

TEXAS HIGHER EDUCATION COORDINATING BOARD

COMMITTEE ON AFFORDABILITY, ACCOUNTABILITY AND PLANNING

Via Conference Call

April 23, 2020; 9:20 am

*(or upon adjournment of the Committee on Academic Workforce and Success
meeting, whichever occurs later)*

*CHAIR
S. Javaid Anwar*

*VICE CHAIR
Welcome W. Wilson*

*Ricky A. Raven
R. Sam Torn
Donna N. Williams
Lauren C. McKenzie
Student Representative, Ex-Officio
Stuart W. Stedman,
Ex-Officio*

AGENDA

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or any other time as determined by the presiding chair. For procedures on testifying, please go to <http://www.thecb.state.tx.us/public-testimony>.

- I. Welcome and Committee Chair's meeting overview
- II. Consideration of approval of the minutes from the December 11, 2019, meeting of the Committee on Affordability, Accountability and Planning
- III. Consideration of approval of the Consent Calendar
- IV. Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning
- V. Matters relating to the Committee on Affordability, Accountability and Planning
 - A. Consideration of adopting the formula advisory committees' recommendation to the Committee relating to funding formulas for use by the Governor and the Legislative Budget Board in making appropriations recommendations to the appropriate Legislative Committees
 - B. Consideration of adopting the Commissioner's recommendation to the Committee relating to the annual report about the financial condition of the state's community college districts (*H.B. 1, 86th Texas Legislature, Regular Session, Rider 12, III-219*)
 - C. Consideration of adopting the staff recommendation to the Committee relating to the appointment of a student representative to the Financial Aid Advisory Committee
 - D. Proposed Rules:
 - (1) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 21, Subchapter C, Section 21.49 of Board rules, concerning Student Loan Debt Disclosure

Committee on Affordability, Accountability and Planning

- (2) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter G, Sections 22.127-22.134, and the repeal of Section 22.135 of Board rules, concerning the Texas College Work-Study Program
- (3) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed repeal of Chapter 22, Subchapter I, Sections 22.169 and 22.174, new rule under Section 22.174, and amendments to Sections 22.163 – 22.168 and 22.170–22.173 of Board rules, concerning Texas Armed Services Scholarship Program
- (4) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed repeal of Chapter 22, Subchapter M, Sections 22.257-22.261, 22.263, and 22.265, new rules under Sections 22.257-22.261, and amendments to Sections 22.253-22.256 of Board rules, concerning Texas Educational Opportunity Grant Program
- (5) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter X, Sections 22.625, 22.626, and 22.631 and the repeal of Sections 22.627-22.630, 22.632, and 22.642-22.643 of Board rules, concerning Teach for Texas Conditional Grant Program
- (6) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter Y, Sections 22.663, 22.664, and 22.668, and the repeal of Chapter 22, Subchapter Y, Sections 22.665-22.667, 22.669, and 22.678-22.679 of Board rules, concerning Teach for Texas Alternative Certification Conditional Grant Program

VI. Adjournment

NOTE: The Board will not consider or act upon any item before the Committee on Affordability, Accountability and Planning at this meeting. This meeting is not a regular meeting of the full Board. Because the Board members who attend the committee meeting may create a quorum of the full Board, the meeting of the Committee on Affordability, Accountability and Planning is also being posted as a meeting of the full Board.

Texas Penal Code Section 46.035(c) states: "A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter." Thus, no person can carry a handgun and enter the room or rooms where a meeting of the THECB is held if the meeting is an open meeting subject to Chapter 551, Government Code.

Please Note that this governmental meeting is, in the opinion of counsel representing THECB, an open meeting subject to Chapter 551, Government Code and THECB is providing notice of this meeting as required by Chapter 551. In addition, **please note** that the written communication required by Texas Penal Code Sections 30.06 and 30.07, prohibiting both concealed and open carry of handguns by Government Code Chapter 411 licensees, will be posted at the entrances to this governmental meeting.

Committee on Affordability, Accountability and Planning

AGENDA ITEM I

Welcome and Committee Chair's meeting overview

Mr. S. Javaid Anwar, Chair of the Committee on Affordability, Accountability and Planning, will provide the Committee an overview of the items on the agenda.

Committee on Affordability, Accountability and Planning

AGENDA ITEM II

Consideration of approval of the minutes from the December 11, 2019, meeting of the Committee on Affordability, Accountability and Planning

RECOMMENDATION: Approval

TEXAS HIGHER EDUCATION COORDINATING BOARD

MINUTES

Committee on Affordability, Accountability and Planning

1200 East Anderson Lane, Room 1.170

Austin, Texas

December 11, 2019, 9:00 a.m.

DRAFT Minutes

The Texas Higher Education Coordinating Board *Committee on Affordability, Accountability and Planning* convened at 9:00 a.m. on December 11, 2019, with the following members present: Welcome W. Wilson, Jr., Vice Chair, presiding; Ricky A. Raven; Stuart W. Stedman; Donna N. Williams; and Lauren C. McKenzie, Student Representative, Ex-Officio. S. Javid Anwar, Chair, was not in attendance.

The meeting is available at the following link: <http://www.thecb.state.tx.us/apps/Events/>

AGENDA ITEM	ACTION
I. Welcome and Committee Chair's meeting overview	<p>Mr. Stuart W. Stedman, Board Chair, addressed the Committee and welcomed Mr. R. Sam Torn to the Board and appointed him as a member to the Committee on Affordability, Accountability and Planning and the Committee on Academic and Workforce Success. He then announced that Mr. Anwar was not able to attend today's meeting and that Mr. Welcome W. Wilson, Jr. would be standing in as Chair. He turned the meeting over to Mr. Wilson.</p> <p>Mr. Wilson called the meeting to order and advised that the meeting was being broadcast over the internet.</p>
II. Consideration of approval of the minutes from the September 18, 2019, Committee meeting	<p>On motion by Mr. Ricky Raven, seconded by Mr. Stuart Stedman, the Committee approved this item.</p>
III. Consideration of approval of the Consent Calendar	<p>Mr. Wilson stated item V-D was on the Consent Calendar for consideration.</p> <p>On motion by Mr. Ricky Raven, seconded by Mr. Sam Torn, the Committee approved the Consent Calendar.</p>
IV. Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning	<p>Mr. Wilson stated there was no public testimony.</p>

AGENDA ITEM	ACTION
<p>V. Matters relating to the Committee on Affordability, Accountability and Planning</p> <p>A. <i>60x307X</i> Data Insight: Career and Technical Education (CTE) Completions</p> <p>B. Overview of the facilities review process and report on facilities projects that were submitted to the Coordinating Board</p> <p>C. Report on Financial Aid Advisory Committee activities</p> <p>D. Consideration of adopting the staff recommendation to the Committee relating to the approval of the nominated members of the Financial Aid Advisory Committee</p> <p>E. Proposed rules adopted as emergency rules at the October 2019 Board meeting</p> <p>(1) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed new rules to Chapter 22, Subchapter BB, Section BB, Section 22.751 through 22.757 of Board rules, concerning the establishment of the Nursing Shortage Reduction Program Rider 28 Study Work Group</p>	<p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, provided a presentation and was available for questions.</p> <p>No action required on this item.</p> <p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, provided a brief presentation and was available for questions.</p> <p>No action required on this item.</p> <p>Ms. Diane Todd Sprague, Director of Financial Aid at The University of Texas at Austin, and past Chair of the Financial Aid Advisory Committee (FAAC), provided a brief presentation and was available for questions.</p> <p>No action required on this item.</p> <p>This item was on the Consent Calendar.</p> <p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, presented this item and was available for questions.</p> <p>On motion by Mr. Ricky Raven, seconded by Ms. Donna Williams, the Committee approved this item.</p>
<p>VII. Adjournment</p>	<p>On motion by Mr. Ricky Raven, seconded by Mr. Stuart Stedman, the Committee approved this item.</p> <p>The meeting adjourned at 9:45 a.m.</p>

Committee on Affordability, Accountability and Planning

AGENDA ITEM III

Consideration of approval of the Consent Calendar

RECOMMENDATION: Approval

Background Information:

In order to save institutions time and travel costs to attend the Committee on Affordability, Accountability and Planning meetings in Austin, the Committee has a Consent Calendar for items that are noncontroversial. Any item can be removed from the Consent Calendar by a Committee member.

Consent Calendar

V. Matters relating to the Committee on Affordability, Accountability and Planning

- C. Consideration of adopting the staff recommendation to the Committee relating to the appointment of a student representative to the Financial Aid Advisory Committee
- D. Proposed Rules:
 - (1) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 21, Subchapter C, Section 21.49 of Board rules, concerning Student Loan Debt Disclosure
 - (2) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter G, Sections 22.127-22.134, and the repeal of Section 22.135 of Board rules, concerning the Texas College Work-Study Program
 - (3) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed repeal of Chapter 22, Subchapter I, Sections 22.169 and 22.174, new rule under Section 22.174, and amendments to Sections 22.163 – 22.168 and 22.170–22.173 of Board rules, concerning Texas Armed Services Scholarship Program
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 - (5) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter X, Sections 22.625, 22.626, and 22.631 and the repeal of Sections 22.627-22.630, 22.632, and 22.642-22.643 of Board rules, concerning Teach for Texas Conditional Grant Program
 - (6) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter Y, Sections 22.663, 22.664, and 22.668, and the repeal of Chapter 22, Subchapter Y, Sections 22.665-22.667, 22.669, and 22.678-22.679 of Board rules, concerning Teach for Texas Alternative Certification Conditional Grant Program

Committee on Affordability, Accountability and Planning

AGENDA ITEM IV

Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning

RECOMMENDATION: No action required

Background Information:

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or at any other time as determined by the presiding chair.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-A

Consideration of adopting the formula advisory committees' recommendation to the Committee relating to funding formulas for use by the Governor and the Legislative Budget Board in making appropriations recommendations to the appropriate Legislative Committees

RECOMMENDATION: Approval

Background Information:

Every two years the Texas Higher Education Coordinating Board (THECB) is required to make recommendations to the Governor and Legislative Budget Board regarding formula funding appropriations for public higher education institutions in Texas. These recommendations must be provided by June 1, 2020.

Commissioner Harrison Keller will begin the discussion with general comments regarding the formula funding recommendations. The Commissioner will be followed by three presentations, as outlined below.

1. Funding formulas for two-year community colleges, state colleges, and technical colleges
 - Staff Overview of Funding Methodologies for the two-year sectors
 - Presentation of Formula Advisory Committee Recommendations
 - Consideration of the Committee Recommendations
2. Funding formulas for general academic institutions
 - Staff Overview of Funding Methodology for public universities
 - Presentation of Formula Advisory Committee Recommendations
 - Consideration of the Committee Recommendations
3. Funding formulas for health-related institutions
 - Staff Overview of Funding Methodology for health-related institutions
 - Presentation of Formula Advisory Committee Recommendations
 - Consideration of the Committee Recommendations

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning, will provide the staff overviews and present the committee's recommendations.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-B

Consideration of adopting the Commissioner's recommendation to the Committee relating to the annual report about the financial condition of the state's community college districts (H.B. 1, 86th Texas Legislature, Regular Session, Rider 12, III-219)

RECOMMENDATION: Approval

Background Information:

An annual report about the financial condition of the state's community colleges is required as referenced in the General Appropriations Act, Senate Bill 1, 85th Texas Legislature, Rider 12 (page III-217). The rider states:

"Each community college shall provide to the Texas Higher Education Coordinating Board financial data related to the operation of each community college using the specific content and format prescribed by the Coordinating Board. Each community college shall provide the report no later than January 1st of each year. The Coordinating Board shall provide an annual report due on May 1 to the Legislative Budget Board and Governor's Office about the financial condition of the state's community college districts."

