

BILL ANALYSIS

C.S.S.B. 1210
By: Zaffirini
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that many tuition exemptions and waivers currently lack academic performance requirements or credit hours limitations, which allows students who benefit from the exemptions or waivers to take as many courses as they wish without having to show satisfactory academic progress. According to the parties, institutions of higher education are sensitive to the costs imposed by exemptions and waivers in terms of forgone tuition during a time of decreased state funding and would benefit from having a provision that would require some demonstration of eligibility for a student's continued receipt of a previously awarded exemption or waiver. C.S.S.B. 1210 seeks to address this issue by adding an academic progress component and credit hours limitation to tuition and fee exemptions and waivers at public institutions of higher education.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1210 amends the Education Code to condition a person's continued receipt of a tuition or fee exemption or waiver at an institution of higher education for a subsequent semester or term, after initially qualifying for the exemption or waiver of tuition or fees for a semester or term at that institution, on the person's maintaining 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, regardless of whether the person is an undergraduate or graduate student, and, if the person is an undergraduate student, on the person's not having completed as of the beginning of the semester or term a number of semester credit hours that is considered to be excessive, unless the person is permitted to complete those hours by the institution on a showing of good cause.

C.S.S.B. 1210 includes transfer credit hours that count toward a person's undergraduate degree or certificate program course requirements in a determination regarding whether the person has completed a number of semester credit hours that is considered to be excessive but excludes from such determination hours earned exclusively by examination, hours earned for a course for which the person received credit toward the person's high school academic requirements, and hours earned for developmental coursework that an institution of higher education required the person to take under the Texas Success Initiative.

C.S.S.B. 1210 prohibits a person who, on the completion of any semester or term, fails to meet any of the bill's requirements for continued eligibility for a tuition or fee exemption or waiver from receiving that exemption or waiver for the next semester or term in which the person enrolls. The bill restores the person's eligibility to receive the exemption or waiver in a subsequent semester or term if the person completes a semester or term during which the person is not eligible for an exemption or waiver and meets each of the bill's eligibility requirements for

continued receipt of an exemption or waiver.

C.S.S.B. 1210 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 the bill's provisions to receive an exemption or waiver in any semester or term on a showing of hardship or other good cause, including a showing of a severe illness or other debilitating condition that could affect the student's academic performance; 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; the student's active duty or other service in the U.S. military or Texas National Guard; or any other cause considered acceptable by the institution. The bill requires the institution to maintain documentation of each hardship exception granted to a student. The bill establishes that the bill's provisions do not apply to the waiver provided for students enrolled in a course for concurrent high school and college-level credit or any other tuition reduction provided to a high school student enrolled in a dual credit course; to the exemption provided to the spouse or child of a member of the U.S. military who was killed in action, died while in service, is missing in action, or whose death is documented to be directly caused by illness or injury connected with service in the U.S. military; to the exemption provided to certain former prisoners of war or to students under the conservatorship of the Department of Family and Protective Services; or to any provision of the Education Code that authorizes or requires the payment of tuition or fees at the in-state resident tuition rates by a person who is not a resident. The bill specifies that, if a requirement imposed by the bill for the continued receipt of a specific exemption or waiver conflicts with another statutory requirement for that exemption or waiver, the stricter requirement prevails.

C.S.S.B. 1210 limits the applicability of a mandatory or discretionary exemption or waiver from the payment of tuition or other fees to courses for which an institution of higher education receives formula funding. The bill's provisions apply 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 semester.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 1210 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subchapter D, Chapter 54, Education Code, is amended by adding Section 54.2001 to read as follows:

Sec. 54.2001. CONTINUED RECEIPT OF EXEMPTIONS OR WAIVERS CONDITIONAL. (a) 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

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter D, Chapter 54, Education Code, is amended by adding Sections 54.2001 and 54.2002 to read as follows:

Sec. 54.2001. CONTINUED RECEIPT OF EXEMPTIONS OR WAIVERS CONDITIONAL. (a) 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, a person may 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, unless permitted to complete those hours by the institution on a showing of good cause.

(b) 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 or under the former provisions of Section 51.306.

(c) If on the completion of any semester or term a person fails to meet any requirement of Subsection (a), for the next semester or term in which the person enrolls the person may not receive the exemption or waiver described by Subsection (a). A person may 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) Each institution of higher education shall 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

education, a person may 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, unless permitted to complete those hours by the institution on a showing of good cause.

(b) 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 or under the former provisions of Section 51.306.

(c) If on the completion of any semester or term a person fails to meet any requirement of Subsection (a), for the next semester or term in which the person enrolls the person may not receive the exemption or waiver described by Subsection (a). A person may 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) Each institution of higher education shall 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, such as hardships endured by those students currently or formerly in the conservatorship of the Department of Family and Protective Services.

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

(f) 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) This section does not apply to:

(1) the waiver provided by Section 54.216 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), (B), (C), or (D) or (b)(1)(A), (B), (C), or (D);

(3) the exemption provided by Section 54.342; 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.

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) An institution of higher education shall maintain documentation of each exception granted to a student under Subsection (d).

(f) 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) This section does not apply to:

(1) the waiver provided by Section 54.216 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), (B), (C), or (D) or (b)(1)(A), (B), (C), or (D);

(3) the exemption provided by Section 54.342 or 54.366; 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.

Sec. 54.2002. EXEMPTIONS AND WAIVERS FOR STATE-FUNDED COURSES ONLY. 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. 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.