

By: Turner of Collin

H.B. No. 3587

A BILL TO BE ENTITLED

AN ACT

relating to the determination of resident status of students by public institutions of higher education.

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

SECTION 1. Section 54.052, Education Code, is amended to read as follows:

Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a) Subject to the other applicable provisions of this subchapter governing the determination of resident status, the following persons are considered residents of this state for purposes of this title:

(1) a person who:

(A) established a domicile in this state not later than one year before the census date of the academic term in which the person is enrolled in an institution of higher education; and

(B) maintained that domicile continuously for the year preceding that census date; and

(2) a dependent whose parent:

(A) established a domicile in this state not later than one year before the census date of the academic term in which the dependent is enrolled in an institution of higher education; and

(B) maintained that domicile continuously for

1 the year preceding that census date [~~;~~ and

2 [~~(3) a person who:~~

3 [~~(A) graduated from a public or private high~~  
4 ~~school in this state or received the equivalent of a high school~~  
5 ~~diploma in this state; and~~

6 [~~(B) maintained a residence continuously in this~~  
7 ~~state for:~~

8 [~~(i) the three years preceding the date of~~  
9 ~~graduation or receipt of the diploma equivalent, as applicable; and~~

10 [~~(ii) the year preceding the census date of~~  
11 ~~the academic term in which the person is enrolled in an institution~~  
12 ~~of higher education].~~

13 (b) For purposes of this section, the domicile of a  
14 dependent's parent is presumed to be the domicile of the dependent  
15 [~~unless the person establishes eligibility for resident status~~  
16 ~~under Subsection (a)(3)].~~

17 (c) A person who is not authorized under federal statute to  
18 be present in the United States may not be considered a resident of  
19 this state for purposes of this title.

20 SECTION 2. Section 54.053, Education Code, is amended to  
21 read as follows:

22 Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT  
23 STATUS. (a) A person shall submit the following information to an  
24 institution of higher education to establish resident status under  
25 this subchapter:

26 (1) if the person applies for resident status under  
27 Section 54.052(a)(1):

1 (A) a statement of the dates and length of time  
2 the person has resided in this state, as relevant to establish  
3 resident status under this subchapter; and

4 (B) a statement by the person that the person's  
5 presence in this state for that period was for a purpose of  
6 establishing and maintaining a domicile; or

7 (2) if the person applies for resident status under  
8 Section 54.052(a)(2):

9 (A) a statement of the dates and length of time  
10 any parent of the person has resided in this state, as relevant to  
11 establish resident status under this subchapter; and

12 (B) a statement by the parent or, if the parent is  
13 unable or unwilling to provide the statement, a statement by the  
14 person that the parent's presence in this state for that period was  
15 for a purpose of establishing and maintaining a domicile [~~, or~~

16 ~~[(3) if the person applies for resident status under~~  
17 ~~Section 54.052(a)(3):~~

18 ~~[(A) a statement of the dates and length of time~~  
19 ~~the person has resided in this state, as relevant to establish~~  
20 ~~resident status under this subchapter; and~~

21 ~~[(B) if the person is not a citizen or permanent~~  
22 ~~resident of the United States, an affidavit stating that the person~~  
23 ~~will apply to become a permanent resident of the United States as~~  
24 ~~soon as the person becomes eligible to apply].~~

25 (b) In addition to the information required by Subsection  
26 (a), an institution of higher education shall require a person for  
27 whom a residency determination is being made to submit

1 documentation specified in Subsection (c) to verify that the person  
2 is authorized under federal statute to be present in the United  
3 States.

4 (c) If the person for whom a residency determination is  
5 being made indicates that:

6 (1) the person is a citizen of the United States, the  
7 person must submit to the institution of higher education one of the  
8 following documents or its replacement:

9 (A) a birth certificate issued by:

10 (i) an agency of the United States; or

11 (ii) a state or territory of the United  
12 States, or the District of Columbia;

13 (B) a Certificate of United States Citizenship;

14 (C) a Consular Report of Birth Abroad of a  
15 Citizen of the United States or Certificate of Report of Birth  
16 issued by the United States Department of State;

17 (D) an unexpired United States passport;

18 (E) a Certificate of United States  
19 Naturalization; or

20 (F) a United States Citizen Identification Card;

21 or

22 (2) the person is not a citizen of the United States,  
23 the person must submit to the institution of higher education a  
24 Permanent Resident Card issued by the United States Citizenship and  
25 Immigration Services.

26 SECTION 3. Notwithstanding Subchapter B, Chapter 54,  
27 Education Code, a public institution of higher education in this

1 state may, for any semester or academic term, before the beginning  
2 of that semester or academic term, reclassify as a nonresident a  
3 student previously classified as a resident of this state by the  
4 institution or another public institution of higher education in  
5 this state:

6 (1) under Section 54.052(a)(3), Education Code, as  
7 that section existed before amendment by this Act, if the student is  
8 not otherwise eligible to be classified as a resident of this state  
9 under Subchapter B, Chapter 54, Education Code; or

10 (2) before the enactment of Section 54.052(c),  
11 Education Code, as added by this Act, if the student is not  
12 authorized by federal law to be present in the United States.

13 SECTION 4. This Act takes effect September 1, 2015.