The objective of this report is to provide an assessment of the overall financial health of public community colleges and to identify institutions in which the potential for financial stress exists. The analysis included is intended to be a broad financial evaluation. Other key performance indicators must be taken into account to gain a more robust and complete understanding of institutional strength. This analysis is not intended for peer group comparisons or for benchmarking purposes.

A draft report was provided to the community colleges, with a response due by March 6, 2020. Three comments were received from community colleges.

A draft report will be sent under separate cover.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning, will be available to answer questions.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-C

Consideration of adopting the staff recommendation to the Committee relating to the appointment of a student representative to the Financial Aid Advisory Committee

RECOMMENDATION: Approval

Background Information:

Texas Education Code, Section 61.071 directs the Texas Higher Education Coordinating Board (THECB) to appoint student representatives to various advisory committees. This agenda item relates to the appointment of a student representative to the Financial Aid Advisory Committee.

The term of membership for student members of this committee starts June 1, 2020, and ends May 31, 2022.

THECB staff received applications from four-year public institutions of higher education. Applicants were reviewed to ensure they first met the minimum criteria, and then were further evaluated based on the following criteria:

- academic achievement
- community and school service
- work or internship experience
- general commitment to higher education issues

A review committee, composed of staff who directly support the advisory committee, identified the finalist.

The recommended student representative is listed on the following page.

Dr. Charles W. Contéro-Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

The Financial Aid Advisory Committee consists of financial aid practitioners, public school counselors, and other persons employed in the non-profit sector in roles with responsibility for advising students regarding financial aid. The committee meets at the offices of the Texas Higher Education Coordinating Board approximately four times a year. The committee provides the Board with advice and recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students.

Finalist: Jase Kugiya

Mr. Kugiya is a student at The University of Texas at Austin pursuing his PhD in Higher Education Leadership. He received a bachelor's degree from Saint Martin's University in Washington state as well as his master's degree from the University of Michigan.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-D (1)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 21, Subchapter C, Section 21.49 of Board rules, concerning Student Loan Debt Disclosure

RECOMMENDATION: Approval

Background Information:

The amendments to Section 21.49 concerning "Student Loan Debt Disclosure Required Elements" provide clarification for required letters advising students of their student loan indebtedness, as authorized by Senate Bill 241, 86th Texas Legislature. Specifically, the changes clarify that private loan information is not required in the student debt letters.

Dr. Ginger Gossman, Senior Director, Innovation and Policy Development, will be available to answer questions.

Date Approved by the Commissioner for Publication in the *Texas Register*: January 7, 2020.

Date Published in the *Texas Register*: February 7, 2020.

The 30-day comment period with the *Texas Register* ends on: March 8, 2020.

No comments were received regarding this rule.

CHAPTER 21 STUDENT SERVICES
SUBCHAPTER C STUDENT INDEBTEDNESS

Sections

- 21.45. Authority and Purpose.
- 21.46. Student Loan Debt Disclosure Annual Notification; Effective Date.
- 21.47. Definitions.
- 21.48. Student Loan Debt Disclosure Procedure.
- 21.49. Student Loan Debt Disclosure Required Elements.

21.45. – 21.48. No Change.

21.49. Student Loan Debt Disclosure Required Elements.

(a) Student loan debt disclosures are required to include education loan debt information that the participating higher educational institution receives or otherwise obtains from the United States Department of Education's central database for student aid, currently known as the National Student Loan Data System, which is shared with institutions through the Institutional Student Information Record (ISIR), as well as information that the institution may reasonably collect from its own records.

(b) Student loan debt disclosures must include an estimate of the unpaid amount of ~~[state, federal, and other]~~ federal education loans obtained by the student and state education loans obtained by the student at the current institution. ~~[if known and reasonably available to the institution, education loans obtained by the student.]~~ The types of education loans must be identified for each total included.

(c) Student loan debt disclosures must include an estimate of the total payoff amount for education loans, or a range for that amount, including principal and interest. At a minimum, institutions shall provide this information based on a 10-year repayment plan.

(d) Student loan debt disclosures must include an estimate of the monthly repayment amount that the student may incur for the repayment of the education loans, including principal and interest. At a minimum, institutions shall provide this information based on a 10-year repayment plan.

(e) Student loan debt disclosures must be sent electronically in a manner that complies with the Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) and the participating higher educational institution's privacy standards.

(f) The electronic communication of the student loan debt must explain the following:

(1) the disclosure may not be a complete and official record of the student's unpaid education loan debt;

(2) why the disclosure may not be complete or accurate, including an explanation that for a transfer student, the institution's estimates regarding state loans reflect only state loans incurred by the student for attendance at the current institution, and not prior institutions; and

(3) that the institution's estimates are general in nature and are not intended as a guarantee or promise.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-D (2)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter G, Sections 22.127-22.134, and the repeal of Section 22.135 of Board rules, concerning the Texas College Work-Study Program

RECOMMENDATION: Approval

Background Information:

Section 22.127 concerning "Authority and Purpose" is amended to include references to the Work-Study Student Mentorship Program (Mentorship Program). Section 22.128 concerning "Definitions" is amended to add definitions related to the Mentorship Program. The amendments to Section 22.129 concerning "Institutions" define the participation requirements for the Mentorship Program and delete text that duplicates information included in 19 Texas Administrative Code (TAC), Section 22.9. Section 22.130 concerning "Eligible Student Employees" is amended to include references to the Mentorship Program. The amendments to Section 22.131 concerning "Eligible Off-Campus Employers" provide greater clarity regarding off-campus employers, integrate references to the Mentorship Program, and delete the provision requiring a specific level of student participation in off-campus employment, as authorized by House Bill 3808, 86th Texas Legislature. The amendments to Section 22.132 concerning "Award Amounts" delete text that duplicates information included in 19 TAC, Section 22.11. The addition of Section 22.134 concerning "Allocation and Disbursement of Mentorship Program Funds" integrates the Mentorship rule regarding allocations and disbursement of funds, as previously outlined in 19 TAC, Section 4.195.

Section 22.135 concerning "Authority to Transfer Funds" is being repealed because it duplicates the information in 19 TAC, Section 22.11.

Dr. Charles W. Contéro-Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date Approved by the Commissioner for Publication in the *Texas Register*: January 7, 2020.

Date Published in the *Texas Register*: February 7, 2020.

The 30-day comment period with the *Texas Register* ends on: March 8, 2020.

No comments were received regarding this rule.

CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER G. TEXAS COLLEGE WORK-STUDY PROGRAM

22.127. Authority and Purpose.

22.128. Definitions.

22.129. Institutions.

22.130. Eligible Student Employees.

22.131. Eligible Off-Campus Employers.

22.132. Award Amounts [~~and Uses~~].

22.133. Allocation and Disbursement of Funds.

22.134. Allocation and Disbursement of Mentorship Program Funds.

~~[22.135. Authority to Transfer Funds]~~

§22.127. Authority and Purpose.

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Chapter 56, Subchapter E. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §§56.071 - 56.079 [~~56.078~~].

(b) Purpose. The purpose of the Texas College Work-Study Program is to provide eligible students with jobs, funded in part by the State of Texas, to enable those students to attend eligible institutions of higher education in Texas and, through a mentorship program, to mentor, tutor, or advise college students at participating eligible institutions of higher education or high school students within local school districts and non-profit organizations [~~provide assistance to students on academic probation~~].

§22.128. Definitions.

In addition to the words and terms defined in Texas Administrative Code, §22.1, the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Encumbered funds--Program funds that have been offered to a specific student, which offer the student has accepted, and which may or may not have been disbursed to the student.

(2) Institution of Higher Education or Institution--Any public technical institute, public junior college, public senior college or university, medical or dental unit or other agency of higher education as defined in Texas Education Code, §61.003(8) or any private or independent institution of higher education as defined in Texas Education Code, §61.003(15).

(3) Program--The Texas College Work-Study Program.

(4) Mentor--An eligible student employed to:

(A) help students at participating eligible institutions or to help high school students in participating school districts;

(B) counsel high school students at GO Centers or similar high school-based recruiting centers designed to improve access to higher education; or

(C) support student interventions at participating eligible institutions that are focused on increasing completion of degrees or certificates, such as interventions occurring through advising or supplemental instruction.

(5) Mentorship Program—A work-study student mentorship program under which students enrolled at participating institutions and who met the eligibility requirements for employment in the Texas College Work-Study Program may be employed by participating entities as mentors, tutors, or advisors.

(6) Participating Entity--An eligible institution, a school district, or a nonprofit organization that has filed a memorandum of understanding with the Coordinating Board under this subchapter to participate in the Mentorship Program.

§22.129. Institutions.

(a) Eligibility.

(1) Any public, private, or independent institution of higher education as defined by Texas Education Code, §61.003, except a theological or religious seminary, is eligible to participate in the 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 or employment.

(4) Private or independent institutions of higher education offering only professional or graduate degrees are not eligible to participate in the Mentorship Program.

(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 public probation by its accrediting agency, it must immediately advise the Board and work study award 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 work study funds shall be permitted to students at that institution until the funds have been repaid.~~

~~(3) Reporting Requirements/Deadlines. All institutions must meet Board reporting requirements in accordance with stated deadlines in the Board's published materials.~~

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

(c) To participate in the Program, an institution must:

(1) provide part-time employment to an eligible student in nonpartisan and nonsectarian activities;

(2) provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;

(3) use Program positions only to supplement and not to supplant positions normally filled by persons not eligible to participate in the work-study program; and

(4) provide not less than 25 percent of an employed student's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds. Institutions eligible to receive Title III funds from the U. S. Department of Education are exempted from the Program requirement to provide 25 percent of an employed student's wages, if they provide the Board with a copy of a current Title III eligibility letter from the U. S. Department of Education.

(d) To participate in the Mentorship Program:

(1) an institution must file with the Coordinating Board a memorandum of understanding detailing the roles and responsibilities of each participating entity;

(2) an institution must provide not less than 10 percent of an employed mentor's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds. Institutions eligible to receive Title III funds from the U. S. Department of Education are exempted from the Mentorship Program requirement to provide 10 percent of an employed student's wages, if they provide the Board with a copy of a current Title III eligibility letter from the U. S. Department of Education; and

(3) a participating entity, other than an institution of higher education, benefiting from the services of the mentor must provide funding in an amount at least equal to the amount of the institution's contribution. The participating entity's contribution may be satisfied through in-kind contributions, if acceptable by the institution. Participating entities benefiting from the service of mentors enrolled at institutions eligible to receive Title III funds from the U. S. Department of Education are exempted from the Mentorship Program requirement to provide matching funds, if the institution has provided the Board with a copy of a current Title III eligibility letter from the U. S. Department of Education.

