10 ~~person receives the tuition exemption.~~]

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

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

15 (A) a full-paid or volunteer firefighter;

16 (B) a full-paid or volunteer municipal, county,
17 or state peace officer, including a game warden; or

18 (C) a custodial officer of the Texas Department
19 of Criminal Justice.

20 (2) "Disability" means inability to engage in any
21 substantial gainful activity by reason of a medically determinable
22 physical or mental impairment that can be expected to result in
23 death or to be of long-continued and indefinite duration. A person
24 is not considered to be under a disability unless the person
25 provides any proof of the existence of the disability as may be
26 required.

27 (b) The governing board of each institution of higher

1 education shall exempt from the payment of all tuition and fees
2 [~~dues, fees, and charges~~] any person whose parent is an eligible
3 firefighter or law enforcement officer who has suffered an injury,
4 resulting in death or disability, sustained in the line of duty
5 according to the regulations and criteria then in effect governing
6 the department or agency in which the eligible firefighter or law
7 enforcement officer volunteered or was employed. [~~The exemption~~
8 ~~does not apply to general property deposits or to fees or charges~~
9 ~~for lodging, board, or clothing.~~]

10 (c) A person is not entitled to the exemption if the person:

11 (1) does not apply initially for the exemption before
12 the date the person:

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

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

18 (2) does not meet all entrance requirements of the
19 institution; or

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

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

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

1 (f) A person entitled to an exemption under the provisions
2 of this section shall, when transferring from a public junior
3 college to a public senior college or university, meet the standard
4 entrance requirements required by the senior college or university
5 of an applicant for admission not covered by the provisions of this
6 section.

7 (g) An eligible firefighter or law enforcement officer
8 whose injury results in a disability shall submit to a physical
9 examination by a physician designated by the United States Social
10 Security Administration to conduct physical examinations and to
11 make disability reports to the Social Security Administration. If
12 the physician decides the injury received has resulted in a
13 disability, the physician shall certify that fact to the head of the
14 department in which the eligible firefighter or law enforcement
15 officer volunteers or is employed.

16 (h) The head of the department in which the eligible
17 firefighter or law enforcement officer volunteered or was employed
18 at the time the firefighter or law enforcement officer sustained
19 the injury shall file a certificate with the Texas Higher Education
20 Coordinating Board on a form prepared by the board for the purpose.
21 The head of the department shall attach the certificate of the
22 examining physician if an examination is required by Subsection (g)
23 [~~of this section~~]. A copy of the certificate on file with the
24 coordinating board is sufficient evidence for the institution to
25 grant the exemption.

26 Sec. 54.352 [~~54.2041~~]. DISABLED PEACE OFFICERS; OPTIONAL
27 EXEMPTION. (a) The governing board of an institution of higher

1 education may exempt a student from the payment of tuition and
2 ~~[required]~~ fees ~~[authorized by this chapter]~~ for a course for which
3 space is available if the student:

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

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

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

12 (b) A person may not receive an exemption under this section
13 for more than 12 semesters or sessions while the person is enrolled
14 in an undergraduate program or while the person is attending only
15 undergraduate courses.

16 (c) A person may not receive an exemption under this section
17 if the person is enrolled in a master's degree program or is
18 attending postgraduate courses to meet the requirements of a
19 master's degree program and the person has previously received a
20 master's degree and received an exemption under this section for a
21 semester or session while attending a postgraduate course to meet
22 the requirements of the master's degree program.

23 (d) A person may not receive an exemption under this section
24 if the person is enrolled in a doctoral degree program or is
25 attending postgraduate courses to meet the requirements of a
26 doctoral degree program and the person has previously received a
27 doctoral degree and received an exemption under this section for a

1 semester or session while attending a postgraduate course to meet
2 the requirements of the doctoral degree program.

3 (e) ~~[A person must apply for an exemption in the manner~~
4 ~~provided by the governing board of the institution. The governing~~
5 ~~board shall require an applicant for an exemption to submit~~
6 ~~satisfactory evidence that the applicant is eligible for the~~
7 ~~exemption.]~~

8 ~~[(f)]~~ The legislature, in an appropriations act, shall
9 account for the rates of tuition and fees authorized by Subsection
10 (a) in a way that does not increase the general revenue
11 appropriations to that institution.

