

COLLEGE CHARGES COVERED

1. What charges are covered? The Hazlewood Act exempts qualified dependent children of certain deceased veterans taking classes at public institutions of higher education in Texas from all tuition and fee charges, except property deposit fees and student services fees. The non-exempted student services fees are those specifically named as student service fees in statute. Charges for continuing education classes are not covered UNLESS the college receives tax support for offering the class OR the college has chosen to waive charges for continuing education classes EVEN THOUGH the state allows them to refuse benefits.

2. What charges are not covered? Books, supplies, and living expenses are not covered, nor are property deposit and student services fees.

3. Does the Hazlewood Act cover teacher certification fees? No. The teacher certification fee is not an institutional fee. It is a fee required by the State Board for Educator Certification and is paid directly to that board.

4. Does the Hazlewood Act cover credit by examination? Since Texas Education Code, 54.203 (a) refers to an exemption from “all dues, fees, and charges...” the exemption would include charges for credit by examination.

DEPENDENTS AND RESIDENCY

5. Which dependents may qualify for Hazlewood Act benefits? Dependent children of veterans who die in the line of duty or as a result of injury or illness directly related to military service are eligible for Hazlewood Act benefits. The student will need to provide official military documentation indicating he or she meets the requirement.

6. Does the Hazlewood Act provide benefits to the spouses of veterans? No. It provides benefits to the dependent children of a veteran, but only if the veteran is killed during active military duty or dies as a result of illness or injury directly related to military service.

7. Would a veteran who was a dependent when his/her parents moved to Texas and who shortly thereafter entered the military be eligible? The veteran, to be eligible, must have been a resident of Texas at the time he/she enlisted. The residence of a dependent child is that of the parents, but parents who move to Texas would not be considered Texas residents for tuition purposes until they had been in the state 12 months. If a veteran who, as a dependent, enlisted in fewer than 12 months after his/her parents move to Texas, he or she would not have been a resident of Texas at the time of enlistment and is, therefore, not eligible for Hazlewood Act benefits.

8. Does the dependent child of a deceased veteran using Hazlewood Act benefits have to be a Texas resident at the time he/she uses the benefits? Yes. The dependent child must be a resident of Texas. He/she must have resided in the state for at least 12 consecutive months immediately preceding the date of registration.

9. If the dependent child of a deceased veteran wants to use Hazlewood Act benefits, must the parent have entered the service as a Texas resident? Yes. The Hazlewood Act benefit was designed to provide assistance to Texas veterans and the dependent children of certain deceased veterans.

10. Can the dependent children of a member of the Texas National Guard who is killed in the line of duty use the Hazlewood benefit? Yes. The Hazlewood Act benefit for dependent children is extended to the dependent children of Texas National Guardsmen killed in the line of duty while serving either the State of Texas or the United States.

DISABLED VETERANS

11. Does the Hazlewood Act provide benefits to injured/ disabled veterans? Yes, but only if they meet all other program requirements.

DISCHARGE ISSUES

12. Does a veteran have to show his DD214 to qualify? The form itself is not necessary. But, the

veteran must provide official military documentation to prove his/ her eligibility for the Hazlewood Act exemptions.

13. What is acceptable discharge language related to the phrase “under honorable conditions”? We are not in a position to predict how the military might word its discharge papers. Discharges that have been characterized as “honorable” or “general, under honorable conditions” are legally acceptable. If other wording is used and you are unsure of its meaning, you may contact the Texas Veteran’s Commission at 512/463-5538.

14. What is the current status of the debate about honorable discharge and honorable separation from active duty? In September 1996, the Texas Attorney General issued an opinion that military personnel honorably separated after being on active duty may qualify for the Hazlewood Act exemption if they meet other program requirements.

LENGTH OF ACTIVE MILITARY DUTY

15. Is the required amount of active service still 180 days? Are there any exceptions? The requirement remains 180 days of active military service, excluding training, for the veteran. There are exceptions: veterans who completed all of their duty prior to the conclusion of the Korean War. If the applicant is the dependent child of a veteran who dies in the line of duty, the active duty time of the veteran may be fewer than the required 180 days.

16. If a veteran served less than 180 days of active duty when he or she entered the service as a Texas resident, but had previously participated in active duty in the armed forces, could periods of service be combined to meet the 180-day requirement?

Yes. The law requires 180 days of active duty beyond training. It does not indicate this duty time all has to fall in the period of service after entering as a Texas resident.

MILITARY DUTY ISSUES

17. Can service in the Texas National Guard qualify an individual for Hazlewood benefits? No.

The Hazlewood Act benefit is for veterans who served in the armed forces of the United States. The National Guard is a state unit. However, an individual in the National Guard who is called into active duty by a branch of the United States armed forces serves at least 180 days of active duty (excluding training) and meets all other program requirements may qualify for Hazlewood benefits.

18. Can men/women who served in Operation Desert Storm qualify for Hazlewood Act benefits?

Yes, as long as they meet all of the program requirements, including 180 days of active military duty, excluding training.

RESIDENCY OF VETERANS

19. Can a veteran whose point of entry is another state qualify for Hazlewood Act benefits if he/she was a Texas resident at that time? Yes. He/she must prove to the college or university that he/she was a Texas resident at the time of entry into military service.

20. If the veteran is now a Texas resident but was not a resident at the time of entering the service, can he/ she qualify for Hazlewood Act benefits?

No. The veteran must have been a resident of Texas at the time he/she entered the service.

21. If someone entered the service from another state but then became a Texas resident, could he/she use the Hazlewood Act benefit? No. The veteran must have been a Texas resident when he/she entered the service.

