

TXD V400.6 P191 2007/NO.4

Texas Veterans Commission pamphlet



**Texas
Veterans
Commission**

PAMPHLET
No. 4, July/August 2007

**HAZLEWOOD ACT:
Frequently Asked
Questions**

THE UNIVERSITY OF TEXAS-PAN AMERICAN



0 1161 0723 4977

FOREWORD

The following is an updated version of the Hazlewood Act: Frequently Asked Questions pamphlet. The 80th Legislature of the State of Texas passed two bills that incorporated changes to the provisions of the Hazelwood Act which affect allowable benefits.

- House Bill 125 extends the program to the children of Texas veterans who “became totally disabled for purposes of employability . . . as a result of a service-related injury.” (Effective 6/16/07).
- Senate Bill 1640 entitles veterans and dependents to “stack” federal and state (Hazlewood Act) benefits. (Effective with tuition and fee payments for fall 2007).

Further explanation of these changes is included in the answers following the frequently asked questions. Please read this information carefully as it is very important to understand the impact these changes may have on assisting Texas veterans and their children in obtaining educational benefits to which they may be entitled.

U.S. GOVERNMENT DOCUMENT
DEPOSITORY LIBRARY NO. 610

DEC 12 2007

UNIVERSITY OF TEXAS PAN AMERICAN
EDINBURG, TEXAS 78539-2999

TEXAS STATE DOCUMENT
UNIVERSITY OF TEXAS PAN AMERICAN
EDINBURG, TEXAS 78539-2999



Table of Contents

College Charges Covered	1
Dependents and Residency	1
Disabled Veterans	3
Discharge Issues	3
Length of Active Military Duty	4
Military Duty Issues	5
Residency of Veteran.....	5
Student Financial Aid.....	6
Types of Courses Covered	8
Recording Information	9



HAZLEWOOD ACT:

Frequently Asked Questions

COLLEGE CHARGES COVERED

1. *What charges are covered?*

The Hazlewood Act exempts qualified students taking classes at public institutions of higher education in Texas from all tuition and fee charges, but does not include property deposits or student services fees.

2. *What charges are not covered?*

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

3. *What is the maximum amount of credit hours that can be attempted using the Hazlewood Act exemption?*

A student using the Hazlewood benefit can attempt no more than 150 credit hours.

4. *How does the exemption work? Will I get a check in the mail for tuition?*

The Hazlewood Act is an exemption from the payment of tuition and most fees. There is no money exchanging hands with this benefit. The institution the student attends absorbs the cost of tuition and some fees for that student.

DEPENDENTS AND RESIDENCY

5. *Which dependents may qualify for Hazlewood Act benefits?*

Children of service members who are killed in the line of duty or who die as a result of injury or illness directly related to military service are eligible for Hazlewood Act benefits providing the child was a dependent of the Texas veteran parent at the time he/she



died. The student will need to provide official military documentation indicating he/she meets the requirement.

Effective June 16, 2007, children of Texas service members who receive 100% VA disability benefits as a result of being individually unemployable are also eligible for Hazlewood Act benefits. The student will need to provide official documentation from the Department of Veterans Affairs indicating that the service member has a 100% individual unemployability rating. In addition, the child must have been a dependent of the service member when the service member sustained the disabling injury or when the service member was declared to be unemployable by the VA.

6. *Does the Hazlewood Act provide benefits to the spouses of veterans?*

No. It only provides benefits to the dependent children noted in questions 5 and 10.

7. *Would a veteran who was a dependent when his/her parents moved to Texas and who shortly thereafter entered the service be eligible?*

To be eligible, the veteran 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 benefit?*

Yes. The dependent child must be classified by the institution of higher education as a resident of Texas for the term/semester for which he/she applies for the exemption.

9. *If the dependent child of a deceased veteran wants to use the Hazlewood Act benefit, 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 Texas veterans.

10. Can the dependent children of a member of the Texas National Guard use the Hazlewood benefit?

Yes. The Hazlewood Act benefit is extended to the dependent children of Texas National Guardsmen and Texas Air National Guardsmen killed in the line of duty since January 1, 1946, while serving the State of Texas or the United States or who are totally disabled for purposes of employability according to the disability ratings of the Department of Veterans Affairs, regardless of whether the members are eligible to receive disability benefits from the department.

DISABLED VETERANS

11. Does the Hazlewood Act provide benefits to injured/disabled veterans?

Yes. The Hazlewood Act is available to all veterans who meet the program requirements, regardless of injury or disability.

DISCHARGE ISSUES

12. Does a veteran have to show his/her DD214 to qualify?

Though not required, the DD214 is the preferred form used by institutions. The veteran must provide official military documentation to prove eligibility for the Hazlewood Act exemption.

13. I can't find my DD214. Where can I get a new copy?

You can obtain a copy of your DD214 from the National Personnel Records Center in St. Louis, Missouri. The fastest way to obtain a copy is to submit your request via the NPRC website at www.archives.gov/veterans/military-service-records/get-service-records.html. You can also make your request via mail by sending in a Standard Form 180, which can be obtained by calling the Texas Veterans Commission at 1-800-252-VETS (8387).



14. What is acceptable discharge language related to the phrase “under honorable conditions”?

Discharges that have been characterized as “honorable” or “general, under honorable conditions” are legally acceptable for qualifying for the Hazlewood Act exemption. If other wording is used and you are unsure of its meaning, please contact the Texas Veterans Commission.

