

# Educational Aide Exemption Program

## Texas Administrative Code (TAC), Title 19, Chapter 21, Subchapter II

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## §21.1080 Authority and Purpose

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Chapter 54, Subchapter B, Tuition Rates. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §54.363, relating to an exemption for Educational Aides.

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

Source Note: The provisions of this §21.1080 adopted to be effective August 16, 2004, 29 TexReg 7980; amended to be effective February 28, 2012, 37 TexReg 1331; amended to be effective August 30, 2016, 41 TexReg 6483

## §21.1081 Definitions

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

(1) Board--The Texas Higher Education Coordinating Board.

(2) Commissioner--The Commissioner of Higher Education, the Chief Executive Officer of the Board.

(3) Continuation Award--An exemption from tuition and fees awarded to a student in accordance with this subchapter who has received the exemption in a previous semester, and which is awarded in accordance with this subchapter.

(4) Cost of attendance--A Board-approved estimate of the expenses incurred by a typical financial aid student attending a particular college or university. It includes direct educational costs (tuition, fees, books, and supplies) as well as indirect costs (room and board, transportation, and personal expenses).

(5) Educational Aide--A person who has been employed by a public school district in Texas in a teaching capacity working in the classroom directly with the students for at least one year on a full-time basis. It may include substitute teachers who have been employed by a public school district in Texas for 180 or more full days in a teaching capacity working in the classroom directly with students.

(6) Excessive Hours--In accordance with Texas Education Code §54.014, for undergraduates, hours in excess of 30 more than those required for completion of the degree program in which the student is enrolled.

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

(8) 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.

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

(10) 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.

Source Note: The provisions of this §21.1081 adopted to be effective August 16, 2004, 29 TexReg 7980; amended to be effective August 16, 2007, 32 TexReg 4979; amended to be effective May 21, 2008, 33 TexReg 3943; amended to be effective August 26, 2009, 34 TexReg 5683; amended to be effective February 28, 2012, 37 TexReg 1331; amended to be effective August 30, 2016, 41 TexReg 6483

## §21.1082 Eligible Institutions

### (a) Eligibility.

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

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

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

### (b) Approval.

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

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

### (c) Responsibilities.

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

#### (2) Disbursements to Students.

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

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

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

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

## §21.1083 Eligible Students

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

(1) be a Resident of Texas;

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

(3) be employed in some capacity by a school district in Texas during the full term for which the student receives the award unless granted a hardship waiver as described in §21.1088 of this title (relating to Hardship Provisions);

(4) show Financial need;

(5) if he or she received an exemption through this subchapter prior to the fall 2012 semester, be enrolled in courses required for teacher certification at the institution granting an exemption under this subchapter or (if enrolled in lower-level course-work), sign a statement indicating an intention to become certified as a teacher and teach in Texas;

(6) if he or she received his or her first award through this subchapter in fall 2012 or later, be enrolled at the institution granting an exemption under this subchapter in courses required for teacher certification in one or more subject areas determined by the Texas Education Agency to be experiencing a critical shortage of teachers at the public schools in this state;

(7) meet the academic progress standards of the institution;

(8) follow application procedures and schedules as indicated by the Board;

(9) 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

(10) apply for an exemption by the end of the term for which the exemption is to apply.

(b) If a person receiving a Continuation Award at the beginning of the term or semester in which the award is received must also:

(1) if classified as an undergraduate or a graduate, be meeting the institution's financial aid grade point average requirement for making satisfactory academic progress towards a degree or certificate in accordance with the institution's policy regarding eligibility for financial aid, unless granted a hardship waiver by the institution in keeping with §21.1088 of this title (relating to Hardship Provisions); and

(2) if classified as a resident undergraduate, have not completed a number of semester credit hours that is considered to be excessive under Texas Education Code, §54.014, unless granted a hardship waiver by the institution in keeping with §21.1088 of this title (relating to Hardship Provisions). In determining the number of hours an undergraduate has completed, semester credit hours completed include transfer credit hours that count towards the person's undergraduate degree or certificate requirements, but exclude:

(A) hours earned exclusively by examination;

(B) hours earned for a course for which the person received credit toward the person's high school academic requirements; and

(C) hours earned for developmental courses that the institution required the person to take under Texas Education Code, §51.3062 or under the former provisions of Texas Education Code, §51.306.

