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## Community College Enrollment Guide

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July 1997

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## Introduction

The *Community/Junior and Technical College Enrollment Audit Guide* was prepared to offer a source of useful information to community colleges regarding the reporting of contact hours. This guide includes relevant rules and regulations, statements of opinion, current funding rates, audit programs, and other general information.

Recent legislation greatly impacted the scope of the State Auditor's Office biennial Community College Enrollment Audit. The 75th Legislature expressed its intent to lessen the rigid level of compliance the community colleges have been held to in the past by allowing a maximum error rate of two percent. Past performance indicates that the community colleges consistently achieve an error rate much lower than two percent.

As the scope of the biennial Community College Enrollment Audit decreases, the significance of self-monitoring increases. Colleges must accept more responsibility in ensuring that contact hour information is correctly reported. The *Community/Junior and Technical College Enrollment Audit Guide* was prepared to provide colleges with necessary information regarding accurate reporting of contact hours.

The information contained within was initially developed for the base period ending Spring 1997. Rules and regulations governing contact hour funding change periodically. We have tried to note and incorporate many of the changes that will affect future base periods. Institutions may contact the Texas Higher Education Coordinating Board for the most current requirements.

Section 1:

## Overview of the Community College Enrollment Audit

Section 1-A:

### History of Enrollment Audit

Since the 1960s, the General Appropriations Act has included a rider directing the State Auditor to audit the accuracy of the contact hours submitted by the colleges to the Texas Higher Education Coordinating Board (Coordinating Board). Contact hours are used to generate the appropriations request.

In the late 1980s, legislation directed the State Auditor to audit the contact hours submitted for funding by the Lamar University vocational/technical education programs and Texas State Technical College.

The State Auditor works with the Coordinating Board and the Legislative Budget Board to develop the audit scope and identify relevant issues that may warrant audit procedures. In 1997 the Legislature agreed to allow institutions a maximum error rate of two percent. This decreased the scope of the 1997 Community College Enrollment Audit, and therefore increased the importance of self-monitoring.

Section 1-B:

## **Background**

There are 56 entities that receive state appropriations based on their student enrollment:

- 50 public community/junior college districts
- 3 Texas State Technical College campuses
- 3 Lamar University campuses

These appropriations provide administrative and instructional services for postsecondary academic and vocational/technical education. These community colleges are governed by locally elected boards that have the authority to levy property taxes in their districts to support the college. Lamar University and Texas State Technical College both have boards appointed by the Governor.

To qualify for state funding, these college districts are required to comply with the Coordinating Board Rules and Regulations found in the Texas Administrative Code (see Appendix 7); riders in the General Appropriations Act, Article III; and provisions of the Texas Education Code.

The General Appropriations Act, 75th Legislature, includes the following riders which relate to reporting, adjustment, and audits of contact hour accuracy:

- Article III-187, Item 4, Audit of Compliance (Public Community/Junior Colleges)
- Article III-188, Item 8, Adjustment of Contact Hours (Public Community/Junior Colleges)
- Article III-200, Item 10, Audit of Base Contact Hours (Texas State Technical Colleges)
- Article III-131, Item 3, Audit of Base Period Contact Hours at the Lamar Centers

(See Appendix 1 for text of the riders.)

Section 1-C:

## **Reporting of Contact Hours**

Community colleges receive funding based on the number of contact hours taught. Each hour that a faculty member spends teaching one student is one contact hour. Total contact hours are reported to the Texas Higher Education Coordinating Board for each semester. The Legislature then determines each institution's biennial appropriations based on the amount of contact hours reported in the base period. The following reports are used to submit contact hour information to the Coordinating Board:

