BILL ANALYSIS

H.B. 5148 By: Raney Higher Education Committee Report (Unamended)

BACKGROUND AND PURPOSE

Postsecondary opportunities are often limited for students with disabilities. Traditional higher education scholarships may not be a viable option for many students with disabilities, and most scholarships require a student to be pursuing a degree, while college programs tailored to students with disabilities are often non-degree certificate programs. A study, "College Enrollment and Completion Among Texas High School Graduates with a Disability," prepared in 2020 by the Regional Educational Laboratory Southwest for the Institute of Education Sciences found that between the 2006-2007 and 2009-2010 school years, fewer than one-third of high school graduates with a disability enrolled in a Texas college within two years of graduation. Financial barriers may be another factor contributing to limited postsecondary opportunities for students with a disability, considering the low percentage of students with a disability from low-income households who enroll in college. Individuals with disabilities also face barriers to employment, increasing the likelihood that they will pay back loans at a slower pace.

H.B. 5148 seeks to increase access to higher education for students with disabilities and improve employment outcomes by providing for the administration of the Texas Students with Disabilities Scholarship Program to provide assistance in the payment of tuition and mandatory fees to enable eligible students to attend public institutions of higher education.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

ANALYSIS

H.B. 5148 amends the Education Code to require the Texas Higher Education Coordinating Board (THECB) to administer the Texas Students with Disabilities Scholarship Program to provide assistance in the payment of tuition and mandatory fees to enable eligible students to attend public institutions of higher education. The bill requires the THECB to adopt any rules necessary to implement the program or related provisions as soon as practicable after the bill's effective date and in consultation with the student financial aid officers of institutions of higher education and a representative from at least one of the University Centers for Excellence in Developmental Disabilities in Texas. The bill authorizes the THECB to use any available revenue, including legislative appropriations, and to solicit and accept gifts, grants, and donations from any public or private source for the purposes of the scholarship program.

Eligibility

H.B. 5148 establishes initial eligibility criteria for a student to receive a scholarship, including the following:

- a student's Texas residency, as determined by THECB rules;
- enrollment in an associate or baccalaureate degree or certificate program at a public institution of higher education for the specified course load;
- application for any available financial aid or assistance;
- compliance with any additional nonacademic or nonfinancial requirement adopted by the THECB; and
- establishment of the student's disability by providing the proof specified by the bill or completing a certain disability affidavit form.

In addition, the bill sets out scholarship program criteria for continuing eligibility and academic performance requirements, including enrollment in an applicable program for the specified course load, satisfactory academic progress, as specified by the bill, toward an associate or baccalaureate degree or certificate, and compliance with any additional requirement adopted by the THECB.

H.B. 5148 establishes conditions under which a person is not eligible for an initial receipt of a scholarship, including if the person has been convicted for a felony or certain offenses involving a controlled substance, unless certain other conditions are met, and if the person has completed more than the specified number of semester credit hours or the equivalent at an institution of higher education, excluding semester credit hours or the equivalent earned for a dual credit course. The bill caps the number of semester credit hours or the equivalent for which a person may receive a scholarship at 75, if the person is enrolled in a degree or certificate program of two years or less, or at 150, if the person is enrolled in a degree or certificate program of more than two years. The bill establishes that a person's eligibility for a scholarship ends on the fourth, sixth, or eighth anniversary of the initial award of a scholarship to the person, depending on the length of degree or certificate program, establishes continuing eligibility and academic performance requirements after initially qualifying for a scholarship, and establishes conditions under which a person is not eligible to continue to receive a program scholarship.

H.B. 5148 requires the THECB to adopt rules to allow a person, in the event of a hardship or for other good cause shown, to receive a program scholarship while enrolled in less than the required number of semester credit hours or if the person's completion rate falls below the satisfactory academic progress requirements.

Program Administration

H.B. 5148 requires the THECB to begin awarding scholarships for the first academic year for which money is appropriated for that purpose, except that the THECB is prohibited from awarding scholarships for an academic year before the 2024-2025 academic year.

H.B. 5148 requires the THECB to award a program scholarship to each eligible student under the bill's provisions and requires a program scholarship awarded to be applied first to the payment of tuition and mandatory fees at a public institution of higher education. The bill requires the THECB to adopt rules and procedures for determining the scholarship amount each academic year or during an academic year as necessary to respond to fluctuations in the amount of funds available for distribution and to determine the amount awarded to an eligible student based on funds available for distribution and the number of eligible applicants. The bill authorizes the THECB to adopt rules that provide for the decrease in scholarship amount for a student who is enrolled in less than a full course load in an applicable degree program, as determined by the THECB, and requires the THECB to issue a certificate indicating the amount of the scholarship awarded to each eligible student. H.B. 5148 requires the THECB by rule to develop a disability affidavit form that may be used to establish that a student has a disability based on a diagnosis by a licensed physician or other documentation determined appropriate by the THECB and in doing so in a manner that ensures the form properly verifies that a person has a disability, to consult with at least one University Centers for Excellence in Developmental Disabilities program in Texas or a statewide, cross-disability advocacy organization.

Notification of Program

H.B. 5148 requires the THECB to prepare, in consultation with all public institutions of higher education, materials designed to inform prospective students, their parents, and high school counselors about the program and eligibility for a program scholarship and to distribute to each institution and public school district a copy of the prepared materials. The bill requires each district to notify its high school students and the teachers, school counselors, and parents or guardians of those students of the scholarship program and the program's eligibility requirements.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.