

BILL ANALYSIS

Senate Research Center

S.B. 1526
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Education
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As Filed

DIGEST AND PURPOSE

Although federal courts have ruled that a child's origin or immigration status should not prevent access to primary and secondary schools, federal immigration status may prevent some children born outside of the United States from obtaining a college education at a public institution because of higher tuition rates charged to nonresidents. Due to federal immigration status, many children born outside of the United States who graduate from Texas high schools are required under current state law to pay tuition at a Texas public college or university at the higher rate charged to out-of-state or international students. As proposed, S.B. 1526 removes federal immigration status as a factor for determining eligibility to pay in-state tuition at Texas public colleges and universities for a student that graduates from a Texas high school or has attended school and received a GED, and who meets the minimum residency and academic criteria.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.051(m), Education Code, to provide an exception to the applicability of this subsection.

SECTION 2. Amends Section 54.052, Education Code, by adding Subsection (j) to require an individual, notwithstanding any other provision of this subchapter, to be classified as a Texas resident until the individual establishes a residence outside this state if the individual resided with the individual's parent, guardian, or conservator while attending a public or private high school in this state, and met certain requirements.

SECTION 3. Amends Section 54.057(a), Education Code, to provide that an alien who is living in this county under an unexpired visa permitting the person to reside in this country or who has applied to or has a petition pending with the Immigration and Naturalization Service to attain lawful status under federal immigration law, rather than under a visa permitting permanent residence or who has filed a declaration of intention to become a citizen with the proper federal immigration authorities, has the same privilege of qualifying for resident status for tuition and fee purposes under this subchapter, rather than Act, as has a citizen of the United States.

SECTION 4. Amends Sections 54.060(b), (d), and (g), Education Code, as follows:

(b) Provides that a foreign student, without regard to the individual's immigration status, is entitled to pay tuition at the rate prescribed by this chapter for a Texas resident if the individual is a citizen of a nation situated adjacent to Texas who registers in any general academic teaching institution, public junior college, or component of the Texas State Technical College System in a county located wholly or partly within 100 miles of the nation in which the foreign student resides or in a county having a population of 100,000 or more. Deletes existing text related to

tuition fees not applying to certain foreign students and the requirement that certain foreign students pay tuition equal to that charged Texas residents under Sections 54.051 and 54.0512 of this code. Deletes existing text related to rules required to be adopted by the Higher Education Coordinating Board.

(d) Deletes existing text relating to programs provided by Subsection (b) and to transfer students from certain institutions of higher education.

(g) Defines “general academic teaching institution” and “public junior college.”

SECTION 5. Makes application of Sections 1 through 4 of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2001.