By:  Raney, Lalani H.B. No. 5148

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Students with Disabilities Scholarship Program for certain students at public institutions of higher education.

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

SECTION 1.  Chapter 56, Education Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. TEXAS STUDENTS WITH DISABILITIES SCHOLARSHIP PROGRAM

Sec. 56.541.  DEFINITIONS. In this subchapter:

(1)  "Coordinating board" means the Texas Higher Education Coordinating Board.

(2)  "Program" means the Texas Students with Disabilities Scholarship Program established under this subchapter.

Sec. 56.542.  PROGRAM PURPOSE. The purpose of the Texas Students with Disabilities Scholarship Program is to provide assistance in the payment of tuition and mandatory fees to enable eligible students to attend institutions of higher education.

Sec. 56.543.  ADMINISTRATION OF PROGRAM; AWARD OF SCHOLARSHIP. (a) The coordinating board shall administer the program and adopt any rules necessary to implement the program or this subchapter. The coordinating board shall consult 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 this state in developing the rules.

(b)  The coordinating board shall award a scholarship to each eligible student under the program, as provided by Section 56.547.

(c)  The coordinating board by rule shall develop a disability affidavit form that may be used to establish that a student has a disability for purposes of Section 56.544(a)(6) based on a diagnosis by a licensed physician or other documentation determined appropriate by the coordinating board. In developing the disability affidavit form in a manner that ensures the form properly verifies that a person has a disability, the coordinating board shall consult with:

(1)  at least one University Centers for Excellence in Developmental Disabilities program in this state; or

(2)  a statewide, cross-disability advocacy organization.

(d)  The coordinating board may use any available revenue, including legislative appropriations, and may solicit and accept gifts, grants, and donations from any public or private source for the purposes of this subchapter.

Sec. 56.544.  INITIAL ELIGIBILITY FOR SCHOLARSHIP. (a) To be eligible initially for a scholarship under the program, a person must:

(1)  be a resident of this state as determined by coordinating board rules;

(2)  be enrolled in an associate or baccalaureate degree or certificate program at an institution of higher education;

(3)  be enrolled as an entering student for at least one-quarter of a full course load for an entering student in the associate or baccalaureate degree or certificate program, as determined by the coordinating board;

(4)  have applied for any available financial aid or assistance;

(5)  comply with any additional nonacademic or nonfinancial requirement adopted by the coordinating board under this subchapter; and

(6)  establish that the person has a disability by:

(A)  providing proof that the person:

(i)  is a person with a disability as defined by 42 U.S.C. Section 12102;

(ii)  receives Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq. on the basis of disability or blindness;

(iii)  receives Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq.; or

(iv)  qualifies for or is receiving vocational rehabilitation services provided through the Texas Workforce Commission; or

(B)  if the student is unable to provide proof in accordance with Paragraph (A), completing a disability affidavit form developed in accordance with Section 56.543(c).

(b)  A person is not eligible to receive a scholarship under the program if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under the program and has:

(1)  received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or

(2)  been pardoned, had the record of the offense expunged from the person's record, or otherwise been released from the resulting ineligibility to receive a scholarship under the program.

(c)  A person is not eligible to receive a scholarship under the program if the person has completed more than the following 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:

(1)  90 semester credit hours or the equivalent, if the person is enrolled in a degree or certificate program of two years or less; or

(2)  135 semester credit hours or the equivalent, if the person is enrolled in a degree or certificate program of more than two years.

(d)  A person may not receive a scholarship under the program for more than:

(1)  75 semester credit hours or the equivalent, if the person is enrolled in a degree or certificate program of two years or less; or

(2)  150 semester credit hours or the equivalent, if the person is enrolled in a degree or certificate program of more than two years.

(e)  A person's eligibility for a scholarship under the program ends on:

(1)  the fourth anniversary of the initial award of a scholarship under the program to the person, if the person is enrolled in a degree or certificate program of two years or less;

(2)  the sixth anniversary of the initial award of a scholarship under the program to the person, if the person is enrolled in a degree or certificate program of more than two years but not more than four years; or

(3)  the eighth anniversary of the initial award of a scholarship under the program to the person, if the person is enrolled in a degree or certificate program of more than four years.

