

CHAPTER 21. STUDENT SERVICES

SUBCHAPTER NN. EXEMPTION PROGRAM FOR VETERANS AND THEIR DEPENDENTS
(THE HAZLEWOOD ACT)

Section

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21.2099. (no change)

21.2100. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Attempted credit hours – Hours for which the veteran is registered as of the first day of classes of a term or semester.

(2) Board – The Texas Higher Education Coordinating Board.

(3) Census date – The date in an academic term or semester for which an institution is required to certify a person’s enrollment in the institution to the board for the purposes of determining formula funding for the institution.

(4) Children – (a) Persons who are the veteran’s biological or adopted children and who are younger than 18 years of age on the date of the death or disabling injury of the veteran; or (b) Persons who are not the biological or adopted children of the veteran, but who were claimed as dependents on the federal income tax return of the veteran for the year preceding the year of the veteran’s death or disabling injury and who are younger than 18 years of age on the date of the death or disabling injury of the veteran.

(5) Citizen of Texas – A person who is a resident of Texas.

~~{(6)} [Commissioner – The Commissioner of Higher Education].~~

(6) [(7)] Contact hours – A unit of measure that represents an hour of scheduled instruction given to students of which 50 minutes must be of direct instruction. Also referred to as clock hours.

(7) [(8)] Dependent – An individual who was claimed as a dependent for federal income tax purposes by the individual's parent or court-appointed legal guardian in a particular year and in the previous tax year. A veteran was a dependent if he or she was claimed as such by a parent or legal guardian during the veteran's year of entry into the service and in the previous tax year. ~~[A child was a dependent if he or she was claimed as a dependent for tax purposes the year of the veteran's death or disabling injury].~~

(8) [(9)] Extraordinary costs – (for community/junior colleges only) tuition and fee costs that exceed the average tuition and fee charges at the institution.

(9) [(10)] ~~[Federal survivor benefits – Benefits offered the surviving children of deceased veterans through Title 38, United States Code, Chapter 35.]~~

(10) [(11)] Hazlewood Act Exemption – The tuition and partial fee exemption authorized under Texas Education Code, Section 54.203.

(11) [(12)] Honorably discharged – Released from active duty military service with an Honorable Discharge, General Discharge under Honorable Conditions, or Honorable Separation or Release from Active Duty, as documented by the Certificate of Release or Discharge from Active Duty (DD214) issued by the Department of Defense.

(12) [(13)] Identification number – An individual's social security number or school-assigned identification number.

(13) [(14)] Institution – A Texas public institution of higher education as defined in Texas Education Code, Section 61.003(8).

(14) [(15)] Deposit fees – Fees that an institution may collect under Texas Education Code, Section 54.502.

(15) [(16)] Resident of Texas – A resident of the State of Texas as determined in accordance with Chapter 21, Subchapter B, of this title (relating to Determination of Resident Status and Waiver Programs for Certain Nonresident Persons).

(16) [(17)] Student service fees – Fees that an institution may, under Texas Education Code, Sections 54.503, 54.5061 and 54.513, elect to charge to students to cover the cost of student services.

(17) [(18)] Training – Time spent as a member of the armed forces that is not included in the "Net Active Service" or the sum of "Net Active Service" indicated on the Certificate of Release or Discharge from Active Duty (DD214).

~~(19)~~ (18) Tuition – All types of tuition that an institution may, under Texas Education Code, Chapter 54, collect from students attending the institution, including statutory tuition, discretionary tuition, designated tuition, and board-authorized tuition.

21.2101. Hazlewood Act Exemption.

(a) Subject to the following provisions, an institution shall exempt an eligible veteran or child from the payment of tuition and fees, other than deposit and student service fees. The exemption shall not apply to the payment of fees for services or items that are not required for enrollment in general or for items that are not required for the specific courses taken by the student.

(b) If the eligible veteran or child is entitled to federal veterans' education benefits during the term or semester for which he or she applies for the Hazlewood Act Exemption, he or she is entitled to receive both federal and state veterans benefits during the same time only if the value of the federal veteran's benefits for the term or semester is less than the value of the student's tuition and fees, less deposit and student service fees.

(c) - (h) (no change)

21.2102. (no change)

21.2103. Eligible Children.

In order to be eligible to receive a Hazlewood Act Exemption, children shall demonstrate that they:

(1) are ~~dependent~~ children of:

(A) members of the U.S. Armed Forces who were residents of Texas when they entered the service and who

(i) died while in service, or

(ii) are missing in action, or

(iii) whose deaths are documented to be directly caused by illness or injury connected with service in the armed forces of the United States; or

(iv) became totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; or

(B) members of the Texas National Guard or Texas Air National Guard who:

(i) were killed since January 1, 1946 while on active duty either in the service of Texas or the United States; or

(ii) are totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs, regardless of whether the members are eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.

(2) have no federal veteran's education benefits, based on the death or disability of a veteran parent, and that the value of the benefits is less than the value of the children's tuition and fees less deposit and student service fees for the term in which the exemption is to be used; and

(3) are classified by their institutions as residents of Texas for the term or semester for which they apply for the Hazlewood Act Exemption.

21.2104. - 21.2105. (no change)

21.2106. Subsequent Hazlewood Exemption Awards [~~Applications~~].

(a) For each term or semester of an academic year in which the veteran or child receives a Hazlewood Act Exemption, the institution shall confirm that the veteran or child:

(1) has not exhausted his or her 150 credit hours of eligibility through the program since Fall 1995,

(2) is still classified as a resident student,

(3) has no federal veteran's benefits, or if he or she has federal veterans education benefits, that the value of the benefits is less than the student's tuition and fees less deposit and student service fees for the term, and

(4) is not in default on an education loan made or guaranteed by the State of Texas and is not in default on a federal loan if that default is the reason the student cannot use his or her federal veterans' benefits.

(b) For each term or semester of an academic year in which the veteran or child receives a Hazlewood Act Exemption, he or she shall submit the appropriate program application.

21.2107. Release of Data to the Board and Institutions.

Prior to the census date of the first term or semester of an academic year in which the veteran or child receives a Hazlewood Act Exemption, he or she shall execute a statement, consenting to the release of the number of hours taken in the current academic year and in all

previous academic years to the Board [~~and to~~] and to any institution that the veteran may attend.

21.2108. Reporting.

(a) All institutions shall report by means of the Texas Higher Education Coordinating Board's CBM 001 report, for each eligible veteran and child who is exempted from the payment of tuition and mandatory and discretionary fees, other than deposit and student service fees, the following information to the Board:

- (1) the person's name,
- (2) the person's identification number [~~(social security number)~~],
- (3) the person's date of birth, and
- (4) the number of credit hours for which the person received an exemption in the given semester.

(b) All institutions shall submit the report required under this provision to the Board no later than December 31, for the fall term, no later than May 31, for the spring term, and no later than September 30, for the summer term or semester.

(c) If the individual concurrently received federal and state benefits in a given semester, institutions must adjust the data for the Board's report of all students enrolled in credit courses as of the official census date (CBM001 report) to reflect only hours paid through the Hazlewood Act Exemption.