88R9408 MM-D

By:  Tinderholt H.B. No. 4736

A BILL TO BE ENTITLED

AN ACT

relating to the enrollment, including admission and resident status, of certain persons by public institutions of higher education.

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

SECTION 1.  Section 1.002(a), Education Code, is amended to read as follows:

(a)  An educational institution undertaking to provide education, services, or activities to any individual within the jurisdiction or geographical boundaries of the educational institution shall provide equal opportunities to all individuals within its jurisdiction or geographical boundaries pursuant to this code except as provided by Section 51.8051.

SECTION 2.  Subchapter U, Chapter 51, Education Code, is amended by adding Section 51.8051 to read as follows:

Sec. 51.8051.  PROHIBITED ADMISSIONS. Notwithstanding any other law, an institution of higher education, as defined by Section 61.003, may not admit an applicant for admission to the institution as a student if the applicant is:

(1)  a citizen of China, Iran, North Korea, or Russia; or

(2)  not authorized under federal statute to be present in the United States.

SECTION 3.  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 the year preceding that census date[~~; and~~

[~~(3)  a person who:~~

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

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

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

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

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

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

SECTION 4.  Section 54.053, Education Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

SECTION 5.  Notwithstanding Subchapter B, Chapter 54, Education Code, a public institution of higher education in this state may, for any semester or academic term, before the beginning of that semester or academic term, reclassify as a nonresident a student previously classified as a resident of this state by the institution or another public institution of higher education in this state:

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

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

SECTION 6.  This Act takes effect September 1, 2023.