

By: Campbell

S.B. No. 2059

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the determination of resident status of students by  
3 public institutions of higher education.

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

5 SECTION 1. Section 54.052, Education Code, is amended by  
6 adding Subsection (c) to read as follows:

7 (c) Notwithstanding any other provision of this section, a  
8 person who is not authorized under federal statute to be present in  
9 the United States may not be considered a resident of this state for  
10 purposes of this title.

11 SECTION 2. Section 54.053, Education Code, is amended to  
12 read as follows:

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

17 (1) if the person applies for resident status under  
18 Section 54.052(a)(1):

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

22 (B) a statement by the person that the person's  
23 presence in this state for that period was for a purpose of  
24 establishing and maintaining a domicile;

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

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

6           (B) a statement by the parent or, if the parent is  
7 unable or unwilling to provide the statement, a statement by the  
8 person that the parent's presence in this state for that period was  
9 for a purpose of establishing and maintaining a domicile; or

10          (3) if the person applies for resident status under  
11 Section 54.052(a)(3):

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

15          (B) if the person is not a citizen or permanent  
16 resident of the United States, an affidavit stating that the person  
17 will apply to become a permanent resident of the United States as  
18 soon as the person becomes eligible to apply.

19          (b) In addition to the information required by Subsection  
20 (a), an institution of higher education may establish a policy  
21 requiring a person for whom a residency determination is being made  
22 to submit specific documentation to verify to the satisfaction of  
23 the institution that the person is authorized under federal statute  
24 to be present in the United States. A policy adopted under this  
25 subsection must provide for treating each person in a consistent  
26 manner concerning:

27           (1) whether documentation is required; and

1           (2) to the extent practicable, the type of  
2 documentation required.

3           SECTION 3. Section 54.055, Education Code, is amended by  
4 adding Subsection (c) to read as follows:

5           (c) Notwithstanding Subsection (a), an institution of  
6 higher education may not, on the basis of Section 54.052(c),  
7 reclassify as a nonresident of this state a student classified as a  
8 resident under Section 54.052(a)(3) if, not later than the  
9 beginning of the 2018-2019 academic year, the student has completed  
10 at least 30 semester credit hours at an institution of higher  
11 education.

12           SECTION 4. Except as provided by Section 54.055(c),  
13 Education Code, as added by this Act, a public institution of higher  
14 education in this state may, for any semester or academic term,  
15 before the beginning of that semester or academic term, reclassify  
16 as a nonresident a student previously classified as a resident of  
17 this state by the institution or another public institution of  
18 higher education in this state before the enactment of Section  
19 54.052(c), Education Code, as added by this Act, if the student is  
20 not authorized by law to be present in the United States.

21           SECTION 5. This Act takes effect September 1, 2017.