

# TEXAS EDUCATIONAL OPPORTUNITY GRANT PROGRAM

TEXAS ADMINISTRATIVE CODE: TITLE 19, CHAPTER 22, SUBCHAPTER M

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## §22.253 AUTHORITY AND PURPOSE

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Chapter 56, Subchapter P, Texas Educational Opportunity Grant Program. This subchapter establishes procedures to administer Texas Education Code §§56.401 - 56.4075.

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

**Source Note:** The provisions of this §22.253 adopted to be effective August 3, 2020, 45 TexReg 5342

## §22.254 DEFINITIONS

In addition to the words and terms defined in §22.1 of this chapter (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.
- (2) Forecast--The FORECAST function in Microsoft Excel.
- (3) Grant--Funds awarded to a student through the Texas Educational Opportunity Grant Program.
- (4) Initial year award--The grant award made in the student's first year in the Program.
- (5) Program--The Texas Educational Opportunity Grant Program.

**Source Note:** The provisions of this §22.254 adopted to be effective August 3, 2020, 45 TexReg 5342

## §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 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 institution must follow the Civil Rights Act of 1964, Title VI (Public Law 88-352) 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 by June 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.

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

**Source Note:** The provisions of this §22.255 adopted to be effective August 3, 2020, 45 TexReg 5342

## §22.256 ELIGIBLE STUDENTS

(a) To receive an initial year award through the 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 on at least a half-time basis 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;

(b) To receive a continuation award through the 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 degree or certificate program at an eligible institution; and
- (5) make satisfactory academic progress towards an associate degree or certificate, as defined in §22.257 of this subchapter (relating to Satisfactory Academic Progress).

**Source Note:** The provisions of this §22.256 adopted to be effective August 3, 2020, 45 TexReg 5342

## §22.257 SATISFACTORY ACADEMIC PROGRESS

(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.

**Source Note:** The provisions of this §22.257 adopted to be effective August 3, 2020, 45 TexReg 5342

## §22.258 DISCONTINUATION OF ELIGIBILITY OR NON-ELIGIBILITY

(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 semester.

**Source Note:** The provisions of this §22.258 adopted to be effective August 3, 2020, 45 TexReg 5342

## §22.259 HARDSHIP PROVISIONS

- (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.

**Source Note:** The provisions of this §22.259 adopted to be effective August 3, 2020, 45 TexReg 5342

## §22.260 PRIORITIES IN GRANTS TO STUDENTS

(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.

**Source Note:** The provisions of this §22.260 adopted to be effective August 3, 2020, 45 TexReg 5342

## §22.261 GRANT AMOUNTS AND ADJUSTMENTS

(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.

(c) 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.

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

**Source Note:** The provisions of this §22.261 adopted to be effective August 3, 2020, 45 TexReg 5342; amended to be effective November 22, 2020, 45 TexReg 8341

## §22.262 ALLOCATION AND DISBURSEMENT OF FUNDS - PUBLIC JUNIOR COLLEGES

(a) Allocations for public junior colleges for Fiscal Year 2016 and Later. Allocations are to be determined on an annual basis as follows:

(1) The allocation base for each eligible institution will be the number of students it reported in the most recent certified Financial Aid Database submission who met the following criteria:

(A) were classified as Texas residents,

(B) were enrolled as undergraduates half-time, three-quarter time or full-time, and

(C) have a 9-month Expected Family Contribution, calculated using federal methodology, less than or equal to the Federal Pell Grant eligibility cap for the year reported in the Financial Aid Database submission.

(2) Each institution's percent of the available funds will equal its percent of the state-wide need as determined by multiplying each institution's enrollments by the respective award maximums of students who meet the criteria in subsection (a)(1) of this section.

(3) Beginning with allocations for Fiscal Year 2020, allocations for both years of the state appropriations' biennium will be completed at the same time. The three most recent certified Financial Aid Database submissions will be utilized to forecast the data utilized in the calculation of the allocation for the second year of the biennium. Institutions will receive notification of their allocations for both years of the biennium at the same time.

(4) 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.

