

By: Hall

S.B. No. 1205

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain public benefits and services to persons not lawfully present in the United States.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.001(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 25.009, a [A] person who, on the first day of September of any school year, is at least five years of age and under 21 years of age, or is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma is entitled to the benefits of the available school fund for that year. Any other person enrolled in a prekindergarten class under Section 29.153 is entitled to the benefits of the available school fund.

SECTION 2. Subchapter A, Chapter 25, Education Code, is amended by adding Section 25.009 to read as follows:

Sec. 25.009. SCHOOL DISTRICT REQUIREMENTS FOR CERTAIN STUDENTS. (a) This section applies only to a student who is not a citizen or lawful permanent resident of the United States.

(b) Notwithstanding any other law, a school district:

(1) may not use public money, including tax and bond revenue, to pay or subsidize the education of a student to which this section applies; and

(2) shall:

1 (A) charge a student to which this section
2 applies tuition in an amount equal to the district's average cost of
3 providing educational services to students of the same grade level;
4 and

5 (B) document the student's immigration status in
6 the district's records and report that information to the agency.

7 (c) A school district that violates this section is not
8 entitled to funding under Chapter 46 or 48.

9 SECTION 3. Section 54.052, Education Code, is amended to
10 read as follows:

11 Sec. 54.052. DETERMINATION OF RESIDENT STATUS. (a)
12 Subject to the other applicable provisions of this subchapter
13 governing the determination of resident status, the following
14 persons are considered residents of this state for purposes of this
15 title:

16 (1) a person who:

17 (A) established a domicile in this state not
18 later than one year before the census date of the academic term in
19 which the person is enrolled in an institution of higher education;
20 and

21 (B) maintained that domicile continuously for
22 the year preceding that census date; and

23 (2) a dependent whose parent:

24 (A) established a domicile in this state not
25 later than one year before the census date of the academic term in
26 which the dependent is enrolled in an institution of higher
27 education; and

(B) maintained that domicile continuously for the year preceding that census date~~[, and~~

~~[(3) a person who:~~

~~[(A) graduated from a public or private high school in this state or received the equivalent of a high school diploma in this state; and~~

~~[(B) maintained a residence continuously in this state for:~~

~~[(i) the three years preceding the date of graduation or receipt of the diploma equivalent, as applicable; and~~

~~[(ii) the year preceding the census date of the academic term in which the person is enrolled in an institution of higher education].~~

(b) For purposes of this section, the domicile of a dependent's parent is presumed to be the domicile of the dependent ~~[unless the person establishes eligibility for resident status under Subsection (a)(3)].~~

(c) A person who is not authorized under federal statute to be present in the United States may not be considered a resident of this state for purposes of this title.

SECTION 4. Section 54.053, Education Code, is amended to read as follows:

Sec. 54.053. INFORMATION REQUIRED TO ESTABLISH RESIDENT STATUS. A person shall submit the following information to an institution of higher education to establish resident status under this subchapter:

(1) if the person applies for resident status under

Section 54.052(a)(1):

(A) a statement of the dates and length of time the person has resided in this state, as relevant to establish resident status under this subchapter; and

(B) a statement by the person that the person's presence in this state for that period was for a purpose of establishing and maintaining a domicile; or

(2) if the person applies for resident status under Section 54.052(a)(2):

(A) a statement of the dates and length of time any parent of the person has resided in this state, as relevant to establish resident status under this subchapter; and

(B) a statement by the parent or, if the parent is unable or unwilling to provide the statement, a statement by the person that the parent's presence in this state for that period was for a purpose of establishing and maintaining a domicile[~~, or~~

~~[(3) if the person applies for resident status under Section 54.052(a)(3):~~

~~[(A) a statement of the dates and length of time the person has resided in this state, as relevant to establish resident status under this subchapter; and~~

~~[(B) if the person is not a citizen or permanent resident of the United States, an affidavit stating that the person will apply to become a permanent resident of the United States as soon as the person becomes eligible to apply].~~

SECTION 5. Subtitle Z, Title 10, Government Code, is amended by adding Chapter 3001 to read as follows:

CHAPTER 3001. PROVISION OF PUBLIC BENEFITS TO PERSONS NOT LAWFULLY
PRESENT IN THE UNITED STATES PROHIBITED

Sec. 3001.0001. DEFINITIONS. In this chapter:

(1) "Governmental entity" means an agency of this
state or of a political subdivision of this state.

(2) "Public benefits program" means a program
administered by a governmental entity that provides benefits to
individuals or families based on a demonstrated financial or other
need. The term includes programs providing housing or utility
assistance.

Sec. 3001.0002. PROVISION OF PUBLIC BENEFITS AND SERVICES
TO PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES. (a)
Notwithstanding any other state statute and to the extent permitted
by federal law, a governmental entity may not provide benefits or
services under a public benefits program to a person who is not
lawfully present in the United States.

(b) This section does not prohibit the provision of Medicaid
benefits that are necessary to treat an emergency medical condition
in accordance with Section 1903(v)(2), Social Security Act (42
U.S.C. Section 1396b(v)(2)).

SECTION 6. Notwithstanding Subchapter B, Chapter 54,
Education Code, a public institution of higher education in this
state may, for any semester or academic term, before the beginning
of that semester or academic term, reclassify as a nonresident a
student previously classified as a resident of this state by the
institution or another public institution of higher education in
this state:

1 (1) under Section 54.052(a)(3), Education Code, as
2 that section existed before amendment by this Act, if the student is
3 not otherwise eligible to be classified as a resident of this state
4 under Subchapter B, Chapter 54, Education Code; or

5 (2) before the enactment of Section 54.052(c),
6 Education Code, as added by this Act, if the student is not
7 authorized under federal statute to be present in the United
8 States.

9 SECTION 7. If before implementing any provision of this Act
10 a state agency determines that a waiver or authorization from a
11 federal agency is necessary for implementation of that provision,
12 the agency affected by the provision shall request the waiver or
13 authorization and may delay implementing that provision until the
14 waiver or authorization is granted.

15 SECTION 8. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2025.