(e) Additional criteria for participation and program requirements for the Mentorship Program shall be determined and set forth in Commissioner's policies. The Commissioner's policies shall be reviewed periodically to determine the effectiveness and success of the Program.

(f) [(5)] Publicizing Work-Study Employment Opportunities. Institutions participating in the Program must establish and maintain an online list of work-study employment opportunities available on campus, sorted by department as appropriate, and ensure that the list is easily accessible to the public and prominently displayed on the institution's website.

§22.130. Eligible Student Employees.

(a) To be eligible for employment in the Program a person shall:

(1) be a Texas resident as defined by Board rules;

(2) be enrolled for at least the number of hours required of a half-time student, and be seeking a degree or certification in an eligible institution;

(3) establish financial need in accordance with Board procedures; ~~and~~

(4) 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 [-]

(5) if participating in the Mentorship Program, receive appropriate training and supervision as determined by the Commissioner or Coordinating Board staff.

(b) A person is not eligible to participate in the Program if the person:

(1) concurrently receives an athletic scholarship;

(2) is enrolled in a seminary or other program leading to ordination or licensure to preach for a religious sect or to be a member of a religious order.

§22.131. Eligible Off-Campus Employers.

(a) For the Mentorship Program, an eligible institution must file, in conjunction with the participating school district(s) or nonprofit organization(s), a memorandum of understanding with the Coordinating Board.

(b) [(a)] An eligible institution may enter into agreements with off-campus [outside] employers to participate in the Program. To be eligible to participate, an off-campus employer must:

(1) provide part-time employment to an eligible student in nonpartisan and nonsectarian activities;

(2) provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;

(3) use Program positions only to supplement and not to supplant positions normally filled by persons not eligible to participate in the work-study program; and

(4) unless eligible for a waiver of matching funds under subsection (b) of this section, provide not less than 25 percent of an employed student's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds, if the employer is a nonprofit entity; or

(5) provide not less than 50 percent of an employed student's wages and 100 percent of other employee benefits for the employed student, if the employer is a profit-making entity.

~~(c) [(b)]~~ Institutions eligible to receive Title III funds from the U. S. Department of Education are exempted from the Program requirement to provide 25 percent of an employed student's wages, if they provide the Board with a copy of a current Title III eligibility letter from the U. S. Department of Education.

~~[(c) Beginning with the 2016-2017 academic year, each eligible institution shall ensure that at least 20 percent, but not more than 50 percent of the employment positions provided through the work study program in an academic year are provided by eligible employers who are providing off-campus employment.]~~

§22.132. Award Amounts ~~[and Uses]~~.

~~[(a) Funding. Funds awarded through this program may not exceed the amount appropriated by the Legislature for that purpose, plus matching funds provided by the students' employers.]~~

~~(b)]~~ Award Amount. No award amount shall exceed a student's financial need.

~~[(c) Uses. No funds earned through this program may be used for any purpose other than for meeting the cost of attending an approved institution.]~~

~~(d) Over awards. If, at a time after an award has been offered by the institution and accepted by the student, the student receives assistance that was not taken into account in the student's estimate of financial need, so that the resulting sum of assistance exceeds the student's financial need, the institution is not required to adjust the award under this program unless the sum of the excess resources is greater than \$300.]~~

§22.134. Allocation and Disbursement of Mentorship Program Funds.

(a) Allocations. The Board shall allocate Program funds to participating institutions according to criteria established by the Commissioner. At the beginning of each academic year, the year's full allocation will be provided to each participating institution.

(b) Reallocations. Institutions shall have until a date specified by the Commissioner to encumber all funds allocated. On that date, institutions lose claim to unencumbered funds and the unencumbered funds are available to the Commissioner for reallocation to other institutions. If necessary for ensuring the full use of funds, subsequent reallocations may be scheduled until all funds are awarded and disbursed.

(c) Program funds may be used during any academic period for which mentorship opportunities are needed by participating entities as long as student mentors meet eligibility requirements as outlined under §4.194(b).

~~§22.135. Authority to Transfer Funds.~~

~~Institutions participating in a combination of the Toward EXcellence, Access and Success Grant, Texas Educational Opportunity Grant, Tuition Equalization Grant, and Texas College Work Study Programs, in accordance with instructions from the Board, may transfer in a given fiscal year up to the lesser of 10 percent or \$20,000 between these programs.]~~

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-D (3)

Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed repeal of Chapter 22, Subchapter I, Sections 22.169 and 22.174, new rule under Section 22.174, and amendments to Sections 22.163–22.168 and 22.170–22.173 of Board rules, concerning Texas Armed Services Scholarship Program

RECOMMENDATION: Approval

Background Information:

Amendments throughout Sections 22.163 – 22.168 and Sections 22.170 – 22.173, have been proposed to align text with the terminology defined in Section 22.164 concerning "Definitions." The amendments to Section 22.163 concerning "Authority and Purpose" provide greater clarity regarding the purpose of the Texas Armed Services Scholarship Program. The amendments to Section 22.164 concerning "Definitions" delete definitions that duplicate language in Section 22.1 and clarify current definitions. The amendments to Section 22.165 concerning "Award Amount" incorporate language from Section 22.169 and clarify eligibility when a recipient is enrolled in a five-year degree program. The amendments to Section 22.166 concerning "Requirements for Appointment by Elected Officials" delete unnecessary language due to the integration of Sections 22.167 and 22.169, clarify situations when a replacement nominee may be named by an elected official, and update the appointment requirements to reference the distinguished level of achievement created through House Bill 5, 83rd Texas Legislature.

The amendments to Section 22.167 concerning "Award Eligibility" delete language that has been integrated into Section 22.168 and revise the Texas Higher Education Coordinating Board's determination of satisfactory academic progress to allow greater opportunity for recipients to successfully complete all program requirements. The amendments to Section 22.168 concerning "Promissory Note" integrate language that has been deleted from Section 22.167 to provide greater clarity regarding the promissory note. The amendments to Section 22.170 concerning "Conversion of the Scholarship to a Loan" clarify situations where a scholarship converts to a loan. The amendments to Section 22.171 concerning "Repayment of Loans" integrate language regarding prepayments and the application of payments.

The amendment to Section 22.172 concerning "Enforcement of Collection" eliminates institutional holds on student records and registration for individuals who are delinquent on a Texas Armed Services Scholarship that has converted to a loan. These institutional holds create a barrier to student completion of a certificate or

degree. Eliminating this barrier supports the agency's *60x30TX* educated population and completion goals.

Section 22.169 concerning "Eligibility for Continued Awards" is repealed due to the integration of its contents into Section 22.167, and Section 22.174 concerning "Hardship Provisions" is repealed because it is no longer necessary due to proposed changes to Section 22.170.

The proposed new rule Section 22.174 concerning "Provisions for Death and Disability" outlines the provisions for death and disability.

Dr. Charles W. Contéro-Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date Approved by the Commissioner for Publication in the *Texas Register*: January 7, 2020.

Date Published in the *Texas Register*: February 7, 2020.

The 30-day comment period with the *Texas Register* ends on: March 8, 2020.

No comments were received regarding this rule.

CHAPTER 22 STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER I TEXAS ARMED SERVICES SCHOLARSHIP PROGRAM

Sections

- 22.163. Authority and Purpose.
 22.164. Definitions.
 22.165. Award Amount and Limitations.
 22.166. Requirements for Appointment by Elected Officials.
 22.167. [~~Initial~~] Award Eligibility [~~and Agreement Requirements~~].
 22.168. Promissory Note.
 [~~22.169. Eligibility for Continued Awards~~]
 22.170. Conversion of the Scholarship to a Loan.
 22.171. Repayment of Loans.
 22.172. Enforcement of Collection.
 22.173. Exemption and Cancellation.
 [~~22.174. Hardship Provisions.~~]
22.174. Provisions for Death and Disability.

22.163. Authority and Purpose.

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Subchapter FF, Texas Armed Services Scholarship Program. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §§61.9771 - 61.9776.

(b) Purpose. The purpose of the Texas Armed Services Scholarship Program is to encourage students to complete a baccalaureate degree and become members of the Texas Army National Guard, the Texas Air National Guard, the Texas State Guard, the United States Coast Guard, or the United States Merchant Marine, or to become commissioned officers in any branch of the armed services of the United States.

22.164. Definitions.

In addition to the words and terms defined in Texas Administrative Code, §22.1
~~the~~ [~~The~~] following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Award--the amount of a scholarship in an academic year, which may be comprised of multiple disbursements.

~~[(2) Board--The Texas Higher Education Coordinating Board.]~~

(2) [(3)] Institution of Higher Education--As defined in Texas Education Code, §61.003(8), and which includes, for purposes of this Subchapter, private or independent institutions of higher education as defined in Texas Education Code, §61.003(15).

~~[(4) Commissioner--The Commissioner of Higher Education.]~~

~~(3) [(5)] Contract to serve--a legally-binding agreement between the recipient and the armed services of the United States, prescribing the terms of the military commitment to which the recipient is obligated to serve.~~

~~(4) [(6)] Loan--A Texas Armed Services Scholarship that has become a loan as outlined in §22.170 of this subchapter (relating to Conversion of the Scholarship to a Loan) [because the conditions of the scholarship agreement have not been met].~~

~~(5) [(7)] Recipient--A person who has received a Texas Armed Services Scholarship.~~

(6) Scholarship – A conditional scholarship through the Texas Armed Services Scholarship Program.

22.165. Award Amount and Limitations.

(a) The amount of a ~~[conditional Texas Armed Services]~~ Scholarship in an academic year shall not exceed \$15,000.

(b) A scholarship awarded to a student under this subchapter shall be reduced for an academic year by the amount by which the full amount of the scholarship plus the total amount to be paid to the student for being under contract with one of the branches of the armed services of the United States exceeds the student's total cost of attendance for that academic year at the ~~[public or private]~~ institution of higher education in which the student is enrolled.

(c) A student may receive a scholarship for four of the six years allowed for graduation, if the student is enrolled in a degree program of four years or less, or for five of the six years allowed for graduation, if enrolled in a degree program of more than four years.

(d) A student may not receive a scholarship after having earned a baccalaureate degree or a cumulative total of 150 credit hours, including transferred hours, as verified by the student's institution of higher education.

22.166. Requirements for Appointment by Elected Officials.

(a) Each year the governor and the lieutenant governor may each appoint two students and two alternates, and each state senator and each state representative may appoint one student and one alternate to receive an initial ~~[conditional Texas Armed Services]~~ Scholarship.

(b) Appointments must be reported to the Board by the deadline established by the Commissioner.

(c) A selected student must meet two of the following four academic criteria at the time of application:

(1) Is on track to graduate high school or graduated with the Distinguished Achievement Program (DAP) or the International Baccalaureate Program (IB);

(2) Has a current high school GPA of 3.0 or higher or graduated with a high school GPA of 3.0 or higher;

(3) Achieved a college readiness score on the SAT or ACT;

(4) Is currently ranked in the top one-third of the prospective high school graduating class or graduated in the top one-third of the high school graduating class.

~~[(d) A non-freshman student applying for an initial award must meet the requirements set forth in §22.169(1) and (3) of this title (relating to Eligibility for Continued Awards).]~~

~~(d)~~ [(e)] If a student appointed to receive a scholarship fails to initially meet eligibility or fails to meet the requirements to initially receive the scholarship, the Board must notify the alternate on file of his or her nomination.