12 (f) ~~[(g)]~~ In this section, "injury suffered during the
13 performance of a duty as a peace officer" means an injury occurring
14 as a result of the peace officer's performance of any of the
15 following law enforcement duties:

16 (1) traffic enforcement or traffic control duties,
17 including enforcement of traffic laws, investigation of vehicle
18 accidents, or directing traffic;

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

21 (3) investigation, including undercover
22 investigation, of a criminal act;

23 (4) patrol duties, including automobile, bicycle,
24 foot, air, or horse patrol;

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

26 (6) training duties, including participation in any
27 training required by the officer's employer or supervisor or by the

1 Commission on Law Enforcement Officer Standards and Education.

2 (g) [~~(h)~~] For the purpose of this section, a peace officer
3 is considered permanently disabled only if the chief administrative
4 officer of the law enforcement agency or other entity that employed
5 the officer at the time of the injury determines the officer is
6 permanently disabled [~~and satisfies any requirement of an~~
7 ~~institution under Subsection (e)] .~~

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

11 (1) is an eligible survivor under Section 615.021,
12 Government Code; and

13 (2) is:

14 (A) a surviving spouse; or

15 (B) [~~(2)~~] a surviving minor child as defined by
16 Section 615.001, Government Code.

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

23 (c) If the student elects to reside in housing provided by
24 the institution of higher education and qualifies to reside in that
25 housing, the institution shall pay from the general revenue
26 appropriated to the institution the cost of the student's contract
27 for food and housing until the student receives a bachelor's degree

1 or 200 hours of course credit, whichever occurs first. If there is
2 no space available in the institution's housing, the institution
3 shall, from the general revenue appropriated to the institution,
4 pay to the student each month the equivalent amount that the
5 institution would have expended had the student lived in the
6 institution's housing. The institution is not required to pay the
7 student the monthly payment if the student would not qualify to live
8 in the institution's housing.

9 (d) The institution of higher education shall, from the
10 general revenue appropriated to the institution, pay to the student
11 the cost of the student's textbooks until the student receives a
12 bachelor's degree or 200 hours of course credit, whichever occurs
13 first.

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

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

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

20 (2) "Graduate professional nursing program" means an
21 educational program of a public or private institution of higher
22 education that prepares students for a master's or doctoral degree
23 in nursing.

24 (3) "Undergraduate professional nursing program"
25 means a public or private educational program for preparing
26 students for initial licensure as registered nurses.

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

1 education shall exempt from the payment of tuition a resident of
2 this state enrolled as an undergraduate student at the institution
3 who is a child of a person who, at the beginning of the semester or
4 other academic term for which an exemption is sought, holds a
5 master's or doctoral degree in nursing, if not employed or under
6 contract as a teaching assistant under Subdivision (1) or (2), or a
7 baccalaureate degree in nursing, if employed or under contract as a
8 teaching assistant under Subdivision (1) or (2), and:

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

14 (2) has contracted with an undergraduate or graduate
15 professional nursing program in this state to serve as a full-time
16 member of its faculty or staff to perform duties described by
17 Subdivision (1) during all or part of the semester or other academic
18 term for which an exemption is sought or, if the child is enrolled
19 for a summer session, during all or part of that session or for the
20 next academic year.

21 (c) A child who would qualify for an exemption under this
22 section but for the fact that the child's parent is not employed
23 full-time is eligible for an exemption on a pro rata basis equal to
24 the percentage of full-time employment the parent is employed,
25 except that a parent employed for less than 25 percent of full-time
26 employment is considered to be employed for 25 percent of full-time
27 employment.

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

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

6 (2) has received a baccalaureate degree.