Source Note: The provisions of this §21.1083 adopted to be effective August 16, 2004, 29 TexReg 7980; amended to be effective November 28, 2005, 30 TexReg 7866; amended to be effective November 19, 2006, 31 TexReg 9291; amended to be effective August 16, 2007, 32 TexReg 4979; amended to be effective May 21, 2008, 33 TexReg 3943; amended to be effective August 26, 2009, 34 TexReg 5683; amended to be effective May 29, 2012, 37 TexReg 3806; amended to be effective August 30, 2016, 41 TexReg 6483

## §21.1084 The Application

(a) Institutions are not required to provide exemptions under this subchapter beyond those funded through appropriations specifically designated for this purpose. The Board shall advise institutions of the availability of funds as soon as possible after funding is known.

(b) Application forms and instructions developed by the Board will be distributed to financial aid offices of Institutions of Higher Education.

Source Note: The provisions of this §21.1084 adopted to be effective August 16, 2004, 29 TexReg 7980; amended to be effective November 19, 2006, 31 TexReg 9291; amended to be effective May 21, 2008, 33 TexReg 3943; amended to be effective August 26, 2009, 34 TexReg 5683; amended to be effective September 6, 2011, 36 TexReg 5684; amended to be effective May 29, 2012, 37 TexReg 3806; amended to be effective June 6, 2016, 41 TexReg 4005

## §21.1085 Award Amounts

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

(b) An exemption under this title only applies to courses for which an institution receives formula funding.

Source Note: The provisions of this §21.1085 adopted to be effective August 26, 2009, 34 TexReg 5684; amended to be effective May 29, 2012, 37 TexReg 3806; amended to be effective August 30, 2016, 41 TexReg 6483

## §21.1086 Allocations for Institutions

(a) To the extent to which funds are made available by the Legislature, the Board will provide allocations to the institutions.

(b) Allocations for the Educational Aide Exemption Program are to be determined on an annual basis as follows:

(1) All institutions will be invited annually to participate in the Educational Aide Exemption Program allocation process. Participation requires that institutions utilize institutional matching funds to cover at least 10% of each recipient's exemption. Those choosing not to participate will not be considered in the allocation calculations for the relevant year.

(2) The annual appropriation will be divided equally across the participating institutions.

(c) Allocation calculations will be shared with all participating institutions for comment prior to final posting, and the institutions will be given 10 business days, beginning the day of the notice's distribution and excluding State holidays, to confirm their continued interest in participating in the program.

Source Note: The provisions of this §21.1086 adopted to be effective August 26, 2009, 34 TexReg 5684; amended to be effective September 6, 2011, 36 TexReg 5684; amended to be effective May 29, 2012, 37 TexReg 3806; amended to be effective June 6, 2016, 41 TexReg 4005

## **§21.1087 Exemption from Student Teaching**

(a) An individual who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an award through this subchapter shall not be required by his or her institution to participate in any field experience or internship consisting of student teaching as a requirement to receive a teaching certificate, in accordance with Texas Education Code, §21.050(c).

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

Source Note: The provisions of this §21.1087 adopted to be effective August 26, 2009, 34 TexReg 5684; amended to be effective August 30, 2016, 41 TexReg 6483

## **§21.1088 Hardship Provisions**

(a) Each institution of higher education is required to adopt a policy to allow a student who fails to maintain a grade point average as required by §21.1083(b) of this subchapter to receive an exemption in another semester or term on a showing of hardship or other good cause, including:

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

(3) the student's active duty or other service in the United States armed forces or the student's active duty in the Texas National Guard; or

(4) any other cause considered acceptable by the institution.

(b) An institution may, on a showing of good cause, permit an undergraduate Continuation Award applicant to receive an exemption or waiver although he or she has completed a number of semester credit hours that is considered excessive under Texas Education Code §54.014.

Source Note: The provisions of this §21.1088 adopted to be effective August 26, 2009, 34 TexReg 5684; amended to be effective August 30, 2016, 41 TexReg 6483

## **§21.1089 Dissemination of Information and Rules**

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

Source Note: The provisions of this §21.1089 adopted to be effective August 26, 2009, 34 TexReg 5684