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COMMISSIONER OF HIGHER
EDUCATION

Memorandum

To: Chancellors and Presidents of Public Institutions

From: Wynn Rosser, PhD, Commissioner of Higher Education

Date: July 18, 2025

Subject: Revised Affidavit

Dear Chancellors and Presidents,

As you are aware, on June 4, 2025, a federal court entered an order enjoining the application of a Texas law that provided in-state "resident" tuition for students who are not U.S. citizens and may be unlawfully present in the United States. The Coordinating Board is in the process of amending its rules to comply with the court's order. In accordance with the court's order, the Coordinating Board will revise by rule the affidavit form currently located in Rule 21.25(a). Each institution may use the attached revised affidavit to establish the eligibility of a student who is not a U.S. citizen for resident tuition during the Fall 2025 semester, in compliance with Section 54.053(3) of the Texas Education Code, as limited by the court's order.

Attachment: [Revised Affidavit](#)

c: Institution Liaisons

Sarah Keyton, Deputy Commissioner, Administration, THECB

Nichole Bunker-Henderson, General Counsel, THECB

Arby Gonzales, Assistant Commissioner, Internal Audit & Compliance, THECB