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

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

13 ~~[(g) The Texas Higher Education Coordinating Board shall
14 adopt:~~

15 ~~[(1) rules governing the granting or denial of an
16 exemption under this section, including rules relating to the
17 determination of eligibility for an exemption, and~~

18 ~~[(2) a uniform application form for an exemption under
19 this section.]~~

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

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

1 (1) is a registered nurse; and

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

5 (b-1) A person is entitled to an exemption under Subsection
6 (b) for one semester or other academic term for each semester or
7 other academic term during which the person serves as a clinical
8 preceptor as described by Subsection (b). The person may claim the
9 exemption in:

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

12 (2) a different semester or other academic term that
13 begins before the first anniversary of the last day of a semester or
14 other academic term described by Subdivision (1), if the person
15 does not claim the exemption in the semester or other term during
16 which the person serves as a clinical preceptor.

17 (c) The governing board of an institution of higher
18 education shall exempt from the payment of \$500 of the total amount
19 of tuition a resident of this state enrolled as an undergraduate
20 student at the institution who is a child of a person who meets the
21 requirements of Subsection (b). The child is entitled to an
22 exemption for one semester or other academic term for each semester
23 or other academic term during which the parent serves as a clinical
24 preceptor. The child may claim the exemption in any semester or
25 other academic term during which the parent could have claimed an
26 exemption under Subsection (b). The child's eligibility for an
27 exemption is not affected by whether the parent also received an

1 exemption under Subsection (b) for the same qualifying service as a
2 clinical preceptor.

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

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

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

13 (2) has received a baccalaureate degree.

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

17 ~~[(g) The Texas Higher Education Coordinating Board shall
18 adopt:~~

19 ~~[(1) rules governing the granting or denial of an
20 exemption under this section, including rules relating to the
21 determination of eligibility for an exemption; and~~

22 ~~[(2) a uniform application form for an exemption under
23 this section.]~~

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

1 student:

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

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

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

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

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

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

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

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

24 (b) Savings to the foundation school fund that occur as a
25 result of the Early High School Graduation Scholarship program
26 created in Subchapter K, Chapter 56, and that are not required for
27 the funding of state credits for tuition and mandatory fees under

1 Section 56.204 or school district credits under Section 56.2075
 2 shall be used first to provide tuition and fee exemptions under
 3 Section 54.361 [~~54.212~~]. Any of those savings remaining after
 4 providing tuition and fee exemptions under Section 54.361 [~~54.212~~]
 5 shall be used to provide tuition and fee exemptions under Section
 6 54.363 [~~54.214~~]. The Texas Education Agency shall also accept and
 7 make available to provide tuition and fee exemptions under Section
 8 54.363 [~~54.214~~] gifts, grants, and donations made to the agency for
 9 that purpose. Payment of funds under this subsection shall be made
 10 in the manner provided by Section 56.207 for state credits under
 11 Subchapter K, Chapter 56.

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

15 [~~(b)~~] The governing board of an institution of higher
 16 education shall exempt an eligible educational aide from the
 17 payment of tuition and fees, other than class or laboratory fees.

18 (b) [~~(c)~~] To be eligible for an exemption under this
 19 section, a person must:

- 20 (1) be a resident of this state;
 21 (2) be a school employee serving in any capacity;
 22 (3) for the initial term or semester for which the
 23 person receives an exemption under this section, have worked as an
 24 educational aide for at least one school year during the five years
 25 preceding that term or semester;

26 (4) establish financial need [~~as determined by~~
 27 ~~coordinating board rule~~];

1 (5) be enrolled in courses required for teacher
2 certification at the institution of higher education granting the
3 exemption;

4 (6) maintain an acceptable grade point average [~~as~~
5 ~~determined by coordinating board rule~~]; and

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

8 (c) [~~(d)~~] The institution of higher education at which a
9 person seeking an exemption under this section is enrolled must
10 certify the person's eligibility to receive the exemption. As soon
11 as practicable after receiving an application for certification,
12 the institution shall make the determination of eligibility and
13 give notice of its determination to the applicant and to the school
14 district employing the applicant as an educational aide.

15 (d) [~~(e)~~] The coordinating board shall adopt rules
16 consistent with this section as necessary to implement this
17 section. The coordinating board shall distribute a copy of the
18 rules adopted under this section to each school district and
19 institution of higher education in this state.

20 (e) [~~(f)~~] The board of trustees of a school district shall
21 establish a plan to encourage the hiring of educational aides who
22 show a willingness to become certified teachers.