(b) Disbursement of Funds to Institutions. As requested by institutions throughout the academic year, the Board shall forward to each participating institution a portion of its allocation of funds for timely disbursement to students. Institutions will have until the close of business on August 1, or the first working day thereafter if it falls on a weekend or holiday, to encumber program funds from their allocation. After that date, institutions lose claim to any funds in the current fiscal year not yet drawn down from the Board for timely disbursement to students. Funds released in this manner in the first year of the biennium become available to the institution for use in the second year of the biennium. Funds released in this manner in the second year of the biennium become available to the Board for utilization in grant processing. Should these unspent funds result in additional funding available for the next biennium's program, revised allocations, calculated according to the allocation methodology outlined in this rule, will be issued to participating institutions during the fall semester.

(c) Reductions in Funding.

(1) If annual funding for the program is reduced after the start of a fiscal year, the Board may take steps to help distribute the impact of reduced funding across all participating institutions by an across-the-board percentage decrease in all institutions' allocations.

(2) If annual funding is reduced prior to the start of a fiscal year, the Board may recalculate the allocations according to the allocation methodology outlined in this rule for the affected fiscal year based on available dollars.

**Source Note:** The provisions of this §22.262 adopted to be effective November 28, 2005, 30 TexReg 7871; amended to be effective November 20, 2013, 38 TexReg 8201; amended to be effective March 4, 2015, 40 TexReg 926; amended to be effective November 25, 2015, 40 TexReg 8208; amended to be effective February 28, 2018, 43 TexReg 1084; amended to be effective August 27, 2018, 43 TexReg 5512

## §22.264 ALLOCATION AND DISBURSEMENT OF FUNDS - PUBLIC TECHNICAL AND STATE COLLEGES

(a) Allocations for public technical colleges and public state colleges for Fiscal Year 2016 and Later. Allocations are to be determined on an annual basis as follows:

(1) The allocation base for each eligible institution will be the number of students it reported in the most recent certified Financial Aid Database submission who met the following criteria:

(A) were classified as Texas residents;

(B) were enrolled as undergraduates half-time, three-quarter time, or full-time; and

(C) have a 9-month Expected Family Contribution, calculated using federal methodology, less than or equal to the Federal Pell Grant eligibility cap for the year reported in the Financial Aid Database submission.

(2) Each institution's percent of the available funds will equal its percent of the state-wide need as determined by multiplying each institution's enrollments by the respective award maximums of students who meet the criteria in subsection paragraph (1) of this subsection.

(3) Beginning with allocations for Fiscal Year 2020, allocations for both years of the state appropriations' biennium will be completed at the same time. The three most recent certified Financial Aid Database submissions will be utilized to forecast the data utilized in the calculation of the allocation for the second year of the biennium. Institutions will receive notification of their allocations for both years of the biennium at the same time.

(4) 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.

(b) Disbursement of Funds to Institutions. As requested by institutions throughout the academic year, the Board shall forward to each participating institution a portion of its allocation of funds for timely disbursement to students. Institutions will have until the close of business on August 1, or the first working day thereafter if it falls on a weekend or holiday, to encumber program funds from their allocation. After that date, institutions lose claim to any funds in the current fiscal year not yet drawn down from the Board for timely disbursement to students. Funds released in this manner in the first year of the biennium become available to the institution for use in the second year of the biennium. Funds released in this manner in the second year of the biennium become available to the Board for utilization in grant processing. Should these unspent funds result in additional funding available for the next biennium's program, revised allocations, calculated according to the allocation methodology outlined in this rule, will be issued to participating institutions during the fall semester.

(c) Reductions in Funding.

(1) If annual funding for the program is reduced after the start of a fiscal year, the Board may take steps to help distribute the impact of reduced funding across all participating institutions by an across-the-board percentage decrease in all institutions' allocations.

(2) If annual funding is reduced prior to the start of a fiscal year, the Board may recalculate the allocations according to the allocation methodology outlined in this rule for the affected fiscal year based on available dollars.

**Source Note:** The provisions of this §22.264 adopted to be effective August 27, 2018, 43 TexReg 5512

## §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.

**Source Note:** The provisions of this §22.265 adopted to be effective August 27, 2018, 43 TexReg 5513