

BILL ANALYSIS

Senate Research Center

S.B. 453
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A student from another country who wishes to attend public high school in Texas can legally be present in the United States under a J-1 visa. A J-1 visa is issued to those students enrolled in a nationally recognized foreign exchange student program.

At present, public school districts in Texas cannot sign a Form I-20, required for an F-1 visa for a high school student from another country to attend a public secondary school, because the legislature has not given public school districts statutory authority to charge tuition. An F-1 visa will only be issued if the student reimburses the public school for the full, unsubsidized per capita cost of providing education at the school for the period of the student's attendance.

S.B. 453 will not affect students currently attending public schools or foreign exchange students attending under a nationally recognized foreign exchange student program. It will only affect those students from other countries seeking to attend public schools in Texas by allowing school districts the option of charging tuition and completing an I-20 form required for an F-1 visa. S.B. 453 will not increase costs to the state or school districts. S.B. 453 gives the commissioner of education the authority to set the guidelines for determining the amount of the tuition.

F-1 visas are for educational purposes only and would not impact immigration in Texas. The length of stay under an F-1 visa is limited to 12 months.

S.B. 453 amends current law relating to payment of tuition to attend public schools for students holding certain United States student visas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 25, Education Code, by adding Section 25.0031, as follows:

Sec. 25.0031. TUITION FOR STUDENTS HOLDING CERTAIN STUDENT VISAS.

(a) Requires the district or charter school, notwithstanding any other provision of this code, if a student is required, as a condition of obtaining or holding the appropriate United States student visa, to pay tuition to the school district or open-enrollment charter school that the student attends to cover the cost of the student's education provided by the district or charter school, to accept tuition for the student in an amount equal to the full unsubsidized per capita cost of providing the student's education for the period of the student's attendance at school in the district or at the charter school.

(b) Requires the commissioner of education (commissioner), for purposes of Subsection (a), to develop guidelines for determining the amount of the full unsubsidized per capita cost of providing a student's education. Prohibits a school district or open-enrollment charter school from accepting tuition in an amount greater than the amount computed under the commissioner's guidelines unless the

commissioner approves a greater amount as a more accurate reflection of the cost of education to be provided by the district or charter school.

(c) Provides that the attendance of a student for whom a school district or open-enrollment charter school accepts tuition under this section, notwithstanding any other provision of this code, is not counted for purposes of allocating state funds to the district or charter school.

SECTION 2. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 3. Effective date: upon passage or September 1, 2013.