23 (f) [~~(g)~~] The governing board of an institution of higher
24 education that offers courses required for teacher certification
25 shall establish a plan to make those courses more accessible to
26 those who seek teacher certification. The board shall consider as
27 part of its plan to make those courses more accessible for teacher

1 certification, evening classes, Internet classes, or other means
2 approved by the coordinating board [~~Texas Higher Education~~
3 ~~Coordinating Board~~].

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

6 (1) [~~"Resident" has the same meaning as is assigned it~~
7 ~~in Subchapter B of this chapter.~~

8 [~~(2)~~] "Blind person" means a person who is a "blind
9 disabled individual" as defined in Section 91.051(5), Human
10 Resources Code.

11 (2) [~~(3)~~] "Deaf person" means a person whose sense of
12 hearing is nonfunctional, after all necessary medical treatment,
13 surgery, and use of hearing aids, for understanding normal
14 conversation.

15 (3) [~~(4)~~] "~~Tuition fees" includes all dues, fees, and~~
16 ~~enrollment charges whatsoever for which exemptions may be lawfully~~
17 ~~made, including fees for correspondence courses, general deposit~~
18 ~~fees, and student services fees, but does not include fees or~~
19 ~~charges for lodging, board, or clothing.~~

20 [~~(5)~~] "Institution of higher education" has the
21 meaning assigned by Section 61.003, except that the term includes
22 the Southwest Collegiate Institute for the Deaf.

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

27 (1) certification that the person [~~he~~] is a "blind

1 person" or a "deaf person" as defined in Subsection (a) [~~of this~~
2 ~~section~~] by the Texas Rehabilitation Commission, Texas Commission
3 for the Blind, or Texas Commission for the Deaf and Hard of Hearing,
4 as appropriate, in a written statement, which certification is
5 considered conclusive;

6 (2) a written statement of purpose from the person
7 that indicates the certificate or degree program to be pursued or
8 the professional enhancement from the course of study for that
9 certificate or degree program;

10 (3) a high school diploma or its equivalent; and

11 (4) a letter of recommendation from the principal of
12 the high school attended by the deaf or blind individual, a public
13 official, or some other responsible person who knows the deaf or
14 blind individual and is willing to serve as a reference[~~, and~~

15 [~~(5) proof that he meets all other entrance~~
16 ~~requirements of the institution]~~.

17 (c) The governing board of an institution may establish
18 special entrance requirements to fit the circumstances of deaf and
19 blind persons. The Texas Rehabilitation Commission, the Texas
20 Commission for the Blind, the Texas Commission for the Deaf and Hard
21 of Hearing, and the coordinating board [~~Texas Higher Education~~
22 ~~Coordinating Board~~] may develop any rules and procedures that these
23 agencies determine necessary for the efficient implementation of
24 this section.

25 (d) For the purposes of this section, a person is required
26 to present certification that the person is a "blind person" or a
27 "deaf person" as required under Subsection (b)(1) [~~of this section~~]

1 at the time the person initially enrolls at an institution of higher
2 education in the course of study designated by the person under
3 Subsection (b)(2) [~~of this section~~]. The certification is valid
4 for each semester that the person enrolls at that institution in the
5 designated course of study.

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

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

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

12 (b) The governing board of an [~~a state-supported~~]
13 institution of higher education may allow a senior citizen to audit
14 any course offered by the institution without the payment of a fee
15 if space is available.

16 (c) The governing board of an institution of higher
17 education may allow a senior citizen to enroll for credit in up to
18 six hours of courses offered by the institution each semester or
19 summer term without payment of tuition if space is available.

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

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

27 (1) was under the conservatorship of the Department of

1 Family and Protective Services:

2 (A) on the day preceding the student's 18th
3 birthday;

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

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

9 (D) on the day preceding:

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

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

15 (E) [~~(D)~~] during an academic term in which the
16 student was enrolled in a dual credit course or other course for
17 which a high school student may earn joint high school and college
18 credit; and

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

23 (b) The Texas Education Agency and the coordinating board
24 [~~Texas Higher Education Coordinating Board~~] shall develop outreach
25 programs to ensure that students in the conservatorship of the
26 Department of Family and Protective Services and in grades 9-12 are
27 aware of the availability of the exemption from the payment of

1 tuition and fees provided by this section.

