(d) An institution of higher education may adopt rules requiring reasonable proof from a student of the fact and duration of the student’s military service and of the student’s military discharge status.

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9112 to read as follows:

Sec. 51.9112. RESERVE OFFICERS’ TRAINING CORPS (ROTC) PROGRAM: FEES AND COURSE CREDIT. (a) The Texas Higher Education Coordinating Board, in consultation with institutions of higher education, shall determine a standard fee for a course offered through a Reserve Officers’ Training Corps (ROTC) program that takes into account the average statewide cost per student to an institution of higher education in providing the program, not including any reimbursement or other amount the institution receives from the applicable military service or other source for offering the course. Except as provided by Subsection (b), the governing board of each institution of higher education may not charge a student enrolled in an ROTC course any amount for the course in excess of the fee as determined by the coordinating board under this subsection.

(b) If the governing board of an institution of higher education offers course credit toward a student’s degree for a course in which the student enrolls for the purposes of an ROTC program, the governing board may charge the student tuition for that course as otherwise provided by Chapter 54 after subtracting any reimbursement or other amount the institution receives from the applicable military service or other source for offering the course.

(c) To the extent it will not adversely affect the accreditation status of an institution of higher education with the appropriate accrediting agency, the governing board of the institution shall count courses in which a student enrolls for the purposes of an ROTC program, including courses for which the student does not receive course credit toward the student’s degree, in determining whether the student is enrolled as a full-time student.

SECTION 3. Section 51.3042, Education Code, as added by this Act, applies to a student attending an institution of higher education, without regard to whether the student was admitted to the institution before the effective date of this Act.

SECTION 4. 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, 2009.

Passed by the House on May 12, 2009: Yeas 141, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 269 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 269 on May 31, 2009: Yeas 139, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 26, 2009: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 269 on May 31, 2009: Yeas 30, Nays 1.

Approved June 19, 2009.

CHAPTER 598

H.B. No. 281

AN ACT
relating to grants for school-based health centers and reports submitted by those centers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 38.063, Education Code, is amended by amending Subsections (a), (b), (d), (e), (f), and (g) and adding Subsections (e-1) and (e-2) to read as follows:
(a) Subject to the availability of federal or state appropriated funds, the commissioner of state [public] health services shall administer a program under which grants are awarded to assist school districts and local health departments, hospitals, health care systems, universities, or nonprofit organizations that contract with school districts with the costs of operating school-based health centers in accordance with this section.

(b) The commissioner of state [public] health services, by rules adopted in accordance with this section, shall establish procedures for awarding grants. The rules must provide that:

(1) grants are awarded annually [to school districts on an annual basis] through a competitive process to:
   (A) school districts; and
   (B) local health departments, hospitals, health care systems, universities, or nonprofit organizations that have contracted with school districts to establish and operate school-based health centers;

(2) subject to the availability of federal or state appropriated funds, each grant is for a term of five years; and

(3) a preference is given to school-based health centers in school districts that are located in rural areas or that have low property wealth per student.

(d) A school district, local health department, hospital, health care system, university, or nonprofit organization may not receive more than $250,000 per state fiscal biennium through grants awarded under this section.

(e) To be eligible to receive a grant, a school district, local health department, hospital, health care system, university, or nonprofit organization may not receive more than $250,000 per state fiscal biennium through grants awarded under this section.

(e-1) A grant under this section may not be given to a nonprofit organization that offers reproductive services, contraceptive services, counseling, or referrals, or any other services that require a license under Chapter 245, Health and Safety Code, or that is affiliated with a nonprofit organization that is licensed under Chapter 245, Health and Safety Code.

(e-2) A school district, local health department, hospital, health care system, university, or nonprofit organization receiving a grant under this section may use the grant funds to:

(1) establish a new school-based health center;

(2) expand an existing school-based health center; or

(3) operate a school-based health center.

(f) The commissioner of state [public] health services shall adopt rules establishing standards for health care centers funded through grants that place primary emphasis on delivery of health services and secondary emphasis on population-based models that prevent emerging health threats.

(g) The commissioner of state [public] health services shall require client surveys to be conducted in school-based health centers funded through grants awarded under this section, and the results of those surveys must be included in the annual report required under Section 38.064).

SECTION 2. Section 38.064, Education Code, is amended to read as follows:

Sec. 38.064. REPORT TO LEGISLATURE. (a) Based on statistics obtained from every school-based health center in this state that receives funding through the Department of State Health Services, the Department of State Health Services [commissioner of public health] shall issue a biennial [an annual] report to the legislature about the relative efficacy of services delivered by the [school-based health] centers during the preceding two years and any increased academic success of students at campuses served by those centers, with special emphasis on any:

(1) increased attendance, including attendance information regarding students with chronic illnesses;
(2) decreased drop-out rates;
(3) improved student health; [and]
(4) increased student immunization rates;
(5) increased student participation in preventive health measures, including routine physical examinations and checkups conducted in accordance with the Texas Health Steps program; and
(6) improved performance on student assessment instruments administered under Subchapter B, Chapter 39.

(b) The Department of State Health Services may modify any requirement imposed by Subsection (a) if necessary to comply with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) [in obtaining statistics for preparation of the report required by this section, the commissioner of public health shall ensure that data is collected for each county and aggregated appropriately according to geographical region].

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, 2009.

Passed by the House on April 24, 2009: Yeas 95, Nays 41, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 281 on May 29, 2009: Yeas 138, Nays 2, 1 present, not voting; passed by the Senate, with amendments, on May 27, 2009: Yeas 30, Nays 0.

Approved June 19, 2009.

CHAPTER 599
H.B. No. 319
AN ACT relating to an exemption from jury service for certain persons with legal custody of a child.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 62.106(a), Government Code, is amended to read as follows:

(a) A person qualified to serve as a petit juror may establish an exemption from jury service if the person:

(1) is over 70 years of age;
(2) has legal custody of a child younger than 15 years of age and the person's service on the jury requires leaving the child without adequate supervision;
(3) is a student of a public or private secondary school;
(4) is a person enrolled and in actual attendance at an institution of higher education;
(5) is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;
(6) is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(6) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service;
(7) is the primary caretaker of a person who is an invalid unable to care for himself;