~~(e)~~ [(f)] If a recipient's scholarship converts to a loan prior to graduation [Effective September 1, 2018, if student appointed to receive a scholarship fails to maintain eligibility or otherwise meet the requirements for a continuing award under §22.169 of this title (relating to Eligibility for Continued Awards)], beginning with the academic year following the determination, the appointing official may appoint another eligible student to receive any available funds designated for the recipient [student] who no longer meets the requirements for the scholarship.

22.167. [Initial] Award Eligibility [and Agreement Requirements].

To receive a [an initial conditional] scholarship [award through the Texas Armed Services Scholarship Program], a selected student must:

(1) Be enrolled in an [a Texas public or private] institution of higher education, as certified by that [the] institution;

(2) Enroll in and be a member in good standing of a Reserve Officers' Training Corps (ROTC) program or another undergraduate officer commissioning program while enrolled in the institution of higher education, as certified by that [the] institution; ~~and~~

(3) Enter into a written agreement with the Board, set forth in §22.168 of this subchapter (relating to Promissory Note); ~~agreeing to:~~

~~(A) Complete four years of ROTC training, or the equivalent of four years of ROTC training if the institution awards ROTC credit for prior service in any branch of the U.S. Armed Services or the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine, or another undergraduate officer commissioning program;~~

~~(B) Graduate no later than six years after the date the student first enrolls in a Texas public or private institution of higher education after having received a high school diploma or a General Educational Diploma or its equivalent;~~

~~(C) No later than six months after graduation, enter into and provide the Board with verification of:~~

~~(i) A four-year commitment to be a member of the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine; or~~

~~(ii) A contract to serve as a commissioned officer in any branch of the armed services of the United States;~~

~~(D) Meet the physical examination requirements and all other prescreening requirements of the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine, or the branch of the armed services with which the student enters into a contract; and~~

~~(E) Repay the scholarship according to the terms of the promissory note if the student fails to meet the requirements described in §22.170 of this title (relating to Conversion of the Scholarship to a Loan).]~~

(4) Be appointed to receive a scholarship by the governor, lieutenant governor, a state senator, or a state representative; and

(5) Maintain the satisfactory academic progress requirements as indicated by the financial aid office at the recipient's institution of higher education.

22.168. Promissory Note.

(a) The Board shall require a recipient [person who receives a scholarship] to sign a promissory note acknowledging the conditional nature of the scholarship and promising to repay the amount of the scholarship plus applicable interest, late charges, and any collection costs, including attorneys' fees, if the recipient [person] fails to meet certain [the] conditions of the scholarship, set forth in §22.170 of this subchapter (Conversion of the Scholarship to a Loan).

(b) Recipients agree to:

(1) Complete four years of ROTC training, or the equivalent of four years of ROTC training if the institution of higher education awards ROTC credit for prior service in any branch of the U.S. Armed Services or the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine, or another undergraduate officer commissioning program;

(2) Graduate no later than six years after the date the student first enrolls in an institution of higher education after having received a high school diploma or a General Educational Diploma or its equivalent;

(3) After graduation, enter into and provide the Board with verification of:

(A) A four-year commitment to be a member of the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine; or

(B) A contract to serve as a commissioned officer in any branch of the armed services of the United States;

(4) Meet the physical examination requirements and all other prescreening requirements of the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine, or the branch of the armed services with which the student enters into a contract; and

(5) Repay the scholarship according to the terms of the promissory note if the student fails to meet the requirements described in §22.170 of this subchapter (relating to Conversion of the Scholarship to a Loan).

~~[22.169. Eligibility for Continued Awards.~~

~~To continue to receive an annual conditional Texas Armed Services [Program] Scholarship, the student must:~~

~~(1) Maintain satisfactory academic progress as determined by the institution of higher education in which the student is enrolled; Effective September 1, 2018, the student must maintain satisfactory academic progress as defined by the Board:~~

~~(A) complete at least 24 semester credit hours in his or her most recent academic year; and~~

~~(B) maintain an overall grade point average of at least 2.5 on a four point scale or its equivalent, for all coursework attempted at an institution or private or independent institution.~~

~~(2) Continue to be a member of a Reserve Officers' Training Corps (ROTC) program or another undergraduate officer commissioning program; and~~

~~(3) Not have earned a baccalaureate degree or a cumulative total of 150 credit hours, including transferred hours, as verified by the recipients' institution of higher education.]~~

22.170. Conversion of the Scholarship to a Loan.

(a) A scholarship will become a loan if the recipient:

~~(1) Fails to maintain satisfactory academic progress as described in §22.167 [§22.169] of this subchapter (relating to Award Eligibility) [, or as required by the institution's ROTC or another undergraduate officer commissioning program for continued participation in that program];~~

~~(2) Withdraws from the scholarship program, as indicated through withdrawal or removal from the institution of higher education or that institution's ROTC program or other undergraduate officer commissioning program, without subsequent enrollment in another institution of higher education and that subsequent institution's ROTC program or other undergraduate officer commissioning program [Fails to fulfill any of the terms of the Texas Armed Services Scholarship agreement as described in §22.167(3) of this subchapter (relating to Initial Award Eligibility and Agreement Requirements)]; or~~

(3) Fails to fulfill one of the following:

(A) a four-year commitment to be a member of the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine; or

(B) the minimum active service requirement included in a contract to serve as a commissioned officer in any branch of the armed services of the United States; honorable discharge is considered demonstration of fulfilling the minimum active service requirement.

(b) A scholarship converts to a loan if documentation of the contract or commitment outlined in subsection (3) is not submitted to the Coordinating Board within twelve months of graduation with a baccalaureate degree. Subsequent filing of this documentation will revert the loan back to a scholarship.

~~(c) [(b)] If a recipient's scholarship converts to a loan [recipient fails to meet any of the conditions for continued eligibility], the recipient:~~

~~(1) cannot regain award eligibility in a subsequent academic year; and~~

~~(2) loses eligibility to receive any future awards [; and~~

~~(3) loses eligibility to have his or her existing loans forgiven].~~

~~(d)~~ [(e)] If a [scholarship] recipient requires a temporary leave of absence from the institution of higher education and/or the ROTC program or another undergraduate officer commissioning program for personal reasons or to provide service for the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine for fewer than twelve months, the Board may agree to not convert the scholarship to a loan during that time.

~~(e)~~ [(d)] If a recipient is required to provide more than twelve months of service in the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine as a result of a national emergency, the Board shall grant that recipient additional time to meet the graduation and service requirements specified in the [Texas Armed Services] Scholarship agreement.

22.171. Repayment of Loans.

(a) A [Texas Armed Services] Scholarship is considered a loan on the date the recipient fails to meet the conditions of the scholarship as described in [~~§22.169 of this subchapter (relating to Eligibility for Continued Awards) and~~] §22.170 of this subchapter (relating to Conversion of the Scholarship to a Loan); the loan amount must be repaid, plus interest accrued.

(b) Loan interest. The interest rate charged on the [Texas Armed Services Loans] loans shall be the same rate charged for a College Access Loan at the time the funds were disbursed. Interest shall begin to accrue on the date the scholarship is converted to a loan.

(c) Period of loan repayment. The total amount of principal, interest, late charges, and any costs of collection that accrue over the life of the loans are to be repaid in installments over a period of not more than 15 years after the date the scholarship becomes a loan.

(d) Grace period. A recipient shall begin making payments six months after the date the scholarship becomes a loan.

(e) Minimum repayment amount. The minimum monthly payment amount required by any repayment plan is \$100, or an amount required to repay the loan within 15 years, whichever is greater.

(f) Late charges. A charge of 5 percent of the scheduled monthly payment amount or five dollars (\$5), whichever is less, shall be assessed if the past due amount is not received within 20 days of the scheduled due date. These charges shall be collected for late payment of all sums due and payable and shall be taken out of the next payment received by the Board.

(g) Collection charges. In the case of delinquent accounts, the Commissioner may authorize the assessment of charges to cover costs necessary to collect the loan.

(h) Deferments. An education deferment is available to any recipient whose loan is not in a default status and who provides the Board documentation of enrollment as at least a half-time student.

(i) Forbearance. Board staff [~~The Commissioner~~] may grant periods of forbearance in the form of postponed or reduced payments for unusual financial hardship if the Board receives a written or verbal request stating the circumstances that merit such consideration.

(j) Prepayment. Any loans made through the program may be prepaid without penalty.

(k) Application of payments. In accordance with the terms of the promissory note, Board staff shall determine the priority order in which payments shall be applied to interest, late charges, principal, collections costs and any other charges.

22.172. Enforcement of Collection.

(a) When a scholarship recipient fails to make as many as five monthly payments due in accordance with the established repayment schedule for a scholarship which has become a loan, the entire unpaid balance shall become due and payable immediately.

(b) When as many as six payments have been missed, the loan(s) will be considered to be in default, and the Office of the Attorney General, at the request of the Commissioner, may file suit for the unpaid balance plus court costs and attorneys' fees.

~~[(c) The institution of higher education may not release an official certified copy of the official records of a scholarship recipient, nor may any recipient re-register for classes at the institution if Board reports made available to the institution state that the loan is in a delinquent status. The Commissioner must approve exceptions to this requirement in advance of the institution's release of an official certified copy of the records or of the recipient's re-registration.]~~

(c) [~~(d)~~] [~~The~~] Board staff shall notify the Comptroller of Public Accounts when a recipient's loan has become 90 days or more past due, resulting in the non-issuance of certain state warrants.

22.173. Exemption and Cancellation.

(a) The recipient shall be exempt from the requirement to repay the scholarship [~~Texas Armed Services loan~~] if the recipient [~~person~~] is unable to meet the obligations of the agreement solely as a result of physical inability and provides a physician's certification and/or other appropriate documentation to the satisfaction of the Board.

(b) [~~The~~] Board staff shall cancel a recipient's loan upon the death of the recipient unless the debt was reduced to judgment before the death occurred.

(c) The Board may cancel a recipient's service and/or repayment obligation if funding for the Texas Armed Services Scholarship Program is discontinued while the recipient continues to meet eligibility requirements.

~~[22.174. Hardship Provisions:~~

~~(a) In the event of a hardship or for other good cause, Board staff may allow an otherwise eligible person who is awarded a scholarship to maintain eligibility for forgiveness in situations where the verification requirements of §22.167(3)(C) of this title (relating to Initial Award Eligibility and Agreement Requirements) are not completed within six months after graduation. Such conditions are not limited to, but include:~~

- ~~(1) — a showing of a severe illness or other debilitating condition that may affect the scholarship recipient's timely completion of the verification requirements; or~~
- ~~(2) — a natural disaster or other event of similar magnitude that may affect the scholarship recipient's or military personnel's timely completion of the verification requirements.~~

~~(b) The hardship provisions outlined in this rule allow for an extension of the six-month provision for submitting the required verification. The hardship provisions in this rule do not allow for alteration of the required service commitment in the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine, or any branch of the armed services of the United States.~~

~~(c) The scholarship recipient must provide acceptable documentation of the circumstances supporting the request for the extension, which shall be maintained in agency records for monitoring of the person's period of eligibility.]~~

22.174. Provisions for Death and Disability

(a) All loans through the Texas Armed Services Scholarship Program are discharged in the event of the borrower's death or permanent and total disability.