- **Student Report - CBM-001** - This report will reflect all students enrolled at the reporting institution in semester-length courses (for which semester credit hours are awarded) as of the official reporting date, which is the 12th class day for the fall and spring semesters (16-week sessions) and the 4th class day for each of the summer terms (6-week sessions).
- **Class Report - CBM-004** - This report contains enrollment data for all classes in Coordinating Board-approved (academic and technical) semester-length courses (for which semester credit hours are awarded), and includes only those students who are bona fide registrants as reported on the CBM-001. The official reporting dates are the 12th class day for the fall and spring semesters and the 4th class day for each summer session. Students who withdraw from a class on or before the census date will not be included in this report.
- **Quarterly Class Report - CBM-00C** - All students enrolled in Coordinating Board-approved courses which are not semester-length, regardless of length, will be reported on CBM-00C, which is submitted quarterly (see Table 1). This includes all courses approved in regular block time programs listed on the regular technical course list, all approved adult vocational courses listed on the adult course list, and adult courses in the current *Common Course Manual*.

Table 1

Quarter	Time Period	Due Date
First Quarter	September 1 - November 30	December 15
Second Quarter	December 1 - February 28	March 15
Third Quarter	March 1 - May 31	June 15
Fourth Quarter	June 1 - August 31	September 15

#### Base Period

Each biennium the Legislature determines community college appropriations based on the amount of contact hours reported in a base period. For semester-length courses the base period begins with the first summer session and ends with the spring semester prior to the beginning of the biennium. The base period for clock hour or quarterly courses lasts from March to February prior to the beginning of the biennium:

- The contact hour base period for reporting and computing academic contact hours and semester-length vocational/technical contact hours for the 1998-1999 appropriations consists of Summer Sessions 1996, Fall Session 1996, and Spring Session 1997.
- The contact hour base period used for reporting and computing clock hour/block time vocational/technical contact hours is based on quarterly terms. The quarters used for the 1998-1999 appropriations are March through May

1996, June through August 1996, September through November 1996, and December 1996 through February 1997.

### Reporting Class Hours

All of the class contact hours for classes with fewer than 18 weeks of scheduled meetings will be reported in the quarter in which the official reporting date occurs.

Class contact hours for classes with scheduled meetings extending over a period of 18 or more weeks will be reported in two or more quarters. The class hours of each quarter will reflect only the number of contact hours of the scheduled meetings for the quarter.

Section 1-D:

### Changes to Rules and Regulations Which Impact Future Base Periods

The information in this guide contains the rules and regulations that are current for the base period ending Spring 1997. It is the colleges' responsibility to ensure that they become aware of changes to these requirements for future base periods.

Some changes enacted by the 75th Legislature will impact future base periods but are not reflected in this guide. They include, but are not limited to, changes in:

- **Texas Education Code Section 54.007, Option to Pay Tuition by Installment** - This change requires institutions of higher education to provide for payment of tuition and fees during the Fall and Spring semesters through installments. This change is effective beginning with tuition and fees imposed for the 1997 Fall semester.
- **Texas Education Code Sections 54.060(b), 54.060(c), 54.064, 54.203(g), 54.2041, 54.211, 54.214, 54.545(c), and 130.0032** - Some minor changes have been made to tuition and fee exemptions and waiver requirements.
- **Texas Education Code Section 51.306, Texas Academic Skills Program** - Subsection (b) requires a student to be tested for reading, writing, and mathematics prior to enrolling in any coursework (effective Fall 1998); subsection (h) limits state funding of developmental coursework to 27 semester credit hours; subsections (l) and (m) lower the minimal scores (which allow exemptions from TASP) on the TAAS, ACT, and SAT.

## Attributes of Contact Hour Reporting

Accurate reporting of contact hours requires compliance with a number of attributes. Institutions should ensure that they are in compliance in the following areas, if applicable, for each contact hour reported:

- Class Size
- Admissions
- Texas Academic Skills Program (TASP)
- Residency
- Tuition Exemption/Waivers
- Payment of Tuition By ORD
- Contracted Classes
- Add/Drops and Withdrawal Refunds

Section 2-A:

### Class Size

This test is used to determine whether the institution is reporting excess enrollment to the Coordinating Board. Since each additional student reported on the CBM-004 and the CBM-00C results in additional appropriations, institutions must verify that the correct number of students reported on the CBM-004 and the CBM-00C reports correspond to the number of students on the official class roster.

