

## **BILL ANALYSIS**

Senate Research Center

S.B. 1210  
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Higher Education  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many tuition exemptions or waivers currently include no academic performance requirements or credit hour limitations. This means that students who benefit from tuition exemptions or waivers may take as many courses as they wish without showing satisfactory academic progress, and institutions must continue to provide them with tuition exemptions or waivers. Institutions are sensitive to the cost that exemptions or waivers impose in terms of foregone tuition in an era of decreased state appropriations.

S.B. 1210 adds an academic progress component and credit hours limitation to tuition exemptions or waivers that currently do not have such requirements. If a student does not maintain quality academic performance, as measured by guidelines adopted by the student's institution, or takes an excess number of courses for the student's degree program, then that student will no longer be entitled to receive a tuition exemption or waiver. This will help promote timely graduation and save the state and universities money.

S.B. 1210 amends current law relating to conditions on the receipt of tuition and fee exemptions and waivers at public institutions of higher education.

### **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 D, Chapter 54, Education Code, by adding Sections 54.2001 and 54.2002, as follows:

Sec. 54.2001. CONTINUED RECEIPT OF EXEMPTIONS OR WAIVERS CONDITIONAL. (a) Authorizes a person, notwithstanding any other law but subject to Subsection (f), after initially qualifying under this subchapter for a mandatory or discretionary exemption or waiver from the payment of all or part of the tuition or other fees for enrollment during a semester or term at an institution of higher education, to continue to receive the exemption or waiver for a subsequent semester or term only if the person:

(1) as a graduate or undergraduate student, maintains a grade point average that satisfies the institution's grade point average requirement for making satisfactory academic progress toward a degree or certificate in accordance with the institution's policy regarding eligibility for financial aid; and

(2) as an undergraduate student, has not completed as of the beginning of the semester or term a number of semester credit hours that is considered to be excessive under Section 54.014 (Tuition for Repeated or Excessive Undergraduate Hours), unless permitted to complete those hours by the institution on a showing of good cause.

(b) Provides that, in determining whether a person has completed a number of semester credit hours that is considered to be excessive for purposes of Subsection (a)(2), semester credit hours completed include transfer credit hours that count toward the person's undergraduate degree or certificate program course requirements but exclude:

(1) hours earned exclusively by examination;

(2) hours earned for a course for which the person received credit toward the person's high school academic requirements; and

(3) hours earned for developmental coursework that an institution of higher education required the person to take under Section 51.3062 (Success Initiative) or under the former provisions of Section 51.306 (Repealed).

(c) Prohibits a person, for the next semester or term in which the person enrolls, if on the completion of any semester or term a person fails to meet any requirement of Subsection (a), from receiving the exemption or waiver described by Subsection (a). Authorizes a person to become eligible to receive an exemption or waiver in a subsequent semester or term if the person:

(1) completes a semester or term during which the person is not eligible for an exemption or waiver; and

(2) meets each requirement of Subsection (a), as applicable.

(d) Requires each institution of higher education to adopt a policy to allow a student who fails to maintain a grade point average as required by Subsection (a)(1) to receive an exemption or waiver in any semester or term on a showing of hardship or other good cause, including:

(1) a showing of a severe illness or other debilitating condition that could affect the student's academic performance;

(2) an indication that the student is responsible for the care of a sick, injured, or needy person and that the student's provision of care could affect the student's academic performance;

(3) the student's active duty or other service in the United States armed forces or the student's active duty in the Texas National Guard; or

(4) any other cause considered acceptable by the institution.

(e) Requires an institution of higher education to maintain documentation of each exception granted to a student under Subsection (d).

(f) Provides that if a requirement imposed by this section for the continued receipt of a specific exemption or waiver conflicts with another requirement imposed by statute for that exemption or waiver, the stricter requirement prevails.

(g) Provides that this section does not apply to:

(1) the waiver provided by Section 54.216 (Students Enrolled in Course for Concurrent High School and College-Level Credit; Optional Waiver) or any other reduction in tuition provided to a high school student for enrollment in a dual credit course or other course for which the student may earn joint high school and college credit;

(2) the exemption provided by Section 54.341(a-2)(1)(A) (relating to providing that certain exemptions also apply to the spouse of a member of the armed forces of the United States who was killed in action), (B) (relating to providing that certain exemptions also apply to the spouse of a member of the armed forces of the United States who died while in service), (C) (relating to providing that certain exemptions also apply to the spouse of a member of the armed forces of the United States who is missing in action), or (D) (relating to providing that certain exemptions also apply to the spouse of a member of the armed forces of the United States whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States), or (b)(1)(A) (relating to providing that certain exemptions also apply to the children of members of the armed forces of the United States who are or were killed in action), (B) (relating to providing that certain exemptions also apply to the children of members of the armed forces of the United States who die or died while in service), (C) (relating to providing that certain exemptions also apply to the children of members of the armed forces of the United States who are missing in action), or (D) (relating to providing that certain exemptions also apply to the children of members of the armed forces of the United States whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States);

(3) the exemption provided by Section 54.342 (Prisoners of War) or 54.366 (Exemptions for Students Under Conservatorship of Department of Family and Protective Services); or

(4) any provision of this code that authorizes or requires the payment of tuition or fees at the rates provided for residents of this state by a person who is not a resident of this state for purposes of Subchapter B (Tuition Rates).

Sec. 54.2002. EXEMPTIONS AND WAIVERS FOR STATE-FUNDED COURSES ONLY. Provides that, notwithstanding any other law, a mandatory or discretionary exemption or waiver from the payment of tuition or other fees under this subchapter or another provision of this code applies only to courses for which an institution of higher education receives formula funding.

SECTION 2. Provides that the change in law made by this Act applies to a person's eligibility for an exemption or waiver from the payment of all or part of tuition or other fees beginning with tuition and fees charged for the 2014 fall semester.

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