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

6 (1) was adopted; and

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

9 (A) provided monthly payments and medical
10 assistance benefits; and

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

15 (b) The Texas Education Agency and the coordinating board
16 [~~Texas Higher Education Coordinating Board~~] shall develop outreach
17 programs to ensure that adopted students in grades 9-12 formerly in
18 foster or other residential care are aware of the availability of
19 the exemption from the payment of tuition and fees provided by this
20 section.

21 Sec. 54.368 [~~54.224~~]. INTERINSTITUTIONAL ACADEMIC
22 PROGRAMS; OPTIONAL EXEMPTION. (a) In this section,
23 "interinstitutional [~~+~~

24 [~~(1) "Interinstitutional~~] academic program" means a
25 program under which a student may, in accordance with a written
26 agreement between an institution of higher education and one or
27 more other institutions of higher education or private or

1 independent institutions of higher education, take courses at each
2 institution that is a party to the agreement as necessary to fulfill
3 the program's degree or certificate requirements.

4 ~~[(2) "Private or independent institution of higher
5 education" has the meaning assigned by Section 61.003.]~~

6 (b) Notwithstanding any other provision of this chapter,
7 the governing board of an institution of higher education may
8 exempt from the payment of tuition and required fees authorized by
9 this chapter a student who is taking a course, including an
10 interdisciplinary course, at the institution under an
11 interinstitutional academic program agreement but who is enrolled
12 primarily at another institution of higher education or at a
13 private or independent institution of higher education that is a
14 party to the agreement and to which the student is responsible for
15 the payment of tuition and fees.

16 SECTION 2. Section 61.066(c), Education Code, is amended to
17 read as follows:

18 (c) The board shall conduct a biennial study to determine
19 the total cost of attending each institution of higher education
20 and the resources used by students to cover that cost, including the
21 amounts of money received by students at each institution from the
22 major sources of public and private financial aid, including
23 grants, loans, scholarships, gifts, ~~and~~ work-study programs, and
24 tuition and fee exemptions, waivers, or other benefits provided
25 under Subchapter D, Chapter 54. In conducting the study, the board
26 shall solicit information and comments from the financial aid
27 office at each institution of higher education. Not later than

1 November 1 of each even-numbered year, the board shall report the
2 findings of the study to each legislative standing committee and
3 subcommittee with primary jurisdiction over higher education.

4 SECTION 3. Subchapter C, Chapter 61, Education Code, is
5 amended by adding Section 61.0735 to read as follows:

6 Sec. 61.0735. EVALUATION AND PERFORMANCE OF TUITION AND FEE
7 EXEMPTIONS, WAIVERS, AND OTHER BENEFITS. (a) For each tuition and
8 fee exemption, waiver, or other benefit provided under Subchapter
9 D, Chapter 54, the board shall:

10 (1) collect student-level data in the same manner data
11 is collected for recipients of state and federal student financial
12 aid;

13 (2) determine the impact of the benefit on the cost of
14 attendance for students enrolled in institutions of higher
15 education; and

16 (3) measure the effectiveness of the benefit,
17 including proficiencies and deficiencies, in increasing student
18 enrollment, retention, and completion of degrees at institutions of
19 higher education.

20 (b) The board shall conduct an annual evaluation of each
21 benefit that annually grants more than \$1 million in tuition and fee
22 benefits.

23 (c) Not later than November 1 of each even-numbered year,
24 the board shall report its findings under this section to the
25 governor, the lieutenant governor, the speaker of the house of
26 representatives, and the chair of the standing committee of each
27 house of the legislature with primary jurisdiction over higher

1 education.

