

PROPOSED RULES PREAMBLE

Brief explanation of proposed rule

The Texas Higher Education Coordinating Board proposes amendments to Sections 22.531, 22.533 and 22.534 of Board rules, concerning the Exemption for Peace Officers Enrolled in Law Enforcement or Criminal Justice Courses. Specifically, the enabling legislation (Texas Education Code, Section 54.2081 and Section 54.353) indicates that participating peace officers must be undergraduate students. This is currently incorrectly expressed in Board rules as a restriction that a peace officer may enroll only in undergraduate courses. To align Board rules with the legislation, Section 22.531 is amended by adding a definition of "undergraduate student," Section 22.533 is amended to indicate the peace officer must be enrolled as an undergraduate student, and Section 22.534 is amended to remove the restriction that only undergraduate courses may be taken.

Fiscal note and estimated cost to state and local government (or estimated reduction in costs to state and local government, and/or estimated loss of increase in revenue to state and local government)

Dan Weaver, Assistant Commissioner for Business and Support Services, has determined that for each year of the first five years the amendments are in effect, there will be no significant fiscal implications to state or local government as a result of enforcing or administering the rules.

Public Benefit and local employment impact

Dan Weaver has also determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of administering the sections will be a clearer understanding of the requirements and restrictions of benefits under this subchapter. There is no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no impact on local employment.

Request for comments

Comments on the proposal may be submitted to Dan Weaver, P. O. Box 12788, Austin, Texas 78711, 512-427-6165, Dan.Weaver@thehb.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Statutory basis for amendments

The amendments are proposed under Texas Education Code, Sections 54.2081 and 54.353 which provide the Coordinating Board with the authority to adopt rules governing the granting or denial of an exemption, including rules relating to the determination of a student's eligibility for an exemption under these sections.

Statutes, articles, codes affected by the proposed action

The amendments affect Texas Education Code, Sections 54.2081 and 54.353.

Certification of Review by Legal Counsel

The Coordinating Board certifies that the proposed amendments have been reviewed by legal counsel and found to be within the agency's authority to adopt.

CHAPTER 22. GRANT AND SCHOLARSHIP PROGRAMS

SUBCHAPTER U. EXEMPTION FOR PEACE OFFICERS ENROLLED IN LAW ENFORCEMENT OR CRIMINAL JUSTICE COURSES

22.531. Definitions.

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

- (1) Board--The Texas Higher Education Coordinating Board.
- (2) Commissioner--The Commissioner of Higher Education, the Chief Executive Officer of the Board.
- (3) Criminal Justice Courses--Courses determined by an institution to be a part of a criminal justice degree or certificate program.
- (4) Governing Board--As defined in Texas Education Code, Section 61.003.
- (5) Institution of Higher Education or Institution--Any public institution of higher education as defined in Texas Education Code, Section 61.003.
- (6) Laboratory Fees--Fees authorized through Texas Education Code, Section 54.501.
- (7) Law Enforcement Courses--Courses determined by an institution to be a part of a law enforcement-related degree or certificate program.
- (8) Peace Officer--An individual employed as a peace officer by this state or a political subdivision of the state.
- (9) Program--The Exemption Program for Peace Officers Enrolled in Law Enforcement or Criminal Justice Courses.
- (10) Tuition--Includes statutory tuition, designated tuition and governing board-authorized tuition.
- (11) Undergraduate Student--A person classified by his or her institution as an undergraduate.

22.533. Eligible Peace Officers.

To qualify, a Peace Officer must:

- (1) be an undergraduate student enrolled in an eligible criminal justice or law enforcement-related degree or certificate program at the institution pursuant to this subchapter,
- (2) apply for the exemption at least one week before the last day of the institution's regular

registration period for that semester, and

(3) be in compliance with the institution's financial aid satisfactory academic progress requirements.

22.534. Eligible Courses.

(a) Only [~~undergraduate~~] courses pertaining to [~~the major requirements of~~] law enforcement-related ~~or~~ [~~and~~] criminal justice degree or certificate programs are eligible for the tuition and laboratory fees exemption.

(b) No more than 20 percent of the maximum student enrollment designated by the institution for a given law enforcement or criminal justice class may receive an exemption under this Program.

(c) Pursuant to Texas Education Code, Section 54.545, the exemption does not apply to courses that do not receive Texas Education Code Section 61.059 formula funding.