If the number of students reported on the CBM report does not tie to the number of students on the official class roster, funding relating to those contact hours should be adjusted. For example, if a college reports 25 students on the CBM report and the official class roster documents 23 students, it will be necessary to decrease the amount reported by 2 students.

Section 2-B:

### Admissions

Under requirements of the Coordinating Board Rules and Regulations, Section 9.92, only those students who fulfill admission requirements and are enrolled in courses formally approved may be counted in determining the student contact hours for appropriation purposes. Section 9.63 establishes the minimum admission criteria.

In most circumstances you would expect that the student tested has either graduated from an accredited high school, completed the general education development (GED) testing, or transferred from another college. The student's file should be reviewed to verify that he or she was admitted according to the requirements set forth in Section 9.63.

The Coordinating Board has determined that a grace period of one semester may be granted to students in relation to admissions requirements. Each student may enroll for

one semester prior to submitting the documentation necessary to meet admission requirements. A student may not be enrolled and reported in a subsequent semester until the required documentation is provided to the institution.

Admissions requirements are not applicable to continuing education courses.

Section 2-C:

### **TASP - Texas Academic Skills Program**

The Coordinating Board Rules and Regulations, Subchapter P, Section 5.313 requires most students who entered public institutions of higher education in the Fall of 1989 and thereafter to be tested for reading, writing, and mathematics skills. Those students not exempt from taking the TASP test are required to meet minimum performance standards. Those students that do not meet the minimum standards must participate in a remediation program. Student records will be reviewed to ensure that the student passed the TASP test, is in remediation, or has a valid exemption which is adequately documented.

The Coordinating Board Rules and Regulations, Subchapter P, Sections 5.311 through 5.318 delineate policies relating to the Texas Academic Skills Program in accordance with Texas Education Code, Section 51.306. Information in this guide is based on TASP regulations in effect for the Summer 1996 through Spring 1997 base period. Refer to the most recent *Texas Academic Skills Program Policy Manual* for current information.

TASP requirements are not applicable to continuing education courses.

Section 2-D:

### **Residency Status**

In order to properly assess tuition rates, colleges must identify each student as a “resident” or a “nonresident.” According to the Coordinating Board Rules and Regulations, Sections 21.21-21.41, individuals who move into the State and who are gainfully employed within the State for 12 months prior to enrolling in an institution of higher education are entitled to classification as residents. Also, Texas Education Code, Section 54.0521 states that an individual must sign an oath of residency in order to pay the tuition rate for residents.

A set of core questions has been approved by the Coordinating Board and the State Auditor's Office to be used during registration to document a student's residency status. If questions arise based on the student's answers to the core questions, the institution is obligated to take additional steps to appropriately determine and document the student's residency status.

There are no residency requirements for regular continuing education courses. However, according to Coordinating Board Rules and Regulations Section 9.194(5), *contract courses* for which credits or CEUs (continuing education unit) are earned are subject to residency requirements.

Section 2-E:

### **Tuition Exemptions and Waivers**

Students receiving tuition exemptions are not required to pay tuition charges. Tuition waivers allow a nonresident student to pay resident tuition. Tuition exemptions and waivers should only be granted if the basis for the exemption or waiver is proper and documentation is maintained.

Section 2-F:

### **Payment of Proper Tuition By the Official Reporting Date (ORD)**

The Coordinating Board Rules and Regulations, Subchapter A, Section 21.4 states:

On or before the dates for reporting official enrollments to the Texas Higher Education Coordinating Board each enrollment period, each institution of higher education shall collect in full from each student that is to be counted for state aid purposes the amounts set as tuition by state law or by the respective governing boards. Valid contracts with the United States government for instruction of eligible military personnel, approved financial assistance, and valid contracts with private business and public service-type organizations or institutions such as hospitals, may be considered as collections thereunder, but subject to adjustments after final payment thereof.