2 SECTION 4. Section 21.050(c), Education Code, is amended to
3 read as follows:

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

10 SECTION 5. Section 54.011, Education Code, is amended to
11 read as follows:

12 Sec. 54.011. TUITION LIMIT IN CASES OF CONCURRENT
13 ENROLLMENT. When a student registers at more than one public
14 institution of higher education at the same time, his tuition
15 charges shall be determined in the following manner:

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

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

1 (3) If the minimum tuition specified in this code for
2 the first institution at which the student is registered is less
3 than the specified minimum tuition charge at the second institution
4 (that is, if the second institution has a higher minimum tuition
5 charge specified in this code), then the student shall first
6 register at the institution having the lower minimum tuition and
7 shall pay to the second institution only the amount equal to the
8 difference between the student's [~~his~~] total tuition charge at the
9 second institution and the student's [~~his~~] total tuition charge at
10 the first institution, but in no case shall the student pay to the
11 second institution less than the hourly rates as provided in this
12 code.

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

22 SECTION 6. Section 54.545(c), Education Code, is amended to
23 read as follows:

24 (c) Subchapters B and D do not apply to a fee charged under
25 this section, except to a fee for a correspondence course taken by a
26 student who would qualify for an exemption from tuition under
27 Section 54.341 [~~54.203~~] if the correspondence course applies

1 towards the student's degree plan. The governing board of an
2 institution of higher education may grant an exemption provided by
3 Section 54.341 [~~54.203~~] for continuing education courses.

4 SECTION 7. Section 56.455, Education Code, is amended to
5 read as follows:

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

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

12 (2) meet one of the following academic requirements:

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

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

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

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

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

26 (3) be enrolled for a full course load for an
27 undergraduate student, as determined by the coordinating board, in

1 an undergraduate degree or certificate program at an eligible
2 institution;

3 (4) be eligible for federal financial aid, except that
4 a person is not required to meet any financial need requirement
5 applicable to a particular federal financial aid program; and

6 (5) comply with any additional nonacademic
7 requirement adopted by the coordinating board under this
8 subchapter.

9 SECTION 8. Section 61.0516, Education Code, is amended to
10 read as follows:

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

17 (1) the name of the institution;

18 (2) the name, identification number, and date of birth
19 of each individual attending the institution and receiving benefits
20 for the semester under Section 54.341 [~~54.203~~];

21 (3) for each individual receiving benefits, the number
22 of credit hours for which the individual received an exemption for
23 the semester;

24 (4) for each individual receiving benefits at the
25 institution during the semester, the total cumulative number of
26 credit hours for which the individual has received an exemption at
27 the institution; and

1 (5) any other information required by the board.

2 SECTION 9. Section 61.073, Education Code, is amended to
3 read as follows:

4 Sec. 61.073. ALLOCATION OF FUNDS FOR TUITION AND FEE
5 EXEMPTIONS. Funds shall be appropriated to the board [~~Texas Higher~~
6 ~~Education Coordinating Board~~] for allocation to each junior [~~and~~
7 ~~community~~] college in an amount equal to the total of all tuition
8 and [~~laboratory~~] fees forgone [~~foregone~~] each semester as a result
9 of the tuition and [~~laboratory~~] fee exemptions required by law in
10 Sections 54.301, 54.331, 54.341, 54.343, 54.351, 54.352, 54.353,
11 54.3531, and 54.364 [~~54.201 through 54.209, Texas Education Code~~].

12 SECTION 10. Section 61.9751(2), Education Code, is amended
13 to read as follows:

14 (2) "Nursing education program" means an
15 undergraduate professional nursing program or a graduate
16 professional nursing program as those terms are defined by Section
17 54.355 [~~54.221~~].

18 SECTION 11. Section 76.07(c), Education Code, is amended to
19 read as follows:

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

1 is simultaneously enrolled under the program.

2 SECTION 12. Section 131.005(a), Education Code, is amended
3 to read as follows:

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

7 SECTION 13. Section 162.304(i), Family Code, is amended to
8 read as follows:

9 (i) A child for whom a subsidy is provided under Subsection
10 (b-1) for premiums for health benefits coverage and who does not
11 receive any other subsidy under this section is not considered to be
12 the subject of an adoption assistance agreement for any other
13 purpose, including for determining eligibility for the exemption
14 from payment of tuition and fees for higher education under Section
15 54.367 [~~54.2111~~], Education Code.