22. If someone re-enlists after living in Texas 12 months, can he/she be eligible for Hazlewood Act benefits? Only if the person was out of the military and living in Texas long enough to establish Texas residence (i.e., 12 months). If the person was in Texas part of the 12 months simply because he/she was stationed here at the end of the previous enlistment period, the months while stationed here do NOT count toward the establishment of residence in Texas for the subsequent enlistment.

STUDENT FINANCIAL AID & THE ACT

23. If a veteran is enrolled in a program that disqualifies him/her from receiving the Federal PELL Grant, can Hazlewood Act benefits be awarded? Yes, as long as the program is not an ineligible continuing education course.

24. If PELL and SEOG funds are not available in the summer, can the veteran use Hazlewood Act benefits even though he/she qualifies for PELL and SEOG during other terms? Yes. The purpose of the state's restriction is to avoid "double dipping" if federal funds are available. In this case, they are not available. Therefore, Hazlewood Act benefits are a valid option.

25. If a Federal PELL award is processed after the beginning of a semester and funds are received after the awarding of a Hazlewood Act exemption, must the appropriate amount of PELL be applied to the student's tuition and fees? Yes. The size of a veteran's Hazlewood Act exemption is limited by his/her Federal PELL or SEOG award. If federal education benefits such as these are received after an exemption is awarded, the exemption must be decreased proportionately. The veteran must reimburse the college or university in a timely manner. Current procedures require tuition payments nullified by checks that fail to clear the bank to be reimbursed within 10 days. This would also appear to be an appropriate time frame for reimbursement to the college or university for the Hazlewood Act exemption once a PELL or SEOG disbursement can be made.

26. Do federal education loans or federal work-study benefits qualify as federal education benefits? No. The Federal PELL and SEOG qualify as federal education benefits. Federal education loans and federal work-study programs do not.

27. If a Texas veteran has defaulted on an education loan through a loan program in another state, would he/she be eligible for an exemption? A default on a nonfederal education loan authorized by

the legislature of another state and administered by that state is not a basis for denying the Hazlewood Act benefit. A veteran who has defaulted on any federal education loan and who has lost eligibility for Federal PELL and SEOG as a result of that federal loan default is disqualified from receiving Hazlewood Act benefits. A portion of the law indicates that defaulted loans made or guaranteed by the State of Texas also disqualify a veteran from Hazlewood Act benefits. This portion of the law relates to defaults on education loans authorized by the Texas Legislature and administered by the State of Texas. Currently, the state loans to which this provision applies are the: Hinson-Hazlewood Stafford Loans, Hinson-Hazlewood Health Education Loans (HELP), Hinson-Hazlewood College Access Loans (CAL), and uninsured Texas Opportunity Plan Loans (TOP) administered by the Texas Higher Education Coordinating Board.

28. Will individuals in default on a federal or state student loan be eligible to use the Hazlewood Act benefits for non-credit courses? If a veteran has a default which would exclude him/her from Hazlewood Act benefits that exclusion would apply no matter what type of classes are taken.

29. If a veteran receives Hazlewood Act benefits and it is later discovered that he/she defaulted on an applicable federal or state loan, does he/she have to pay the money to the school? If the veteran signs a statement that he/she is not in default of any federal education loan or any education loan made or guaranteed by the State of Texas and is later found to be in default, the school may require repayment of tuition and appropriate fees from the veteran.

30. If a student is in default on a PLUS loan, can he/she receive Hazlewood Act benefits? PLUS loans are taken out by the parents of students. If the parents default on their child's PLUS loan, the child is not in default. This default status does NOT have an impact on the student's eligibility for Hazlewood Act benefits.

TYPES OF COURSES COVERED

31. Will the Hazlewood Act benefits pay for continuing education classes? Institutions are NOT required to offer Hazlewood Act benefits to veterans enrolled in continuing education classes for which the college or university receives no formula funding (tax support). However, the college or university may choose to permit this option if it CHOOSE.

32. Can Hazlewood Act benefits be used for graduate school? Yes. Hazlewood Act benefits may be used for graduate studies, including law school or any other program of study at public institutions (other than continuing education) if the veteran has not accumulated 150 credit hours using Hazlewood Act benefits since fall 1995.

33. Can veterans who are concurrently enrolled in more than one college or university (in the same semester) receive Hazlewood Act benefits? Yes. But each college and university granting Hazlewood Act benefits must document the veteran's eligibility and must observe the 150-hour limit.

34. Can the Hazlewood Exemption be used to pay for courses taken via distance education?

(Correspondence, web-based, ITV, etc.) The Hazlewood Program requires students to be Texas residents at the time they use the program. If a student is taking a class through distance education and is living in another state, he/she probably cannot meet this requirement. However, if an otherwise eligible student living in Texas takes a distance education course from a Texas public institution of higher education, Hazlewood should be an option. There is nothing in the Hazlewood statute that limits the means by which a course is being taught.

35. Are correspondence courses covered by the Hazlewood Act? Classes offered as correspondence courses can only be covered by Hazlewood Act benefits if the courses apply towards the veteran's degree plan.

36. Are aircraft flight training courses covered by the Hazlewood Act? Each school must decide this.

The school's governing board may choose not to provide Hazlewood Act benefits for a course fee or training fee charged a veteran by the college to cover the flight time costs associated with a course in aircraft flight training. This is true to the extent those costs are incurred by a veteran (1) who does not have a private pilot rating or (2) who has a private pilot rating but is not actively seeking to fulfill the requirements of the Federal Aviation Administration for an additional certification or rating.