Collection is usually verified by documentation of a paid receipt. Institutions should ensure that 100 percent of tuition was paid on or before the ORD (this would not include fees).

If the collection is through a valid accounts receivable, it is expected that this accounts receivable is ultimately collected and not written off or eliminated. For some federal grants which are applied to tuition, if the student never attends class, funds are submitted back to the Federal Government. In this case, the student should also be subsequently removed from being claimed for funding.

For the base period ending Spring 1997, only Texas State Technical College and Lamar University campuses could allow students to pay on an installment plan. Effective Fall 1997, all institutions of higher education will provide the option of paying tuition by installment. In such cases *50 percent of tuition and fees* must be collected by the ORD.

**Determination of Official Reporting Date** - Tuition must be collected on or before the official reporting date (sometimes referred to as the official census date).

A fall or spring semester will normally include at least 15 weeks for instruction and one week for final examinations, for a total of 16 weeks. Each of the two summer terms shall include no less than 5½ calendar weeks including registration, instruction, and final examinations.

Institutions may schedule enrollment periods different from the standard periods noted above. Regardless of the length of the term, however, only those contact hours actually scheduled (and not exceeding the maximum approved contact hours) may be reported on the CBM-004.

The count of class days begins as of the first day of classes held in the term and includes each calendar day on which that class is normally held at the institution (Monday through Friday, excluding holidays and days the campus is officially closed) until the official reporting date is reached.

See Table 2 for official reporting dated for courses reported on the CBM-004.

Table 2

Length of Term in Weeks	ORD is Class Day Number
2 or less	1
3	2
4	3
5-6	4
7	5
8	6
9-10	7
11	8
12	9
13-14	10
15	11
16	12

For CBM-00C courses the third class meeting is the official reporting date for all students enrolled in classes that have three or more scheduled class meetings. If there are less than three class days the last class meeting should be considered the official reporting date.

**Classes Organized After the Official Reporting Date (Flexible Entry Classes)** - Enrollments in classes organized after the official reporting date (flexible entry classes) should be included in the data submitted in the following semester. Any student enrolled as of the official reporting date who subsequently enrolls in a flexible entry class organized in the same semester must be assessed tuition and fees as though another class was being added to the student's current load.

Classes organized after the twelfth class day of the fall semester, for example, will be reported in the subsequent spring semester CBM-004 report; classes organized after the twelfth class day of the spring semester will be reported in the subsequent first summer session, etc. The official reporting date for a flexible entry class is calculated according to the procedures described for the CBM-00C.

Section 2-G:

## **Contracted Classes**

According to the Coordinating Board Rules and Regulations, Section 9.192(b), contract courses must be under the sole and direct control of the institution and must be taught by an instructor who meets the institutional requirements for instructors. Also, a contractual agreement for the course must be documented.

For each contract course, the institution should ensure that it has documentation of a valid contract which specifies the work to be performed, the period of the agreement, and the conditions under which any renewal or renegotiation will occur. In addition, the college should ensure that the instructor meets the minimum qualifications required.

Section 2-H:

## **Adds/Drops and Refunds**

Only those students enrolled on or before the official reporting date may be reported for contact hour funding. Therefore, students who add classes after the ORD and students who drop classes prior to the ORD may not be reported for funding. Institutions should review add/drop documentation and ensure that only those students officially enrolled on the ORD are reported.

The Coordinating Board Rules and Regulations, Section 21.5, requires that community colleges refund mandatory fees and tuition collected for courses from which students drop or withdraw as soon as practical. This section includes a schedule the colleges should use to determine the proper amount to refund.

In regards to the new policy effective beginning in the Fall 1996 semester, the Coordinating Board has made two significant statements:

- The Texas Higher Education Coordinating Board does view refunding 100 percent to a student for a class dropped on or prior to the census date as meeting the 70 percent refund requirement of its rules.
- Also, prior to the census date, community and technical colleges may allow hours to be dropped and re-added without penalty to the student if the exchange is an equal one. When the charges for dropped hours are greater than for the hours added, the refund policy is to be applied to the net charges being dropped. If the charges for hours being added exceed the charges for hours being dropped, the student would pay the net additional charges.