15. My discharge is listed as “other than honorable.” Can I use the Hazlewood exemption?

No. You must have a discharge of “honorable” or “general, under honorable conditions.” You can make a request to have your discharge status upgraded. For information, contact the Texas Veterans Commission.

16. My military documents state I have an “honorable separation” as opposed to an “honorable discharge”. Can I still qualify for Hazlewood Act benefits?

Yes. 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

17. Is the required amount of active service still 181 days? Are there any exceptions?

The requirement is “more than 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 181 days.

18. If a veteran served less than 181 days of active duty service 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 181-day requirement?



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

MILITARY DUTY ISSUES

19. *Can service in the Texas National Guard qualify an individual for Hazlewood Act 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 service by a branch of the United States Armed Forces who serves at least 181 days (excluding training) and meets all other program requirements may qualify for Hazlewood Act benefits.

20. *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 181 days of active military duty, excluding training.

RESIDENCY OF VETERAN

21. *Can a veteran whose place of entry is another state qualify for Hazlewood Act benefits if he/she was a Texas resident at the time of entry?*

Yes. The veteran must prove to the institution that he/she was a resident of Texas at the time of entry into military service.

22. *Does an individual have to be a U.S. citizen when he/she enters service in order to receive Hazelwood Act benefits?*

Yes. A recent Texas Attorney General opinion indicated that U.S. citizenship at time of entry into service is a program requirement.

23. *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 military service.

24. *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 at the time he/she entered military service.

25. *If someone from another state re-enlists after establishing residency in Texas, can he/she be eligible for Hazlewood Act benefits?*

Yes, but only if he/she was out of the military and living in Texas long enough to establish Texas residency (12 months). The person would then have to re-enter as a Texas resident and meet the 181-day active duty service requirement. If the person was in Texas simply because he/she was stationed here at the end of previous enlistment period, the time while stationed here does NOT count toward the establishment of residence in Texas for the subsequent enlistment.

STUDENT FINANCIAL AID

26. *Is financial need an eligibility requirement?*

No. Hazlewood Act benefits are awarded regardless of financial need.

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 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: Hinson-Hazlewood Stafford Loans, Hinson-Hazlewood Health Education Loans (HELP), Hinson-Hazlewood College Access Loans (CAL), uninsured Texas Opportunity Plan Loans (TOP) and the Texas B-On-Time Student Loan 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 types 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 reimburse the school for the classes taken with the exemption?*

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 can require repayment of tuition and appropriate fees.

30. *If a student is in default on a PLUS loan, can he or 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.

31. *Is it possible to receive the Hazlewood Act benefits and federal VA educational benefits concurrently?*

Effective with tuition and fee payments for fall 2007, students may receive both benefits concurrently if the federal VA benefits do not equal or exceed the Hazlewood exemption value. If the federal VA benefits do not equal or exceed the Hazlewood exemption value, the student may receive a Hazlewood exemption that equals the difference between the total tuition and fees (including student property deposit, student services, and all other fees) and the federal VA benefits. Students must provide copies of the official written notice (award letter) from the VA indicating the student's monthly rate of payment, the inclusive

dates of payment, and the remaining entitlement at the end of the award period.

TYPES OF COURSES COVERED

32. *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.

33. *Does the Hazlewood Act cover credit by examination?*

Yes. 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.

34. *Will 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.

35. *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 of 1995.

36. *Can veterans who are concurrently enrolled in more than one college or university (in the same semester) receive Hazlewood Act benefits for both schools?*

Yes. But each college/university granting Hazlewood Act benefits must document the veteran's eligibility and must observe the 150-hour limit.

37. *Can the Hazlewood exemption be used to pay for courses taken via distance education (correspondence, web-based, ITV, etc.)?*

There is nothing in the Hazlewood statute that limits the means by which a course is being taught, although correspondence courses can ONLY be covered by the Hazlewood benefit if the course applies to the veterans' degree plan. An otherwise eligible student living in Texas who takes a distance education course from a Texas public institution of higher education could use the Hazlewood exemption. A student taking a class through distance education and living in another state generally cannot meet the program's residency requirement. The Hazlewood benefit requires students to be Texas residents at the time they use the program. However, an otherwise eligible person who is temporarily out of state but still classified by the institution as a resident could use the exemption for distance education courses.

38. *Are aircraft training courses covered by the Hazlewood Act?*

Yes, but each school must decide the extent to which this is true. The governing board of a junior or community college may establish a fee for extraordinary costs associated with a specific course or program such as flight training, diesel mechanics or other classes in which fees are higher than that of a normal class.

RECORDING INFORMATION

39. *What information will be made available upon signing the release form?*

All students using the Hazlewood Act benefit are required to sign a release form which allows the Texas Higher Education Coordinating Board, along with any institution the veteran may attend, access to the number of credit hours attempted in the current and previous years.

40. *How will the Hazlewood credit hours attempted be tracked and recorded?*

The governing board of each institution shall report to the Texas Higher Education Coordinating Board information relating to each individual receiving an exemption from fees and charges through the Hazlewood Act benefit.

*Texas Veterans Commission
Headquarters
P.O. Box 12277
Austin, Texas 78711-2277*

**PRSR STD
U.S. POSTAGE PD.
AUSTIN, TEXAS
PERMIT NO. 520**

**www.tvc.state.tx.us info@tvc.state.tx.us
*VETERANS' HOTLINE: 1-800-252-VETS (8387)***

The Texas Veterans Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or providing services.