

TEXAS COLLEGE WORK-STUDY PROGRAM (TCWS)

TEXAS ADMINISTRATIVE CODE (TAC), TITLE 19, CHAPTER 22, SUBCHAPTER G

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§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.

(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.

Source Note: The provisions of this §22.127 adopted to be effective August 16, 2004, 29 TexReg 7977; amended to be effective November 28, 2005, 30 TexReg 7857; amended to be effective May 16, 2006, 31 TexReg 3873; transferred effective June 1, 2017, as published in the Texas Register May 19, 2017, 42 TexReg 2739; amended to be effective August 3, 2020, 45 TexReg 5340

§22.128 DEFINITIONS

In addition to the words and terms defined in Texas Administrative Code, §22.1 of this title (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) 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.

Source Note: The provisions of this §22.128 adopted to be effective August 16, 2004, 29 TexReg 7977; amended to be effective November 28, 2005, 30 TexReg 7857; amended to be effective May 16, 2006, 31 TexReg 3873; amended to be effective August 16, 2007, 32 TexReg 4976; amended to be effective August 25, 2008, 33 TexReg 6814; amended to be effective May 26, 2010, 35 TexReg 4154; amended to be effective February 28, 2012, 37 TexReg 1330; transferred effective June 1, 2017, as published in the Texas Register May 19, 2017, 42 TexReg 2739; amended to be effective August 22, 2019, 44 TexReg 4312; amended to be effective August 3, 2020, 45 TexReg 5340

§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) 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) 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.

Source Note: The provisions of this §22.129 adopted to be effective August 16, 2004, 29 TexReg 7977; amended to be effective November 28, 2005, 30 TexReg 7857; amended to be effective February 22, 2016, 41 TexReg 1231; amended to be effective May 22, 2017, 42 TexReg 2719; transferred effective June 1, 2017, as published in the Texas Register May 19, 2017, 42 TexReg 2739; amended to be effective August 22, 2019, 44 TexReg 4312; amended to be effective August 3, 2020, 45 TexReg 5340

§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;
- (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.

Source Note: The provisions of this §22.130 adopted to be effective August 16, 2004, 29 TexReg 7977; amended to be effective November 28, 2005, 30 TexReg 7857; amended to be effective May 16, 2006, 31 TexReg 3873; amended to be effective August 16, 2007, 32 TexReg 4976; amended to be effective August 25, 2008, 33 TexReg 6814; transferred effective June 1, 2017, as published in the Texas Register May 19, 2017, 42 TexReg 2739; amended to be effective August 22, 2019, 44 TexReg 4312; amended to be effective August 3, 2020, 45 TexReg 5340

§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) An eligible institution may enter into agreements with off-campus 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) 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.

Source Note: The provisions of this §22.131 adopted to be effective August 16, 2007, 32 TexReg 4977; amended to be effective February 22, 2016, 41 TexReg 1231; transferred effective June 1, 2017, as published in the Texas Register May 19, 2017, 42 TexReg 2739; amended to be effective August 22, 2019, 44 TexReg 4312; amended to be effective August 3, 2020, 45 TexReg 5340

§22.132 AWARD AMOUNTS

Award Amount. No award amount shall exceed a student's financial need.

Source Note: The provisions of this §22.132 adopted to be effective August 16, 2007, 32 TexReg 4977; transferred effective June 1, 2017, as published in the Texas Register May 19, 2017, 42 TexReg 2739; amended to be effective August 22, 2019, 44 TexReg 4312; amended to be effective August 3, 2020, 45 TexReg 5340

§22.133 ALLOCATION AND DISBURSEMENT OF FUNDS

(a) Allocations. Allocations for the Program are to be determined on an annual basis as follows:

- (1) All eligible institutions will be invited to participate; those choosing not to participate will be left out of the calculations for the relevant year.
- (2) The allocation base for each institution choosing to participate will be the number of students it reported in the most recent financial aid database report who met the following criteria:
 - (A) were classified as Texas residents;
 - (B) were enrolled at least half-time, with full-time students weighted as 1 and part-time students weighted as .5;
 - (C) completed either the FAFSA or TASFA; and
 - (D) have a 9-month Expected Family Contribution less than the simple average in-district 9-month cost of attendance for community college students enrolled for 30 semester credit hours while living off campus, as reported in the most recent year's College Student Budget Report.

(3) Each institution's share of the available funds will equal its share of the state-wide total of students who meet the criteria in paragraph (2) of this subsection.

(b) Verification of Data. Allocation calculations will be shared with all participating institutions for comment and verification prior to final posting and the institutions will be given 10 working days, beginning the day of the notice's distribution and excluding State holidays, to confirm that the allocation report accurately reflects the data they submitted or to advise Board staff of any inaccuracies.

(c) Disbursements. At the beginning of each year or upon request by the institution, the year's full allocation or funds needed for immediate disbursement to students will be provided to each participating institution for use in reimbursing students for their work.

(d) Reallocations. Institutions will have until February 20 or the first workday thereafter if it falls on a holiday or a weekend to encumber all funds allocated to them. On that date, institutions lose claim to their unencumbered funds and the unencumbered funds are available to the Board for reallocation to other institutions requesting reallocated funds, calculated on the same basis as the original allocation. If necessary for ensuring the full use of funds, subsequent reallocations may be scheduled until all funds are awarded and disbursed.

(e) Summer Awards. Unless given specific permission by the Board to use funds for summer awards, schools will be required to utilize their original state work-study allocation of funds for employment during the nine-month academic year (fall and spring terms). However, institutions may use reallocated funds for summer awards but the funds must be expended by August 31 of the fiscal year.

Source Note: The provisions of this §22.133 adopted to be effective August 16, 2007, 32 TexReg 4977; amended to be effective June 2, 2014, 39 TexReg 4242; transferred effective June 1, 2017, as published in the Texas Register May 19, 2017, 42 TexReg 2739; amended to be effective August 22, 2019, 44 TexReg 4312

§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) of this title (relating to Eligibility and Program Requirements).

Source Note: The provisions of this §22.134 adopted to be effective August 3, 2020, 45 TexReg 5340