

## **BILL ANALYSIS**

Senate Research Center  
86R16176 SOS-D

S.B. 2317  
By: Campbell  
Veteran Affairs & Border Security  
4/1/2019  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

This bill allows Texas institutions of higher education to seek payment from students who received tuition exemptions because they were misclassified as a Texas veteran, spouse, or dependent. The student has 30 days after being notified to pay all fees from which they were erroneously exempted and is not entitled to a degree, diploma, or transcripts from that institution until all fees are paid. The bill also directs the Texas Veterans Commission to conduct audits on applications for tuition exemptions to make sure the individuals applying meet the requirements for said exemptions.

As proposed, S.B. 2317 amends current law relating to the liability for unpaid tuition and fees at a public institution of higher education due to a misclassification of certain military personnel and their dependents.

### **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 Subchapter D, Chapter 54, Education Code, by adding Section 54.3412 as follows:

Sec. 54.3412. LIABILITY FOR UNPAID TUITION AND REQUIRED FEES DUE TO MISCLASSIFICATION AS TEXAS VETERAN, SPOUSE, OR DEPENDENT. (a) Authorizes an institution of higher education to elect to collect all or part of any tuition, fees, or other required charges for which a person was granted an exemption under Section 54.341 (Veterans and Other Military Personnel; Dependents) if the person did not qualify for that exemption. Establishes that the person is liable for the amount of tuition, fees, and other required charges the person would have paid to the institution without the exemption.

(b) Requires the person to pay the applicable amount to the institution of higher education not later than the 30th day after the date the person is notified of the person's liability for the amount owed. Provides that the person is not entitled to receive from the institution a certificate or diploma, if not yet awarded on the date of the notice, or official transcript that is based at least partially on or includes credit for courses taken while the person was erroneously granted an exemption under Section 54.341, after receiving the notice and until the amount is paid in full.

(c) Requires the Texas Veterans Commission (TVC) to periodically audit applications submitted by persons seeking an exemption from tuition, fees, and other required charges under Section 54.341 to verify qualifications for the exemptions under that section. Requires TVC to ensure an audit under this subsection is conducted in compliance 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), and any state law relating to the privacy of student information. Requires TVC to report the findings of its audits to the applicable institutions of higher education.

SECTION 2. Effective date: September 1, 2019.