

By: Fallon

H.B. No. 281

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 may establish a policy
27 requiring a person for whom a residency determination is being made

1 to submit specific documentation to verify to the satisfaction of
2 the institution that the person is authorized under federal statute
3 to be present in the United States. A policy adopted under this
4 subsection must provide for treating each person in a consistent
5 manner concerning:

- 6 (1) whether documentation is required; and
7 (2) to the extent practicable, the type of
8 documentation required.

9 SECTION 3. Notwithstanding Subchapter B, Chapter 54,
10 Education Code, a public institution of higher education in this
11 state may, for any semester or academic term, before the beginning
12 of that semester or academic term, reclassify as a nonresident a
13 student previously classified as a resident of this state by the
14 institution or another public institution of higher education in
15 this state:

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

20 (2) before the enactment of Section 54.052(c),
21 Education Code, as added by this Act, if the student is not
22 authorized under federal statute to be present in the United
23 States.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect on the 91st day after the last day of the
2 legislative session.