

By: Tinderholt

H.B. No. 4736

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the enrollment, including admission and resident
3 status, of certain persons by public institutions of higher
4 education.

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

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

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

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

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

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

21 or

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

24 SECTION 3. Section 54.052, Education Code, is amended to

1 read as follows:

2 Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a)
3 Subject to the other applicable provisions of this subchapter
4 governing the determination of resident status, the following
5 persons are considered residents of this state for purposes of this
6 title:

7 (1) a person who:

8 (A) established a domicile in this state not
9 later than one year before the census date of the academic term in
10 which the person is enrolled in an institution of higher education;
11 and

12 (B) maintained that domicile continuously for
13 the year preceding that census date; and

14 (2) a dependent whose parent:

15 (A) established a domicile in this state not
16 later than one year before the census date of the academic term in
17 which the dependent is enrolled in an institution of higher
18 education; and

19 (B) maintained that domicile continuously for
20 the year preceding that census date [~~, and~~

21 ~~[(3) a person who:~~

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

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

27 ~~[(i) the three years preceding the date of~~

1 ~~graduation or receipt of the diploma equivalent, as applicable; and~~
2 ~~[(ii) the year preceding the census date of~~
3 ~~the academic term in which the person is enrolled in an institution~~
4 ~~of higher education].~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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