

CHAPTER 392

S.B. No. 183

AN ACT

relating to the tuition exemption at institutions of higher education for students who are blind or deaf.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subdivisions (2) and (3), Subsection (a), Section 54.205, Education Code, are amended to read as follows:

(2) "Blind person" means a person who is a "blind disabled individual" as defined in Section 91.051(5), *Human Resources Code* [~~5, Chapter 291, Acts of the 59th Texas Legislature, Regular Session, 1965 (Article 3207c, Vernon's Texas Civil Statutes), and who is eligible for the rehabilitation services of the Texas Commission for the Blind~~].

(3) "Deaf person" means a person whose sense of hearing is nonfunctional, after all necessary medical treatment, surgery, and use of hearing aids, for understanding normal conversation [~~and who is eligible for the services of the Division of Vocational Rehabilitation of the Texas Education Agency~~].

SECTION 2. Section 54.205, Education Code, is amended by amending Subsections (b) and (c) and adding Subsections (d) and (e) to read as follows:

(b) A deaf or blind person who is a resident is entitled to exemption from the payment of tuition fees at any institution of higher education utilizing public funds if he presents:

(1) certification [~~by the appropriate state vocational rehabilitation agency~~] that he is a "blind person" or a "deaf person" as defined in Subsection (a) of this section *by the Texas Rehabilitation Commission, Texas Commission for the Blind, or Texas Commission for the Deaf and Hearing Impaired, as appropriate, in a written statement, which certification is considered conclusive;*

(2) *a written statement of purpose from the person that indicates the certificate or degree program to be pursued or the professional enhancement from the course of study for that certificate or degree program* [~~and is a client of the agency, which certification shall be deemed conclusive~~];

(3) [(2)] a high school diploma or its equivalent;

(4) [(3) ~~proof of good moral character, which may be evidenced by~~] a letter of recommendation from the principal of the high school attended by the deaf or blind individual [~~or, if the high school no longer exists or if the principal cannot be located, a letter of recommendation from the individual's clergyman~~], a public official, or some other responsible person who knows the deaf or blind individual and is willing to *serve as a reference* [~~attest to his good moral character~~]; and

(5) [(4)] proof that he meets all other entrance requirements of the institution.

(c) The governing board of an institution may establish special entrance requirements to fit the circumstances of deaf and blind persons. [~~In order to obtain the maximum vocational benefits of their college training, all deaf students applying for a tuition exemption under this legislation shall cooperate with the Commission for Rehabilitation, and all blind students applying for a tuition exemption under this section shall cooperate with the Texas Commission for the Blind. The Commission for Rehabilitation and the Texas Commission for the Blind shall utilize all available and appropriate resources at the institutions of higher education to insure that deaf or blind students receive the maximum benefits from college~~]

~~training for which tuition fee exemptions are claimed under this Act.]~~ The Texas [Commission for] Rehabilitation Commission, the Texas Commission for the Blind, ~~the Texas Commission for the Deaf and Hearing Impaired,~~ and the Texas Higher Education Coordinating Board[, ~~Texas College and University System,~~] may develop any rules and procedures that these agencies determine necessary for the efficient implementation of this section.

(d) For the purposes of this section, a person is required to present certification that the person is a "blind person" or a "deaf person" as required under Subsection (b)(1) of this section at the time the person initially enrolls at an institution of higher education in the course of study designated by the person under Subsection (b)(2) of this section. The certification is valid for each semester that the person enrolls at that institution in the designated course of study.

(e) A person who qualifies for an exemption under this section is entitled to the exemption for each course in which the person enrolls at an institution of higher education.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 24, 1993, by a viva-voce vote; the Senate concurred in House amendment on May 25, 1993, by a viva-voce vote; passed the House, with amendment, on May 22, 1993, by a non-record vote.

Approved June 2, 1993.

Effective Sept. 1, 1993.