

BILL ANALYSIS

Senate Research Center
76R6920 KEL-D

H.B. 2622
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Higher Education
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Engrossed

DIGEST

Some institutions of higher education have requested that their governing boards (boards) waive certain fees charged to students who take courses but who are not using campus-based student services. Such a waiver could apply to students who take courses via distance education and are not "on campus" students; students who attend other special courses offered at a location away from campus; and employees who enroll for one course who do not require student health services. According to Attorney General Opinion H-1028, unless a statute explicitly permits a waiver, a board may not waive any fee created by Chapters 54 or 55, Education Code. H.B. 2622 would establish the authority of the board to waive certain fees.

PURPOSE

As proposed, H.B. 2622 establishes the authority of the governing board of an institution of higher education to waive certain fees.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 54E, Education Code, by adding Section 54.5035, as follows:

Sec. 54.5035. WAIVER OF FEES. Authorizes the governing board of an institution of higher education (board) to waive a mandatory or discretionary fee for a student if the board determines that the student is not reasonably able to participate in or use the activity, service, or facility for which the fee is charged, with an exception. Authorizes the board to waive a mandatory or discretionary fee for a specific category of students if the board determines that the waiver is in the best interest of the institution or is critical to the viability of an academic initiative. Requires the board to ensure that a waiver does not result in the institution's inability to service a debt to which revenue from the fee is obligated or to support an activity, service, or facility for which the fee is charged. Provides that this section does not permit the board to waive payment of tuition or laboratory fees. Authorizes the board to limit or prohibit a student's participation in or use of an activity, service, or facility supported by the fee that is waived for the student.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.