CHAPTER 21. STUDENT SERVICES

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

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 25 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 25 years of age on the date of the death or disabling injury of the veteran.

(5) 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.

(6) 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.

(7) Deployed--A person is deployed if he or she is assigned to active military duty performed in a combat zone outside the United States.

(8) Extraordinary costs--(for public junior colleges, public technical institutes, or public state colleges only) tuition and fee costs that exceed the average tuition and fee charges at the institution.

(9) Hazlewood Act Exemption--The tuition and partial fee exemption authorized under Texas Education Code, Section 54.203.

(10) Hazelwood Legacy Act--The tuition and partial fee exemption authorized under Texas Education Code, Section 54.203, as amended by Senate Bill 93, 81st Texas Legislature, June 1, 2009, which removes certain residency restrictions, extends eligibility to spouses, and permits eligible veterans to assign their unused hours to their child.

(11) 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) Identification number--An individual's social security number or school-assigned identification number.

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

(14) Deposit fees--Fees that an institution may collect under Texas Education Code, Section 54.502.

(15) 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) 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) 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).

(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.

21.2108. Assigning Unused Hours to a Child.

(a) An eligible veteran may elect to waive his or her right to any unused hours for which he or she is eligible (up to the maximum 150 semester credit hours). By completing the relevant forms provided through the Board website and submitting them to the institution, the veteran may:

(1) assign the unused hours to one of his or her children; and

(2) if the child to which the hours have been assigned fails to use all available credit hours, assign the remaining hours to another of his or her children.

(b) For purposes of this section, a child designee must be:

(1) the stepchild, biological, or adopted child of the parent veteran; or

(2) claimed as a dependent on a federal income tax return filed for the preceding year or for the current year.

(c) For an otherwise eligible child to be entitled to a Hazlewood Act exemption in a given term or semester, he or she must:

(1) be a resident of Texas;

(2) make satisfactory academic progress in a degree, certificate, or continuing education program as determined by the institution; except, the child is not required to enroll in a minimum course load;

(3) be 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed, unless the child is granted an extension in keeping with paragraph (d) of this section.

(4) provide his or her institution a completed Hazlewood Act Exemption Application and the supporting documentation to the institution no later than the census date of that term or semester. If the application or supporting documents are provided after the census date, the institution may make the award but is not required to do so.

(d) An otherwise eligible child assigned hours through this section may use the exemption in a given term at age 25 years or older if the child provides his or her institution documentation from a physician, indicating he or she suffered from a severe illness or other debilitating condition which prevented the child from using the exemption in the required timeframe. In this case, the student's eligibility shall be extended for a period of time equal to the time during which he or she experienced the illness or debilitating condition.