By:  Menéndez S.B. No. 2449

A BILL TO BE ENTITLED

AN ACT

relating to the determination of resident status of certain high school graduates by public institutions of higher education and to the tuition and fees charged by those institutions to those graduates.

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 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)~~].

SECTION 2.  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 3.  Subchapter D, Chapter 54, Education Code, is amended by adding Section 54.371 to read as follows:

Sec. 54.371.  GRADUATES OF HIGH SCHOOLS IN THIS STATE. (a) This section applies only to a person who:

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

(2)  attended the high school in this state for:

(A)  at least three years; and

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

(b)  A person to whom Subsection (a) applies state shall be exempt from nonresident tuition and fees if the person presents the following information to the applicable institution of higher education:

(1)  a statement of the dates and length of time the person attended high school in this state; and

(2)  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.

(c)  Notwithstanding any other law, a person who is entitled to pay resident tuition and fees at the rates permitted by this section may qualify for loans, grants, scholarships, funds, or other state or institutional assistance, whether the assistance is financial or otherwise, without regard to the person's resident status under this title if the person is otherwise eligible for the assistance.

SECTION 4.  (a) The change in law made by this Act to Section 54.052, Education Code, applies beginning with the determination of a person's resident status by a public institution of higher education for the 2023 fall semester. The determination of a person's resident status by a public institution of higher education for an academic period before that semester is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b)  Section 54.371, Education Code, as added by this Act, applies beginning with tuition and fees charged for the 2023 fall semester. Tuition and fees charged for an academic period before that semester are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5.  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.