(b) Verification of death, and determination of permanent and total disability of a borrower through the Texas Armed Services Scholarship Program, shall be made in accordance with student loan industry standards.

(c) The final determination of permanent and total disability of a borrower shall be made by the Commissioner, or his/her designee.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-D (4)

Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed repeal of Chapter 22, Subchapter M, Sections 22.257-22.261, 22.263, and 22.265, new rules under Sections 22.257-22.261, and amendments to Sections 22.253-22.256 of Board rules, concerning Texas Educational Opportunity Grant Program

RECOMMENDATION: Approval

Background Information:

Chapter 22, Subchapter M, Sections 22.257-22.260 of Board rules, concerning Texas Educational Opportunity Grant, are repealed to remove information that is being consolidated in new sections. Sections 22.261 and 22.263 are repealed to remove material that appears in Subchapter A (relating to General Provisions). Section 22.169 is repealed due to the integration of its contents into Section 22.167, and Section 22.174 is repealed because it is no longer necessary due to proposed changes to Section 22.170.

New Section 22.257 is added to consolidate satisfactory academic progress information under one section of the subchapter. Section 22.258 is added to consolidate discontinuation of eligibility or non-eligibility under one section of the subchapter. Section 22.259 is added to consolidate hardship provisions under one section of the subchapter and to add an additional circumstance for hardship consideration to align the hardships applicable to the Texas Educational Opportunity Grant Program with those described in the Toward EXcellence, Access and Success Grant Program. Section 22.260 is added to consolidate priorities in awarding under one section of the subchapter. Section 22.261 is added to consolidate grant amounts and adjustments under one section of the subchapter.

The proposed amendments eliminate redundancy between Subchapter M and Subchapter A (relating to General Provisions), apply consistent terminology throughout the rules, and remove outdated references. Section 22.253 concerning "Authority and Purpose" is amended to clarify references in the text. Section 22.254 concerning "Definitions" is amended to remove 16 definitions that are either not used in the subchapter or are already defined in Subchapter A, Section 22.1. In addition, the definition for "Initial Year Award" is amended to allow for summer grants, and the terms "Continuation Award" and "Grant" are added and defined to provide further clarification to this rule. Section 22.255(a) concerning "Eligible Institutions" is amended to align with statute, Section 22.255(b) is amended to align with changes in the timing of the allocation process, and Section 22.255(c) is amended to remove material that appears in Subchapter A (relating to General Provisions). Section 22.256 concerning "Eligible

Students" is amended to provide greater clarity and to remove items that have been consolidated into other sections of the subchapter or that appear in Subchapter A (relating to General Provisions).

Dr. Charles W. Contéro-Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date Approved by the Commissioner for Publication in the *Texas Register*: January 7, 2020.

Date Published in the *Texas Register*: February 7, 2020.

The 30-day comment period with the *Texas Register* ends on: March 8, 2020.

The following comment was received within the public comment period.

COMMENT: Delmar College commented in favor of the additional circumstances for hardship consideration. Further comments advised of his appreciation of the opportunity to help students that have very difficult circumstances that occur, with completing their education. Life events that happen cause students to almost lose hope, but with these type of provisions students just need a second chance and these additional circumstances allow for that. Delmar College extended sincerest thanks to the THECB for advocating for student success and completion.

STAFF RESPONSE: Staff agree with the comment.

CHAPTER 22 STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER M TEXAS EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Sections

- 22.253. Authority and Purpose
- 22.254. Definitions
- 22.255. Eligible Institutions
- 22.256. Eligible Students
- 22.257. Satisfactory Academic Progress [~~Hardship Provisions~~]
- 22.258. Discontinuation of Eligibility and Non-Eligibility [~~Priorities in Funding~~]
- 22.259. Hardship Provisions [~~Priority in Awards to Students~~]
- 22.260. Priorities in Grants to Students [~~Award Amounts and Adjustments~~]
- 22.261. Grant Amounts and Adjustments [~~Late Disbursements~~]
- 22.262. Allocation and Disbursement of Funds - Public Junior Colleges
[~~22.263. Dissemination of Information and Rules~~]
- 22.264. Allocation and Disbursement of Funds - Public Technical and State Colleges
[~~22.265. Authority to Transfer Funds~~]

22.253. Authority and Purpose.

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Chapter 56, Subchapter P [~~§§56.401—56.4075~~], Texas Educational Opportunity Grant Program. This subchapter establishes [~~These rules establish~~] procedures to administer Texas Education Code §56.401 – §56.4075 [~~this grant program~~].

(b) Purpose. The purpose of this program is to provide need-based grants [~~of money~~] to enable eligible students to attend public two-year institutions of higher education in this state.

22.254. Definitions.

In addition to the words and terms defined in §22.1 of this chapter, the (relating to Definitions). [~~The~~] following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Continuation Award--A grant awarded to a person who has previously received an initial year award.

~~[(1) Attempted Hours--Every course in every semester for which a student has been registered as of the official Census Date, including but not limited to, repeated courses and courses the student drops and from which the student withdraws. Transfer hours and hours for optional internship and cooperative education courses are also included if they are accepted by the receiving institution towards the student's current program of study.]~~

~~(2) Average statewide amount of tuition and required fees—In determining the maximum award amount, the average amount of tuition and required fees by institution type (public junior colleges, public state colleges, and public technical institutes) for a resident student enrolled full-time in an associate degree or certificate program, as reported in the most recent Integrated Federal Reporting System report.~~

~~(3) Awarded—Offered to a student.~~

~~(4) Board—The Texas Higher Education Coordinating Board.~~

~~(5) Commissioner—The Commissioner of Higher Education, the Chief Executive Officer of the Board.~~

~~(6) Cost of attendance—An estimate of the expenses incurred by a typical financial aid student in attending a particular college. It includes direct educational costs (tuition, fees, books, and supplies) as well as indirect costs (room and board, transportation, and personal expenses).~~

~~(7) Encumbered funds—Program funds that have been offered to a specific student, which offer the student has accepted, and which may or may not have been disbursed to the student.~~

~~(8) Enrolled on at least a half-time basis—Enrolled for the equivalent of six semester credit hours in a regular semester.~~

~~(9) Entering student—A student enrolled in the first 30 semester credit hours or their equivalent, excluding hours taken during dual enrollment in high school and courses for which the student received credit through examination.~~

~~(10) Expected family contribution—The amount of discretionary income that should be available to a student from his or her resources and that of his or her family, as determined following the federal methodology.~~

~~(11) Financial need—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. Federal and state veterans' educational and special combat pay benefits are not to be considered in determining a student's financial need.]~~

~~(2) [(12)] Forecast--The FORECAST function in Microsoft Excel.~~

~~(3) Grant--Funds awarded to a student through the Texas Educational Opportunity Grant Program.~~

~~(4) [(13)] Initial year award--The grant award made in the student's first year in the [Texas Educational Opportunity Grant] Program[, typically made up of a fall and spring disbursement].~~

~~[(14) Institution--A public junior college as defined in Texas Education Code, §61.003(2); a public technical institute as defined in Texas Education Code, §61.003(7); and a public state college as defined in Texas Education Code, §61.003(16).]~~

~~(15) Period of enrollment--The term or terms within the current state fiscal year (September 1-August 31) for which the student was enrolled in an approved institution and met all the eligibility requirements for an award through this program.]~~

~~(5) [(16)] Program--The Texas Educational Opportunity Grant Program.~~

~~[(17) 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 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.]~~

~~(18) 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). Nonresident students who are eligible to pay resident tuition rates are not residents of Texas.~~

~~(19) State-wide total cost of attendance--For allocation purposes, the aggregate sum of costs of attendance reported by participating eligible institutions in the most recent Financial Aid Database Report for each first-time-in-college student who meets the eligibility requirements listed in §22.262(b)(1) of this title.]~~

22.255. Eligible Institutions.

(a) Eligibility.

(1) Any public junior college as defined in Texas Education Code, §61.003(2); public technical institute as defined in Texas Education Code, §61.003(7); and public state college as defined in Texas Education Code, §61.003(16) is ~~[Each institution as defined in §22.254 of this title (relating to Definitions) are]~~ eligible to participate in the program.

(2) No participating 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 [eligible] institution must follow the Civil Rights Act of 1964, Title VI (Public Law 88-352 [~~88-353~~]) in avoiding discrimination in admissions or employment.

(b) Approval.

(1) Agreement. Each eligible institution must enter into an agreement with the Board, the terms of which shall be prescribed by the Commissioner or his/her designee, prior to being approved to participate in the program.

(2) Approval Deadline. An institution must indicate an intent to participate in the program [~~be approved~~] by June [~~April~~] 1 and enter into an agreement with the Board by August 31 in order for qualified students enrolled in that institution to be eligible to receive grants in the following biennium [~~fiscal year~~].

(c) Responsibilities.

Participating institutions are required to abide by the General Provisions outlined in subchapter A of this chapter.

~~[(1) Probation Notice. If the institution is placed on probation by its accrediting agency, it must immediately advise the Board and grant 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 officer 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 grants or scholarships shall be permitted to students at that institution until the funds have been repaid.~~

~~(3) Reporting Requirements/Deadlines. All institutions must meet Board reporting requirements in a timely fashion. Such reporting requirements shall include reports specific to allocation and reallocation of grant funds (including the Financial Aid Database Report) as well as progress and year-end reports of program activities.~~

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

22.256. Eligible Students.

(a) To receive an initial year award through the ~~[Texas Educational Opportunity Grant]~~ Program, a student must:

- (1) be a resident of Texas;
- (2) show financial need;
- (3) have applied for any available financial aid assistance;

~~(4) be enrolled at a participating institution [as an entering student] on at least a half-time basis [in an associate's degree or certificate program at an eligible institution] as an entering student, which is a student enrolled in the first 30 semester credit hours or their equivalent, excluding hours taken during dual enrollment in high school and courses for which the student received credit through examination; and~~

~~(5) be enrolled in an associate degree or certificate program at a participating institution [not be concurrently receiving a TEXAS Grant];~~

~~[(6) not have been granted an associate's or baccalaureate degree; and~~

~~(7) 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.~~

~~(8) In determining initial student eligibility for Texas Educational Opportunity grant awards pursuant to subsections (a), (b) and (c) of this section, priority shall be given to those students who have an expected family contribution that does not exceed the lesser of the limit set by the Board for the relevant fiscal year or 60 percent of the average statewide amount of tuition and fees for general academic teaching institutions for the relevant academic year.]~~

(b) To receive a continuation award through the ~~[Texas Educational Opportunity Grant]~~ Program, a student must:

- (1) have previously received an initial year award through this program;
- (2) show financial need;
- (3) be enrolled on at least a half-time basis;

(4) be enrolled in an associate [associate's] degree or certificate program at an eligible institution; and

~~[(5) not have been granted an associate or baccalaureate degree;~~

~~(6) not be concurrently receiving a TEXAS Grant;~~

~~(7) 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]~~

[5] [(8)] make satisfactory academic progress towards an associate degree or certificate, as defined in §22.287 of this subchapter (relating to Satisfactory Academic Progress). [~~which requires:~~

