

SUBJECT: Exempting children in state conservatorship from tuition and fees

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 8 ayes — Branch, Castro, Alonzo, Berman, D. Howard, McCall, Patrick, Rose
0 nays
1 absent — Cohen

WITNESSES: For — Elizabeth Ortiz, Martika Williams; (*Registered, but did not testify:* Constance Barker, DePelchin Children's Center; Christine Gendron, Texas Network of Youth Services; Justin Marlin, Texans Care for Children)

Against — None

On — (*Registered, but did not testify:* Liz Kromrei, Child Protective Services/Department of Family and Protective Services)

BACKGROUND: Education Code, sec. 54.211 provides tuition and fee exemptions at higher education institutions for students who were in foster care or other residential care under the conservatorship of DFPS. Students who enroll in a higher education institution are eligible for the exemption if they turned 18 while under DFPS conservatorship, turned 14 while under DFPS conservatorship and had their parental rights terminated, or were under conservatorship when they graduated from high school or obtained a GED.

To be eligible, these students must enroll in a higher education institution as an undergraduate no later than three years after being discharged from foster care, graduating from high school, or achieving the diploma equivalent, whichever is earliest, or their 21st birthday.

DIGEST: HB 2304 would make eligible for tuition and fee exemptions all students who were under the conservatorship of the Texas Department of Family and Protective Services (DFPS) and would expand the exemption to tuition and fees for students enrolled in dual credit courses in high school

and college. To be eligible, the student would have to have been under the conservatorship of the DFPS:

- on the day before the student's 18th birthday;
- on or after the student's 14th birthday, if the student was eligible for adoption;
- on the day the student graduated from high school or received a GED; or
- during a term when the student was enrolled in a dual credit program.

Students would have to enroll in a dual credit program or an institution of higher education no later than three years after discharge from conservatorship, the date of high school graduation, or the date the student received the equivalent of a diploma, whichever was earliest, or the student's 21st birthday.

The provisions of the tuition and fee exemptions would apply beginning with the 2009 fall semester.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 2304 would make a much-needed correction to an oversight in current law regarding tuition and fee exemptions for all those who were under the conservatorship of the state. Currently, children who were in foster care or other residential care and "age out" of the system are eligible for tuition and fee exemptions at state universities and community colleges. Children who are adopted out of foster care are eligible for the exemption. Most children who are wards of the state are in either foster care or some kind of residential care placement. This small portion of the children for whom the state has taken responsibility are not in foster care placements, but instead live with relatives or some other independent living placement. However, this small population of children in the conservatorship of the state are not eligible for the exemption program, simply by virtue of their placement.

The bill also would allow certain children who are under the state's conservatorship to gain access to the tuition and fee waivers while still in high school so they could enroll in dual credit courses. Allowing them to get a head start on college courses and have it paid for would have a

significant, positive impact on their lives. While higher education institutions would have to absorb the costs of the tuition waivers, it would be a small price for the success of a small population of students with fragile lives.

The bill also would boost the prospects of a pool of young people who, for whatever reason, have not had their parental rights terminated and are therefore not eligible for adoption. They expect to spend their youth under the conservatorship of the state. Easing their access to dual credit courses while still in high school would improve their prospects for a better, more stable life.

Despite the many obstacles these young people often face, including struggling with the impact of multiple placements that put them behind in school, many manage to stay in high school, have a desire to continue their education, and deserve the state's support. The prospects for children in this population can be grim, and many end up being dependent on public assistance and involved with the criminal justice system.

Concerns about the associated costs are unfounded. When the costs and benefits are analyzed, the amount of money spent to help these students get to college and complete their education would be small compared to the potential for them becoming productive members of society.

The state offers tuition and fee exemptions for a variety of other entities, and this program is small in comparison and extremely worthy.

**OPPONENTS
SAY:**

Although the bill would support a worthy cause, it only would add to the tuition exemptions already allowed by the state. This eventually would require the state to reimburse these institutions when funding higher education.

NOTES:

According to the LBB, there would be no significant fiscal impact to the state. Based on information from the Higher Education Coordinating Board, it is estimated the new exemption provisions would result in institutions forgoing tuition and fees of \$171,826 in fiscal 2010, with the amount increasing in the future as more students used the exemption.