

## CHAPTER 21. STUDENT SERVICES

### SUBCHAPTER II. EDUCATIONAL AIDE EXEMPTION PROGRAM

#### Section

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- 21.1080. Authority and Purpose.

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Chapter 54, Subchapter B, Tuition Rates. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, Section 54.214, relating to an exemption for educational aides.

(b) Purpose. The purpose of the Educational Aide Exemption Program is to encourage certain educational aides to complete full teacher certification by providing need-based exemptions from the payment of tuition and certain mandatory fees at Texas public institutions of higher education.

- 21.1081. 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) Cost of attendance – A Board-approved estimate of the expenses incurred by a typical financial aid student attending a particular college or university. It includes direct educational costs (tuition, fees, books, and supplies) as well as indirect costs (room and board, transportation, and personal expenses).
- (4) Educational Aide – A person who has been employed by a public school district in Texas in a teaching capacity working in the classroom directly with the students for at least one year on a full-time basis. It may include substitute teachers who have been employed by a public school district in Texas for 180 or more full days in a teaching capacity working in the classroom directly with students.

(5) Expected family contribution – The amount of discretionary income that should be available to a student from his or her resources and that of his/her family, as determined following the federal methodology.

(6) Financial need – An indication of a student's inability to meet the full cost of attending a college or university, measured by one of the following methods:

(A) The cost of attendance at a particular public or private institution of higher education less the expected family contribution. The cost of attendance and family contribution are to be determined in accordance with Board guidelines; or

(B) An income methodology, which considers a student to have financial need if his or her adjusted gross annual income is less than income levels set annually by the Commissioner. If the student is a dependent, the family's adjusted gross family income is considered; if the student is independent, only the student's income (and the income of the student's spouse, if he or she is married) is considered.

(7) Program Officer – The individual named by each participating institution's chief executive officer to serve as agent for the Board. The Program Officer has primary responsibility for all ministerial acts required by the program, including the determination of student eligibility, maintenance of all records and preparation and submission of reports reflecting program transactions. Unless otherwise indicated by the administration, the director of student financial aid shall serve as Program Officer.

(8) 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 Residence Status and Waiver Programs for Certain Nonresident Persons). Nonresident students who are eligible to pay resident tuition rates are not residents of Texas.

21.1082. Institutions.

(a) Eligibility.

(1) Any public institution of higher education as defined by Texas Education Code, Section 61.003, is eligible to participate in the Educational Aide Exemption Program.

(2) No institution may, on the grounds of race, color, national origin, gender, religion, age or disability exclude an individual from participation in, or deny the benefits of the program described in this subchapter.

(3) Each participating institution must follow the Civil Rights Act of 1964, Title VI (Public Law 88-353) in avoiding discrimination in admissions.

(b) Approval.

(1) Agreement. Each approved institution must enter into an agreement with the Board, the terms of which shall be prescribed by the Commissioner.

(2) Approval Deadline. An institution must be approved by April 1 in order for qualified students enrolled in that institution to be eligible to receive grants in the following fiscal year.

(c) Responsibilities.

(1) Probation Notice. If the institution is placed on probation by its accrediting agency, it must immediately advise scholarship recipients of this condition and maintain evidence in each student's file to demonstrate that the student was so informed.

(2) Disbursements to Students.

(A) Documentation. The institution must maintain records to prove the receipt of program funds by the student or the crediting of such funds to the student's school account.

(B) Procedures in Case of Illegal Disbursements. If the Commissioner has reason for concern that an institution has disbursed funds for unauthorized purposes, the Board will notify the Program Officer and Financial Aid Director and offer an opportunity for a hearing pursuant to the procedures outlined in Chapter 1 of this title (relating to Agency Administration). Thereafter, if the Board determines that funds have been improperly disbursed, the institution shall become primarily responsible for restoring the funds to the Board. No further disbursements of scholarships shall be permitted to students at that institution until the funds have been repaid.

(3) Reporting. Each participating institution must meet Board reporting requirements, in particular the submission of the Financial Aid Database Report, in a timely fashion.

(4) Program Reviews. If selected for such by the Board, participating institutions must submit to program reviews of activities related to the Educational Aide Exemption Program.

21.1083. Eligible Students.

To receive an award through the Educational Aide Exemption Program, a student must:

(1) be a resident of Texas;

(2) have met the definition of an Educational Aide at some time during the five years preceding the term or semester for which the student is awarded his or her initial exemption;

(3) be employed in some capacity by a school district in Texas during the full term for which the student receives the award unless granted a hardship waiver as described in Section 21.1089 of this title (relating to Hardship Provisions);

(4) show financial need;

- (5) be enrolled in courses required for teacher certification at the institution granting an exemption under this subchapter or (if enrolled in lower-level course-work), sign a statement indicating an intention to become certified as a teacher and teach in Texas;
- (6) meet the academic progress standards of the institution; and
- (7) follow application procedures and schedules as indicated by the Board;
- (8) have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law; and
- (9) apply for an exemption by the end of the term for which the exemption is to apply.