~~(A) for persons receiving their first awards prior to fall semester, 2005, completion of at least 75% of the hours attempted in the student's most recent academic year, and maintenance of an overall grade point average of at least 2.5 on a four point scale or its equivalent.~~

~~(B) for persons receiving their first awards for fall 2005 or later:~~

~~(i) compliance with the academic progress requirements of the institution as of the end of the first academic year; and~~

~~(ii) in subsequent academic years, completion of at least 75% of the hours attempted in the student's most recent academic year, and maintenance of an overall grade point average of at least 2.5 on a four point scale or its equivalent.~~

~~(C) The completion rate calculations may be made in keeping with institutional policies.~~

~~(D) Grade point average calculations may be made in keeping with institutional policies except that if a grant recipient's grade point average falls below program requirements and the student transfers to another institution, the receiving institution cannot make a continuation award to the transfer student until he/she provides official transcripts of previous coursework to the new institution's financial aid office and that office re-calculates an overall grade point average, including hours and grade points for courses taken at the old and new institutions that proves the student's overall grade point average now meets or exceeds program requirements.~~

~~(c) Discontinuation of Eligibility or Non-Eligibility.~~

~~(1) A student may not receive a Texas Educational Opportunity Grant for more than 75 semester credit hours or its equivalent. Beginning with awards for the 2015-2016 academic year, a student's eligibility for a Texas Educational Opportunity Grant ends once he or she has attempted 75 semester credit hours or the equivalent unless the student is granted a hardship extension in accordance with §22.257(b) of this chapter.~~

~~(2) A student's eligibility for a Texas Educational Opportunity Grant award ends four years from the start of the semester or term in which the student received his or her initial award.~~

~~(3) A person is not eligible to receive an initial or continuation Texas Educational Opportunity Grant award if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of any other jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this subchapter and has:~~

~~(A) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or~~

~~(B) been pardoned, had the record of the offense expunged from the person's record, or otherwise been released from the resulting ineligibility to receive a grant.~~

~~(4) Unless granted a hardship extension in accordance with §22.257 of this title (relating to Hardship Provisions), if a person fails to meet any of the requirements for receiving a continuation award as outlined in subsection (b) of this section after completion of any year, the person may not receive a Texas Educational Opportunity Grant award until he or she completes courses while not receiving a Texas Educational Opportunity Grant and meets all the requirements of subsection (b) of this section as of the end of that period of enrollment.]~~

22.257. Satisfactory Academic Progress. [Hardship Provisions]

(a) Eligibility at End of Initial Year Award. Students who complete their first year receiving a grant in compliance with their institutions' financial aid academic progress requirements are eligible to receive continuation awards in the following year if they meet the other requirements listed in §22.256 of this subchapter (relating to Eligible Students).

(b) Eligibility at End of a Continuation Award. Students shall, unless granted a hardship provision in accordance with §22.259 of this subchapter (relating to Hardship Provisions), as of the end of an academic year in which the student receives a continuation award:

(1) complete at least 75% of the semester credit hours attempted in the student's most recent academic year; and

(2) maintain an overall cumulative grade point average of at least 2.5 on a four-point scale or its equivalent.

(c) The calculation of a student's GPA is to be completed in accordance with Subchapter A of this Chapter, (relating to General Provisions).

(d) The completion rate calculations may be made in keeping with institutional policies.

~~[(a) In the event of a hardship or for other good cause, the Program Officer at an eligible institution may allow an otherwise eligible person who is awarded a grant to receive a Texas Educational Opportunity Grant while enrolled for an equivalent of less than one-half time or if the student's grade point average or completion rate falls below the satisfactory academic progress requirements of §22.256(b)(8) of this title (relating to Eligible Students). Such conditions are not limited to, but include:~~

~~(1) a showing of a severe illness or other debilitating condition that may affect the student's academic performance;~~

~~(2) an indication that the student is responsible for the care of a sick, injured, or needy person and that the student's provision of care may affect his or her academic performance; or~~

~~(3) the requirement of fewer than six hours to complete one's degree plan.~~

~~(b) The Program Officer may grant an extension of the attempted hour limit found in §22.256(c)(1) of this title (relating to Eligible Students) in the event of hardship. Documentation justifying the extension must be kept in the student's files, and the institution must identify students granted extensions and the length of their extensions to the Coordinating Board, so that it may appropriately monitor each student's period of eligibility. The total number of hours paid for, at least in part, with Texas Educational Opportunity Grants may not exceed 75 or its equivalent.~~

~~(c) Each institution shall adopt a hardship policy under this section and have the policy available in writing in the financial aid office for public review upon request.]~~

22.258. Discontinuation of Eligibility or Non-Eligibility. [Priorities in Funding]

(a) A student may not receive a grant while concurrently receiving a TEXAS Grant.

(b) A student may not receive a grant after having been granted an associate or baccalaureate degree.

(c) A student's eligibility for the program ends once a student has attempted 75 semester credit hours or the equivalent, unless the student is granted a hardship extension in accordance with §22.259 of this subchapter (relating to Hardship Provisions).

(d) A student's eligibility for the program ends four years from the start of the semester in which the student received an initial year award, unless the student is granted a hardship extension in accordance with §22.259 of this subchapter.

(e) A person is not eligible to receive a grant if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of any other jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this subchapter and has:

(1) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or

(2) been pardoned, had the record of the offense expunged from the person's record, or otherwise been released from the resulting ineligibility to receive a grant.

(f) Other than as described in §22.259 of this subchapter, if a person fails to meet any of the requirements for receiving a continuation award as outlined in §22.256 of this subchapter (relating to Eligible Students) after completion of any year, the person may not receive a grant until after completing a semester of at least half-time coursework while not receiving a grant and meets all the requirements of §22.256 of this subchapter as of the end of that period of enrollment.

[If appropriations for the Texas Educational Opportunity Grant Program are insufficient to allow awards to all eligible students, continuation awards will be given priority.]

22.259. Hardship Provisions. [Priority in Awards to Students]

(a) In the event of a hardship or for other good cause, the Program Officer at a participating institution may allow an otherwise eligible student to receive a grant;

(1) while maintaining a grade point average below the required level, as defined in §22.257 of this subchapter (relating to Satisfactory Academic Progress);

(2) while maintaining a completion rate below the required level, as defined in §22.257 of this subchapter;

(3) while enrolled less than half time;

(4) while enrolled in semester credit hours in excess of the attempted hour limit, as defined in §22.258(c) of this subchapter (relating to Discontinuation of Eligibility and Non-Eligibility), though the total number of semester credit hours paid for, at least in part, with program funding may not exceed 75 or its equivalent; or

(5) while enrolled beyond the time limit restrictions, as defined in §22.258(d) of this subchapter.

(b) Hardship conditions may include, but are not limited to:

(1) a showing of a severe illness or other debilitating condition that may affect the student's academic performance;

(2) an indication that the student is responsible for the care of a sick, injured, or needy person and that the student's provision of care may affect his or her academic performance; or

(3) the requirement of fewer than six semester credit hours to complete one's degree plan.

(c) Documentation of the hardship circumstances approved for a student to receive a grant must be kept in the student's files, and the institution must identify students approved for a grant based on a hardship to the Coordinating Board, so that it may appropriately monitor each student's period of eligibility.

(d) Each institution shall adopt a hardship policy under this section and have the policy available in writing in the financial aid office for public review upon request.

~~[In determining who should receive an initial Texas Educational Opportunity Grant award, an institution shall give highest priority to students who demonstrate the greatest financial need at the time the award is made.]~~

22.260. Priorities in Grants to Students. ~~[Award Amounts and Adjustments]~~

(a) If appropriations for the program are insufficient to allow grants to all eligible students, continuation awards will be given priority.

(b) In determining who should receive an initial year award, an institution shall give priority to those students who have an expected family contribution that does not exceed 60 percent of the average statewide amount of tuition and fees for general academic teaching institutions for the relevant academic year.

(c) In determining who should receive an initial year award, an institution shall give highest priority to students who demonstrate the greatest financial need at the time the grant is made.

~~[(a) Funding. Funds awarded through this program may not exceed the amount of appropriations, grants and other funds that are available for this use.~~

~~(b) Award Amounts.~~

~~(1) The amount of a Texas Educational Opportunity Grant award may not be reduced by any gift aid for which the person receiving the grant is eligible, unless the total amount of a person's grant plus any gift aid received exceeds the student's cost of attendance. However, no student's award shall be greater than the amount of the student's financial need.~~

~~(2) The Board shall determine and announce the maximum amount of a Texas Educational Opportunity Grant award in a given state fiscal year by January 31 of the prior fiscal year. The calculation of the maximum amount will be based on the average statewide amount of tuition and required fees at eligible institutions that a resident student enrolled full time in an associate degree or certificate program would be charged for that semester or term (Texas Education Code, §56.407). If an otherwise eligible student, due to hardship, enrolls for less than a half-time course load, his or her award is to be prorated. The amount he or she can be awarded is equal to the semester's maximum award for the relevant type of institution, divided by 12 hours and multiplied by the actual number of hours for which the student is enrolled.~~

~~(3) Beginning with awards for fall 2014, the value of an individual's award in a given term is to be based on the share of a full-time course load in which the student is enrolled as of the census date of the term, in accordance with the following table:~~

~~(A) 12 or more semester credit hours = 100% of the semester's maximum award for a full-time student;~~

~~(B) 9 to <12 semester credit hours = 75 percent of the semester's maximum award for a full-time student;~~

~~(C) 6 to <9 semester credit hours = 50 percent of the semester's maximum award for a full-time student; and~~

~~(D) <6 semester credit hours = \$0, unless granted an award under hardship conditions in accordance with paragraph (2) of this subsection.~~

~~(4) An approved institution may not charge a person receiving a Texas Educational Opportunity Grant through that institution, an amount of tuition and required fees in excess of the amount of the Texas Educational Opportunity Grant award received by the person. Nor may it deny admission to or enrollment in the institution based on a person's eligibility to receive or actual receipt of a Texas Educational Opportunity Grant award. If an institution's tuition and fee~~

~~charges exceed the Texas Educational Opportunity Grant award amount, it may address the shortfall in one of two ways:~~

~~(A) It may use other available sources of financial aid, other than a loan or Pell grant to cover any difference in the amount of a Texas Educational Opportunity Grant award and the student's actual amount of tuition and required fees at the institution; or~~

~~(B) it may waive the excess charges for the student. However, if a waiver is used, the institution may not report the recipient's tuition and fees in a way that would increase the general revenue appropriations to the institution.~~

~~(c) Uses. A person receiving a Texas Educational Opportunity Grant award may only use the money to pay any usual and customary cost of attendance at an institution of higher education incurred by the student.~~

~~(d) Over Awards. If, at a time after an award has been disbursed by the institution and accepted by the student, the student receives assistance that was not taken into account in the student's estimate of financial need, so that the resulting sum of assistance exceeds the student's financial need, the institution is not required to adjust the award under this program unless the sum of the excess resources is greater than \$300.~~

~~(e) Prorated Awards in Case of Low Balance of Eligible Hours or Attempted Hours. If the student's balance of eligible hours or attempted hours is less than the number of hours he or she is taking in a given term or semester, the student's award amount for that term or semester should be prorated using the following schedule:~~

~~(1) If balance of hours equals 12 or more hours—100% of the maximum award;~~

~~(2) If balance of hours equals 9–11 hours—75% of the maximum award;~~

~~(3) If balance of hours equals 6–8 hours—50% of the maximum award;~~

~~and~~

~~(4) If balance of hours equals fewer than 6 hours—25% of the maximum award.]~~

22.261. Grant Amounts and Adjustments. [Late Disbursements]

(a) Funding. Funds awarded through this program may not exceed the amount of appropriations, grants, and other funds that are available for this use.

