

By: Menéndez

S.B. No. 2449

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the determination of resident status of certain high
3 school graduates by public institutions of higher education and to
4 the tuition and fees charged by those institutions to those
5 graduates.

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

7 SECTION 1. Section 54.052, Education Code, is amended to
8 read as follows:

9 Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a)
10 Subject to the other applicable provisions of this subchapter
11 governing the determination of resident status, the following
12 persons are considered residents of this state for purposes of this
13 title:

14 (1) a person who:

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 person is enrolled in an institution of higher education;
18 and

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

21 (2) a dependent whose parent:

22 (A) established a domicile in this state not
23 later than one year before the census date of the academic term in
24 which the dependent is enrolled in an institution of higher

1 education; and

2 (B) maintained that domicile continuously for
3 the year preceding that census date[~~;~~ and

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

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

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

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

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

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

19 SECTION 2. Section 54.053, Education Code, is amended to
20 read as follows:

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

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

27 (A) a statement of the dates and length of time

1 the person has resided in this state, as relevant to establish
2 resident status under this subchapter; and

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

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

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

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

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

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

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

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

26 Sec. 54.371. GRADUATES OF HIGH SCHOOLS IN THIS STATE. (a)

27 This section applies only to a person who:

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

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

5 (A) at least three years; and

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

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

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

15 (2) if the person is not a citizen or permanent
16 resident of the United States, an affidavit stating that the person
17 will apply to become a permanent resident of the United States as
18 soon as the person becomes eligible to apply.

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

26 SECTION 4. (a) The change in law made by this Act to Section
27 [54.052](#), Education Code, applies beginning with the determination of

1 a person's resident status by a public institution of higher
2 education for the 2023 fall semester. The determination of a
3 person's resident status by a public institution of higher
4 education for an academic period before that semester is governed
5 by the law in effect immediately before the effective date of this
6 Act, and the former law is continued in effect for that purpose.

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

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.