21.1084. The Application and Awarding Process.

(a) Application forms and instructions developed by the Board will be distributed primarily through school district offices throughout the state. The Board will also provide forms to financial aid offices of approved institutions and students may request the forms directly from the Board.

(b) The application has three parts that must be completed prior to the form's submission to the Board for processing.

(1) Part I is to be completed by the student applicant, who shall then forward the application to an authorized officer of the school or school district in which the applicant is employed.

(2) Part II is to be completed and signed by the school or school district authorized officer, who shall then forward the application to the financial aid office of the institution the applicant is attending.

(3) Part III is to be completed by the Program Officer at the institution, who shall then determine student eligibility and advise the student of his or her status.

(c) Applications will be processed by the institutions.

(d) If the student's financial need is based on the income methodology and prior year adjusted gross income is not available at the time of application, eligibility can be temporarily based on a prior prior-year tax return, but the student must provide the institution a copy of the prior-year tax return by the deadline set by the institution and reported to the student in his or her award announcement. If the updated return indicates an income that exceeds the cut-off amount for eligibility, the student will be required to refund to the program any awards received based on prior prior-year data.

(e) As soon as possible after processing applications, the institution will notify the relevant students and school districts of their awards.

21.1085. Award Amounts and Processing Cycle.

(a) Amounts. Students receiving awards through the Educational Aide Exemption Program shall be exempted from the payment of (or reimbursed for) resident tuition and required fees, other than laboratory and class fees, for courses taken during the relevant term.

(b) Form of Award – Exemption or Reimbursement.

(1) If applications are processed and announced in time, institutions should exempt recipients from the payment of such charges and then request reimbursement from the Board.

(2) If applications are processed and/or announced too late for the student to be exempted from such payments at registration, the student may be required to pay these charges first, and then be reimbursed by the institution once reimbursement funds are received from the Board.

(c) Unique Requirements for Each Term.

(1) Fall awards are made on the basis of the original fall/spring application.

(2) Spring awards are based on the original fall/spring application. If the student was not a recipient during the fall term, the original application functions as a stand-alone spring application. If the applicant also received a fall award, the spring award shall not be requested by the institution until the school or school district confirms to the institution that it will still be employing the applicant in the spring term.

(3) Summer awards are to be based on a summer application that will be distributed only upon confirmation that there is funding available for summer awards. Institutions and school districts will be advised by the Board of the availability of funds by March 1 of each year. At that time, the Board will distribute copies of the summer application and instructions to institutions and school districts.

21.1086. Reimbursements.

(a) Source of Funding. The funds used to reimburse institutions or students for awards made through the Educational Aide Exemption program will come from the state's Foundation School Fund and any gifts, grants and donations made to the Texas Education Agency for that purpose.

(b) Requesting Reimbursements. To request reimbursement for student awards, institutions must complete and submit a Request for Reimbursement Form designed and distributed by the Board. Such forms must be submitted to the Board with sufficient documentation (student billing information) to confirm that the requests are being made for authorized charges.

(c) Disbursements by the Board. The Board will process institutional Requests for Reimbursement at least once a month and will subsequently have appropriate amounts transferred to institutions by the State Comptroller's office. Such funds are to be used by the institutions either to reimburse itself (if it exempted the students from the payment of the relevant charges) or to reimburse students for the relevant charges they paid to the institution.

(d) Transfers from the Foundation Program. At least once a year the Board will request a transfer of funds from the foundation school fund for use in reimbursing institutions or students for their Educational Aide Exemption program awards.

21.1087. Exemption from Student Teaching.

(a) An individual who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an award through this subchapter shall not be required by his or her institution to participate in any field experience or internship consisting of student teaching as a requirement to receive a teaching certificate.

(b) An individual who receives a bachelor's degree prior to receiving his or her first award under this subchapter is not eligible for a student teaching exemption under Subsection (a) of this Section.

21.1088. Hardship Provisions.

An individual is considered to meet the employment requirements listed in Section 21.1083(3) of this title (relating to Eligible Students) if he or she was employed at the beginning of the relevant term but was unable to remain employed throughout the term for reasons beyond his or her control. Such situations include, but are not limited to, the following:

- (1) a severe illness or other debilitating condition that may affect the individual's ability to continue employment,
- (2) responsibility for the care of a temporarily disabled dependent that may affect the recipient's ability to continue employment, or
- (3) performance of active duty military service.

21.1089. Dissemination of Information and Rules.

The Board is responsible for publishing and disseminating general information and program rules for the program described in this subchapter.