16 SECTION 14. Section 431.090(i), Government Code, is amended
17 to read as follows:

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

23 SECTION 15. Section 434.0072(b), Government Code, is
24 amended to read as follows:

25 (b) The commission shall establish a program to issue
26 vouchers to be exchanged for an exemption from the payment of
27 tuition and required fees at an institution of higher education as

1 provided by Section 54.344 [~~54.215~~], Education Code, to students in
2 grades 6 through 12 or at postsecondary educational institutions
3 who sound "Taps" on a bugle, trumpet, or cornet during military
4 honors funerals held in this state for deceased veterans. A voucher
5 must be issued in the amount of \$25 for each time a student sounds
6 "Taps" as described by this subsection.

7 SECTION 16. Section 824.602(a), Government Code, as amended
8 by Chapters 674 (S.B. 132) and 1359 (S.B. 1691), Acts of the 79th
9 Legislature, Regular Session, 2005, is reenacted and amended to
10 read as follows:

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

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

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

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

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

26 (5) in a position as a classroom teacher on as much as
27 a full-time basis, if the retiree has retired under Section

1 824.202(a) or (a-1), is certified under Subchapter B, Chapter 21,
2 Education Code, to teach the subjects assigned, is teaching in an
3 acute shortage area as determined by the board of trustees of a
4 school district as provided by Subsection (m), and has been
5 separated from service with all public schools for at least 12
6 months;

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

14 (7) as a bus driver for a school district on as much as
15 a full-time basis, if the retiree has retired under Section
16 824.202(a) or (a-1), and the retiree's primary employment is as a
17 bus driver; or

18 (8) as a faculty member, during the period beginning
19 with the 2005 fall semester and ending on the last day of the 2015
20 spring semester, in an undergraduate professional nursing program
21 or graduate professional nursing program, as defined by Section
22 54.355 [~~54.221~~], Education Code, and if the retiree has been
23 separated from service with all public schools for at least 12
24 months.

25 SECTION 17. Section 2306.562(a)(1-b), Government Code, is
26 amended to read as follows:

27 (1-b) "Graduate professional nursing program" and

1 "undergraduate professional nursing program" have the meanings
2 assigned by Section 54.355 [~~54.221~~], Education Code.

3 SECTION 18. Sections 54.0513(d), 54.070, 54.503(e),
4 65.45(d), and 160.07(c), Education Code, are repealed.

5 SECTION 19. (a) Section 54.208, Education Code, as amended
6 by Chapters 1285 (H.B. 2013) and 1299 (H.B. 2347), Acts of the 81st
7 Legislature, Regular Session, 2009, is repealed.

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

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

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

20 (1) is employed as a peace officer by this state or by
21 a political subdivision of this state;

22 (2) is enrolled in a criminal justice or law
23 enforcement-related degree program at the institution;

24 (3) is making satisfactory academic progress toward
25 the student's degree as determined by the institution; and

26 (4) applies for the exemption at least one week before
27 the last date of the institution's regular registration period for

1 the applicable semester or other term.

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

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

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

18 (f) The coordinating board shall adopt:

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

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

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

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

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

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

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

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

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

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

26 (c) Notwithstanding Subsection (a), a student who for a
27 semester or term at an institution of higher education receives an

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

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

10 (e) Notwithstanding Subsection (a), the exemption provided
11 under this section does not apply to any amount of tuition the
12 institution charges a graduate student in excess of the amount of
13 tuition charged to similarly situated graduate students because the
14 student has a number of semester credit hours of doctoral work in
15 excess of the applicable number provided by Section 61.059(1)(1) or
16 (2).

17 (f) The coordinating board shall adopt:

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

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

23 SECTION 20. The changes in law made by this Act apply
24 beginning with tuition and other fees charged for the 2012-2013
25 academic year. Tuition and other fees charged for an academic
26 period before that academic year are covered by the law in effect
27 immediately before the effective date of this Act, and the former

1 law is continued in effect for that purpose.

2 SECTION 21. The Texas Higher Education Coordinating Board
3 shall adopt the rules required by Section 54.203, Education Code,
4 as added by this Act, as soon as practicable after the effective
5 date of this Act.

6 SECTION 22. To the extent of any conflict, this Act prevails
7 over another Act of the 82nd Legislature, Regular Session, 2011,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

10 SECTION 23. This Act takes effect January 1, 2012.