(b) Grant Amounts.

(1) The amount of a grant may not be reduced by any gift aid for which the person receiving the grant is eligible, unless the total amount of a person's grant plus any gift aid received exceeds the student's cost of attendance. However, no student's grant shall be greater than the amount of the student's financial need.

(2) The Board shall determine and announce the maximum grant amount in a given state fiscal year by January 31 of the prior fiscal year. The calculation of the maximum amount will be based on the average statewide amount of tuition and required fees at eligible institutions that an in-district resident student enrolled full-time in an associate degree or certificate program would be charged for that semester (Texas Education Code, §56.407). In determining the maximum grant amount, the average amount of tuition and required fees is determined by institution type (public junior colleges, public state colleges, and public technical institutes) for an in-district resident student enrolled full-time in an associate degree or certificate program, utilizing the most recent Integrated Fiscal Reporting System reports to project the value.

(3) The value of an individual's grant in a given semester is to be based on the share of a full-time course load in which the student is enrolled as of the census date of the semester, in accordance with the following table:

(A) 12 or more semester credit hours--100% of the semester's maximum grant for a full-time student;

(B) at least 9 but fewer than 12 semester credit hours--75 percent of the semester's maximum grant for a full-time student;

(C) at least 6 but less than 9 semester credit hours--50 percent of the semester's maximum grant for a full-time student; and

(D) less than 6 semester credit hours--zero percent of the semester's maximum grant for a full-time student, unless approved for a grant under hardship conditions in accordance with subsection (c) of this subsection.

(c) If an otherwise eligible student, due to hardship, enrolls for less than a half-time course load, the grant is to be prorated. The amount that can be awarded is equal to the semester's maximum grant for the relevant type of institution, divided by 12 and multiplied by the actual number of semester credit hours for which the student is enrolled.

(d) An approved institution may not charge a person receiving a grant through that institution an amount of tuition and required fees in excess of the grant received by the person. Nor may it deny admission to or enrollment in the institution based on a person's eligibility to receive or actual receipt of a grant. If an institution's tuition and fee charges exceed the grant, it may address the shortfall in one of two ways:

(1) It may use other available sources of financial aid, other than a loan or Pell grant to cover any difference in the amount of the grant and the student's actual amount of tuition and required fees at the institution; or

(2) it may waive the excess charges for the student. However, if a waiver is used, the institution may not report the recipient's tuition and fees in a way that would increase the general revenue appropriations to the institution.

(e) Adjustments to grants and late disbursements are to be completed in accordance with Subchapter A of this chapter (relating to General Provisions).

(f) Prorated Grants in Case of Low Balance of Eligible Semester Credit Hours or Attempted Semester Credit Hours. If the student's balance of eligible semester credit hours or attempted semester credit hours is less than the number of semester credit hours the student is taking in a given semester, the student's grant for that semester should be prorated using the following schedule:

(1) if balance of hours is 12 or more semester credit hours--100% of the semester's maximum grant for a full-time student;

(2) if balance of hours is at least 9 but fewer than 12 semester credit hours--75% the semester's maximum grant for a full-time student;

(3) if balance of hours is at least 6 but fewer than 9 semester credit hours--50% the semester's maximum grant for a full-time student; and

(4) if balance of hours is fewer than 6 semester credit hours--25% the semester's maximum grant for a full-time student.

~~[(a) A student may receive a disbursement after the end of his/her period of enrollment if the student:~~

~~(1) owes funds to the institution for the period of enrollment for which the award is being made; or~~

~~(2) received a student loan that is still outstanding for the period of enrollment.~~

~~(b) Funds that are disbursed after the end of a student's period of enrollment must either be used to pay the student's outstanding balance from his/her period of enrollment at the institution or to make a payment against an outstanding loan received during that period of enrollment. Under no circumstances are funds to be released to the student.]~~

22.262. No change.

~~[22.263. Dissemination of Information and Rules]~~

~~[The Board and its advisory committee is responsible for publishing and disseminating general information and program rules for the program described in this subchapter. The Board shall distribute to each eligible institution and to each school district a copy of the rules adopted under this subchapter.]~~

22.264. No change.

~~[22.265. Authority to Transfer Funds.~~

~~Institutions participating in the Texas Educational Opportunity Grant and Texas College Work Study Programs, in accordance with instructions from Board staff, may transfer in a given fiscal year up to the lesser of 10 percent or \$20,000 between these programs. This threshold is applied to the program from which the funds are being transferred.]~~

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-D (5)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter X, Sections 22.625, 22.626, and 22.631 and the repeal of Sections 22.627-22.630, 22.632, and 22.642-22.643 of Board rules, concerning Teach for Texas Conditional Grant Program

RECOMMENDATION: Approval

Background Information:

Amendments to Section 22.625 concerning "Authority" updates the legislative reference to reflect the specific citation of the Texas Education Code section regarding the authority for these provisions and removes unnecessary language. The amendment to Section 22.626 concerning "Definitions" strikes the terms "Academic period," "Board," "Commissioner," "Eligible Institution," "Enrolled for at least a three-quarter time," "Enrolled at least half time," and "Satisfactory Academic Progress" from the rule. These terms are either not used in the subchapter or are already defined in Subchapter A, Section 22.1. Section 22.631 concerning "Hardship and Other Good Cause" is amended to reflect the hardship provisions that are applicable to fulfillment of the service obligation.

Sections 22.627-22.630, 22.632, and 22.642-22.643 of Board rules are repealed. The Board is no longer issuing new conditional grants under the Teach for Texas Conditional Grant Program, so these sections are no longer required and are obsolete.

Dr. Charles W. Contéro-Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date Approved by the Commissioner for Publication in the *Texas Register*: January 7, 2020.

Date Published in the *Texas Register*: February 7, 2020.

The 30-day comment period with the *Texas Register* ends on: March 8, 2020.

No comments were received regarding this rule.

CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER X. TEACH FOR TEXAS CONDITIONAL GRANT PROGRAM

Sections

- 22.625. Authority[~~, Scope, and Purpose~~]
- 22.626. Definitions
- ~~[22.627. Priorities of Application Approval~~
- ~~22.628. Requirements for Eligible Institution~~
- ~~22.629. Eligible Students~~
- ~~22.630. Three-Year Grant Eligibility Period]~~
- 22.631. Hardship and Other Good Cause
- ~~[22.632. Amount of Grant]~~
- 22.633. Eighteen-Month Period Before Employment
- 22.634. Service Obligation Period
- 22.635. Conditions of Grant
- 22.636. Loan Interest
- 22.637. Repayment of Loans
- 22.638. Educational Deferments
- 22.639. Forbearance
- 22.640. Enforcement of Collection
- 22.641. Provisions for Disability and Death
- ~~[22.642. Advisory Committee~~
- ~~22.643. Dissemination of Information]~~

22.625. Authority[~~, Scope, and Purpose~~].

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, ~~§56.359~~. ~~[Subchapter O, Teach for Texas Financial Assistance Program. These rules establish procedures to administer the subchapter as prescribed in §§56.351 through 56.356.~~

~~[(b) Scope. The rules set forth in this subchapter are applicable to the persons with financial need who are seeking educator certification.~~

~~(c) Purpose. The purpose of the Teach for Texas Conditional Grant Program is to encourage students to become teachers and to encourage these newly certified teachers to teach in fields having a critical shortage of teachers or in communities having a critical shortage of teachers.]~~

22.626. Definitions.

~~In addition to the words and terms defined in §22.1 of this chapter, the [The]~~ following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

~~[(1) Academic period--A twelve-month period designated by an eligible institution.]~~

~~(2) Board--The Texas Higher Education Coordinating Board.~~

~~(3) Commissioner--The Commissioner of Higher Education, the Chief Executive Officer of the Board.]~~

~~(1)[(4)] Community experiencing a critical shortage of teachers--As defined by the Commissioner of Education.~~

~~[(5) Eligible Institution--Institutions of higher education and private or independent institutions of higher education, as defined in the Texas Education Code, Chapter 61.003, that offer an educator certification program (not applicable in the case of alternative educator certification programs).]~~

~~(6) Enrolled for at least a three-quarter time--For undergraduates, enrolled for the equivalent of nine semester credit hours in a regular semester.~~

~~(7) Enrolled at least half time--For undergraduates, enrolled for the equivalent of six semester credit hours in a regular semester.]~~

~~(2)[(8)] Program--The Teach for Texas Conditional Grant Program.~~

~~(3)[(9)] Recipient--A person who has received a Teach for Texas Conditional Grant.~~

~~(4)[(10)] Program Completion Date--The date the recipient is considered to have completed the requirements of the educator certification program and is eligible to take the appropriate ExCET exam.~~

~~[(11) Satisfactory Academic Progress--A student makes satisfactory academic progress toward completion of an educator certification program if he/she completes at least 75% of the semester credit hours attempted in the student's most recent academic year and earns an overall grade point average of at least 2.5 on a four-point scale on coursework previously attempted at institutions of higher education.]~~

22.627. _____ Priorities of Application Approval:

~~Applications will be ranked according to the following priorities, in addition to other factors relating to the efficient use of funds furthering the program purpose:~~

~~(1) Renewal applicants shall be given priority over first-time applicants.~~

~~(2) Applicants who demonstrate the greatest financial need.~~

~~(3) Contingent upon available funding, applicants who demonstrate no financial need shall be considered based upon criteria such as earliest anticipated program completion date and residency.~~

~~22.628. — Requirements for Eligible Institution.~~

~~(a) Each eligible institution shall designate a Teach for Texas Conditional Grant program officer to administer the program. Unless otherwise designated by the chief executive officer, the Director of Student Financial Aid shall serve as program officer. If the day to day administration of this program is delegated to a student financial aid officer, the Director of Student Financial Aid must notify the Board and provide the name and telephone number for that person.~~

~~(b) All institutions participating in the program described in this subchapter must meet Board reporting requirements for the Teach for Texas Conditional Grant in a timely fashion.~~

~~22.629. — Eligible Students.~~

~~To be eligible a student must:~~

~~(1) be seeking educator certification and agree to teach full-time at the preschool, primary, or secondary level in a public school in Texas:~~

~~(A) in a teaching field certified by the Commissioner of Education as experiencing a critical shortage of teachers in Texas in the year in which the student receives the grant; or~~

~~(B) in a public school in Texas in a community certified by the Commissioner of Education as experiencing a critical shortage of teachers:~~

~~(i) in any year in which the person receives a Teach for Texas Conditional Grant; or~~

~~(ii) in any subsequent year in which the person fulfills the teaching obligation;~~

~~(2) be enrolled at least three-quarter time in an approved institution as a junior, senior, or, in the case of a person who has received a baccalaureate degree be:~~

~~(A) a renewal recipient enrolled in post baccalaureate courses required to complete the educator certification program; and~~

~~(B) in the first academic year in an educator certification program;~~

~~(3) make satisfactory academic progress toward completion of the educator certification program;~~