Sec. 56.545.  CONTINUING ELIGIBILITY AND ACADEMIC PERFORMANCE REQUIREMENTS. (a) After initially qualifying for a scholarship under the program, a person may continue to receive a scholarship under the program during each semester or term in which the person is enrolled at an institution of higher education only if the person:

(1)  is enrolled in an associate or baccalaureate degree or certificate program at an institution of higher education;

(2)  is enrolled for at least one-quarter of a full course load for a student in an associate or baccalaureate degree or certificate program, as determined by the coordinating board;

(3)  makes satisfactory academic progress toward an associate or baccalaureate degree or certificate; and

(4)  complies with any additional nonacademic or nonfinancial requirement adopted by the coordinating board.

(b)  A person is not eligible to continue to receive a scholarship under this section if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this subchapter and has:

(1)  received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or

(2)  been pardoned, had the record of the offense expunged from the person's record, or otherwise been released from the resulting ineligibility to receive a scholarship under the program.

(c)  If a person fails to meet any of the requirements of Subsection (a) after the completion of any semester or term, the person may not receive a scholarship under the program during the next semester or term in which the person enrolls. A person may become eligible to receive a scholarship under the program in a subsequent semester or term if the person:

(1)  completes a semester or term during which the person is not eligible for a scholarship; and

(2)  meets all the requirements of Subsection (a).

(d)  For the purpose of this section, a person makes satisfactory academic progress toward an associate or baccalaureate degree or certificate only if:

(1)  in the person's first academic year, the person meets the satisfactory academic progress requirements of the institution at which the person is enrolled; and

(2)  in the subsequent academic year, the person completes at least 25 percent of the semester credit hours or the equivalent attempted in the person's most recent academic year.

(e)  A person who is eligible to receive a scholarship under the program continues to remain eligible to receive the scholarship if the person enrolls in or transfers to another institution of higher education.

(f)  The coordinating board shall adopt rules to allow a person who is otherwise eligible to receive a scholarship under the program, in the event of a hardship or for other good cause shown, including a showing of a severe illness or other debilitating condition that may affect the person's academic performance or a showing that the person is responsible for the care of a sick, injured, or needy person and that the person's provision of care may affect the person's academic performance, to receive a scholarship under the program:

(1)  while enrolled in a number of semester credit hours that is less than the number of semester credit hours or the equivalent required under Subsection (a)(2); or

(2)  if the person's completion rate falls below the satisfactory academic progress requirements of Subsection (d).

Sec. 56.546.  SCHOLARSHIP USE. A scholarship awarded under the program must be applied first to the payment of tuition and mandatory fees at an institution of higher education.

Sec. 56.547.  SCHOLARSHIP AMOUNT. (a) The amount of a scholarship awarded to an eligible student under the program for a semester or other academic term in which the student is enrolled at an institution of higher education is an amount determined by the coordinating board under Subsection (b) based on the amount of funds available for distribution and the number of eligible applicants.

(b)  The coordinating board shall adopt rules and procedures for determining the amount of the scholarship for each academic year or during an academic year as necessary to respond to fluctuations in the amount of funds available for distribution.

(c)  The coordinating board may adopt rules that allow the coordinating board to decrease, in proportion to the number of semester credit hours or the equivalent in which a student is enrolled, the amount of a scholarship award to a student who is enrolled in less than a full course load for a student in an associate or baccalaureate degree or certificate program, as determined by the coordinating board.

(d)  The coordinating board shall issue to each eligible student a certificate indicating the amount of the scholarship awarded to the student.

Sec. 56.548.  NOTIFICATION OF PROGRAM; RESPONSIBILITIES OF SCHOOL DISTRICTS. (a) The coordinating board, in consultation with all institutions of higher education, shall prepare materials designed to inform prospective students, their parents, and high school counselors about the program and eligibility for a scholarship under the program. The coordinating board shall distribute to each institution of higher education and to each school district a copy of the materials prepared under this section.

(b)  Each school district shall notify its high school students, those students' teachers and school counselors, and those students' parents or guardians of the program and the eligibility requirements of the program.

SECTION 2. (a) The Texas Higher Education Coordinating Board shall adopt rules to administer Subchapter U, Chapter 56, Education Code, as added by this Act, as soon as practicable after the effective date of this Act.

(b)  The Texas Higher Education Coordinating Board shall begin awarding scholarships under Subchapter U, Chapter 56, Education Code, as added by this Act, for the first academic year for which money is appropriated for that purpose, except that the coordinating board may not award scholarships under that subchapter for an academic year before the 2024-2025 academic year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.