~~(4) be recommended by the dean of the college or school of education at the approved institution; and~~

~~(5) not have been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance, as defined by Chapter 481, Health and Safety Code, unless the student has:~~

~~(A) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or~~

~~(B) been pardoned, had the record of the offense expunged from the person's record, or otherwise has been released from the resulting ineligibility to receive a grant under this subchapter.~~

~~22.630. — Three Year Grant Eligibility Period.~~

~~A person may not receive a conditional grant through the program for more than 90 course hours or if more than three years has passed since the first award.]~~

22.631. Hardship and Other Good Cause.

Hardship and other good cause may be determined by the Board based upon documented circumstances. The Board may request assistance from the program officer at an eligible institution in determining whether or not these circumstances warrant exception to ~~[the 90-hour grant eligibility limitation, the satisfactory academic progress requirements, the requirement to be enrolled at least three-quarter time, the requirement to complete the educator certification program within the three-year grant eligibility period,]~~ the requirement to begin fulfilling the service obligation not later than 18 months after the certification program completion date, and the requirement to fulfill the five-year service obligation within a six-year period. Such situations include, but are not limited to, a severe illness or other debilitating condition or responsibility for the care of a temporarily disabled dependent or other similar circumstances preventing the recipient from completing the five-year teaching obligation within six years after the date the person began to fulfill the teaching obligation. ~~[the following:~~

~~(1) a severe illness or other debilitating condition that may affect the recipient's ability to make satisfactory academic progress in the baccalaureate or educator certification program;~~

~~(2) responsibility for the care of a temporarily disabled dependent that may affect the recipient's ability to make satisfactory academic progress in the baccalaureate or educator certification program; or~~

~~(3) similar circumstances preventing the recipient from completing the five-year teaching obligation within six years after the date the person began to fulfill the teaching obligation.~~

~~22.632. Amount of Grant.~~

~~(a) The maximum aggregate amount of a Teach for Texas Conditional Grant shall equal four times the current annual amount of the TEXAS Grant for a student enrolled at Texas public four-year institution of higher education. A student may receive a TEXAS Grant and a Teach for Texas Grant for the same academic period.~~

~~(b) The Coordinating Board shall pay the amount of the grant in installments based on the number of remaining semesters the student anticipates being enrolled in the educator certification program. The Coordinating Board may adjust the amount of a grant for a semester or term, or award a supplemental grant, to ensure that a grant recipient who meets the program requirements receives the maximum aggregate grant amount allowed.]~~

~~[22.642. Advisory Committee.~~

~~The Board's Financial Aid Advisory Committee shall function as the advisory committee to the Board in the administration of the program described in this subchapter.~~

~~22.643. Dissemination of Information.~~

~~The Board and its advisory committee are responsible for publishing and disseminating general information and program rules for the Teach for Texas Conditional Grant Program to approved Texas institutions of higher education, appropriate associations, and other interested entities.]~~

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-D (6)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter Y, Sections 22.663, 22.664, and 22.668, and the repeal of Chapter 22, Subchapter Y, Sections 22.665-22.667, 22.669, and 22.678-22.679 of Board rules, concerning Teach for Texas Alternative Certification Conditional Grant Program

RECOMMENDATION: Approval

Background Information:

Amendments to Section 22.663 concerning "Authority" updates the legislative reference to reflect the specific citation of the Texas Education Code section regarding the authority for these provisions and removes unnecessary language. The amendment to Section 22.664 concerning "Definitions" strikes the terms "Board," "Certification officer," "Commissioner," and "Program officer" from the rule. These terms are either not used in the subchapter or are already defined in Subchapter A, Section 22.1. Section 22.664(4) is amended to reflect the correct citation for the definition of the term "Good cause," which is defined within Chapter 22, Subchapter X, Teach for Texas Conditional Grant Program. Section 22.668 concerning "Hardship and Other Good Cause" is amended to reflect the hardship provisions that are applicable to the service obligation requirements.

Sections 22.665-22.667, 22.669, and 22.678-22.679 of Board rules are repealed. The Board is no longer issuing new conditional grants under the Teach for Texas Certification Conditional Grant Program, so these sections are no longer required and are obsolete.

Dr. Charles W. Contéro-Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Date Approved by the Commissioner for Publication in the *Texas Register*: January 7, 2020.

Date Published in the *Texas Register*: February 7, 2020.

The 30-day comment period with the *Texas Register* ends on: March 8, 2020.

No comments were received regarding this rule.

CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER Y. TEACH FOR TEXAS ALTERNATIVE CERTIFICATION CONDITIONAL GRANT PROGRAM

Sections

- 22.663. Authority [~~-, Scope, and Purpose~~]
- 22.664. Definitions
- ~~[22.665. Application Acceptance and Selection Criteria Priorities~~
- ~~22.666. Agreement to Program Requirements~~
- ~~22.667. Eligible Recipient]~~
- 22.668. Hardship and Other Good Cause
- ~~[22.669. Amount of Award]~~
- 22.670. Eighteen-Month Period Before Employment
- 22.671. Service Obligation Period
- 22.672. Conditions of Grant
- 22.673. Loan Interest
- 22.674. Repayment of Loans
- 22.675. Forbearance
- 22.676. Enforcement of Collection
- 22.677. Provisions for Disability and Death
- ~~[22.678. Advisory Committee~~
- ~~22.679. Dissemination of Information]~~

22.663. Authority [~~-, Scope, and Purpose~~].

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, §56.359. [~~Subchapter O, Teach for Texas Financial Assistance Program. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code §§56.357 through 56.358.~~]

~~[(b) Scope. The rules set forth in this subchapter are applicable to persons who show financial need and who enroll in an alternative certification program approved by the State Board for Educator Certification.~~

~~(c) Purpose. The purpose of the Teach for Texas Alternative Certification Conditional Grant Program is to attract to the teaching profession persons with undergraduate degrees who have expressed an interest in teaching, to support the certification of those persons as classroom teachers, and to encourage these newly certified teachers to teach in fields having a critical shortage of teachers or to teach in communities having a critical shortage of teachers.]~~

22.664. Definitions.

In addition to the words and terms defined in §22.1 of this chapter, the [The] following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Alternative Certification Program--an alternative certification educator preparation program approved by the State Board for Educator Certification (SBEC).

~~[(2) Board--The Texas Higher Education Coordinating Board.]~~

~~[(3) Certification officer--The individual designated by the State Board for Educator Certification as the "Certification Officer" at an approved certification program.]~~

~~[(2)]~~ [(4)] Certified Teacher--A person who has passed the appropriate certification exams and has been fully certified by the Texas State Board for Educator Certification (SBEC).

~~[(5) Commissioner--The Commissioner of Higher Education.]~~

~~[(3)]~~ [(6)] Community Experiencing a Critical Shortage of Teachers--As defined by the Texas Commissioner of Education.

~~[(4)]~~ [(7)] Good cause--See §22.631 [~~§21.436~~] of this title (relating to Teach for Texas Conditional Grant Program), "Hardship and Other Good Cause."

~~[(5)]~~ [(8)] Loan--A Teach for Texas Alternative Certification Conditional Grant that has become a loan because the grant conditions have not been fulfilled.

~~[(6)]~~ [(9)] Program Completion Date--The date the recipient is considered to have completed the requirements of the educator certification program and is eligible to take the appropriate ExCET exam.

~~[(10) Program officer--The individual designated by the State Board for Educator Certification as the "Program Director" at an approved certification program.]~~

~~[(7)]~~ [(11)] Recipient--A person who has received a Teach for Texas Alternative Certification Conditional Grant.

~~[(8)]~~ [(12)] Steady Progress--As defined by the individual program officer midway through the alternative certification program.

~~[(9)]~~ [(13)] Shortage Field--Subject or area of study designated by the Texas Commissioner of Education as having a critical shortage of teachers.

~~[22.665. — Application Acceptance and Selection Criteria Priorities.~~

~~(a) Selection of applicants to receive grants shall be made either on a first-come, first-served basis or an annual application deadline and criteria for ranking applications that include an applicant's financial resources as well as the efficient use of funds will also be established by the Board.~~

~~(b) Applicants from all regions of Texas shall be given the opportunity to apply for and receive the conditional grant.~~

~~22.666. — Agreement to Program Requirements.~~

~~The program officer at each approved certification program shall sign an agreement acknowledging the requirements of the Teach for Texas Alternative Certification Conditional Grant Program.~~

~~22.667. — Eligible Recipient.~~

~~To be eligible an applicant must:~~

~~(1) be seeking educator certification and agree to teach full-time at the preschool, primary, or secondary level in a public school in Texas:~~

~~(A) in a teaching field designated by the Commissioner of Education as experiencing a critical shortage of teachers in Texas in the year in which the student receives the grant; or~~

~~(B) in a public school in Texas in a community designated by the Commissioner of Education as experiencing a critical shortage of teachers:~~

~~(i) in any year in which the person receives a Teach for Texas Alternative Certification Conditional Grant; or~~

~~(ii) in any subsequent year in which the person fulfills the teaching obligation; and~~

~~(2) be enrolled in an alternative educator certification program and be employed as a classroom teacher in a public school in Texas or be under contract to begin teaching following completion of the certification program;~~

~~(3) make steady progress toward completion of the educator certification program;~~

~~(4) be recommended for a Teach for Texas Alternative Certification Conditional Grant award by the program officer at the alternative certification program, and;~~

~~(5) not have been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of~~

~~another jurisdiction involving a controlled substance, as defined by Chapter 481, Health and Safety Code, unless the student has:~~

~~(A) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or~~

~~(B) been pardoned, had the record of the offense expunged from the person's record, or otherwise has been released from the resulting ineligibility to receive a grant under this subchapter.]~~

22.668. Hardship and Other Good Cause.

Hardship and other good cause may be determined by the Board based upon documented circumstances. The Board may request assistance from the program officer at an approved institution in determining whether or not circumstances warrant exception ~~[to the steady progress requirement and also the requirement]~~ to fulfill the five-year teaching obligation within a six-year period. Such situations include, but are not limited to, a severe illness or other debilitating condition or the responsibility of the recipient for the care of a temporarily disabled dependent that may affect the recipient's ability in completing the five-year teaching obligation.~~[the following:~~

~~(1) a severe illness or other debilitating condition that may affect the recipient's ability to make steady progress in the alternative educator certification program or in completing the five-year teaching obligation; or~~

~~(2) responsibility of the recipient for the care of a temporarily disabled dependent that may affect the recipient's ability to make steady progress in the alternative educator certification program or in completing the five-year teaching obligation.~~

22.669. ~~Amount of Award.~~

~~The maximum amount of a Teach for Texas Alternative Conditional Grant shall equal two times the current annual amount of the TEXAS Grant for a student enrolled at a Texas four-year public institution of higher education.]~~

~~[22.678. Advisory Committee.~~

~~The Board's Financial Aid Advisory Committee shall function as the advisory committee to the Board in the administration of the program described in this subchapter.~~

22.679. ~~Dissemination of Information.~~

~~The Board and its advisory committee are responsible for publishing and disseminating general information and program rules for the Teach for Texas Alternative Certification Conditional Grant Program to approved Texas institutions of higher education, educator certification programs, appropriate associations, and other interested entities.]~~