Separate refund schedules may be established for optional fees such as intercollegiate athletics, cultural entertainment, parking, and yearbooks.

Tuition and fees paid directly to the institution by a sponsor, donor, or scholarship will be refunded to the source rather than directly to the student.

Institutions may assess up to \$15.00 as a matriculation fee if a student withdraws from the institution before the first day of classes.

Institutions are allowed to set their own refund policy for Continuing Education courses.

Section 3:

## Dollar Impact of Inaccurate Contact Hour Reporting

The State Auditor's Office compiles biennial Community College Enrollment Audit information in order to determine inaccuracies in contact hour reporting. The State Auditor's Office then proposes to the Texas Higher Education Coordinating Board that amounts funded based on inaccurately reported contact hours be deleted or added as necessary. Beginning in 1997, only amounts in excess of the two percent error rate will be recommended for deletion.

Total proposed adjustments are based on the errors reported by the institutions (self-reported errors), adjustments for spring semester estimates, and errors identified by the State Auditor's Office. For self-reported items and spring semester estimates, the proposed adjustment amount is equal to the amount originally funded for the contact hours in error. This amount is calculated by multiplying the number of contact hours in error by the appropriate funding rate and the funding factor.

### Example 1 - Self-Reported Errors and Spring Semester Estimates

Type of class reported in error - Agriculture  
Funding Rates for Agriculture Classes -

Fiscal Year 1998 - \$4.87

Fiscal Year 1999 - \$5.07

Contact hours for the agriculture class in error - 48

Number of students in the class - 10

Funding Factor - 90 percent

Adjustment amount:

$((48 \times 10 \times \$4.87) + (48 \times 10 \times \$5.07)) \times .9 =$  biennium  
adjustment of \$4,294.08

The State Auditor's Office identifies errors in reported contact hours by using a statistical dollar unit sample. An original sample of 114 is drawn from the population of dollars associated with the contact hours reported in the base period. Each of the 114 sample items is tested. If an error is identified, the sample is expanded to 531 items.

Proposed adjustments for items identified by the State Auditor's Office during the Community College Enrollment Audit are determined by multiplying the sample error rate by the institution's total contact hour funding for the biennium.

When calculating deletion amounts for class size errors, the denominator used to determine the error rate is the total number of students in all 531 of the classes tested.

#### Example 2 - Class Size

Total number of students reported to Coordinating Board for the 531 classes tested - 15,000

Total number of students auditor verified on the certified class rosters - 14,994

Total contact hour funding for biennium - \$20,000,000

Adjustment amount:

$((14,994 - 15,000)/15,000) \times \$20,000,000 =$  biennium adjustment of \$8,000

**The funding factor is not necessary since actual appropriations are used.**

When calculating deletion amounts for errors relating to attributes other than class size, the denominator used to determine the error rate is 531, the number of sample items tested.

#### Example 3 - Enrollment Attributes

Number of sample items found to be in error - 3

Total Sample Size - 531

Total contact hour funding for biennium - \$20,000,000

Adjustment amount:

$(3/531) \times \$20,000,000 =$  biennium adjustment of \$112,994

**The funding factor is not necessary since actual appropriations are used.**

The amount proposed for deletion is calculated by identifying the total amount of adjustments (calculated in the three examples above) in excess of the 2 percent error rate.

#### Example 4a - Calculation of Proposed Deletion Amount

Total contact hour funding for college for biennium - \$20,000,000

Allowable error amount - ( $\$20,000,000 \times .02$ ) = \$400,000

Total biennium adjustment amount (amounts calculated in Examples 2 and 3)

Self-Reporting and Spring Semester Estimate Adjustments	\$	4,294.08
Class Size Adjustments		8,000.00
Enrollment Attributes		<u>112,994.00</u>
Total Biennium Adjustment		\$125,288.08

Since the total adjustment amount is less than the allowable error amount of \$400,000, no deletions would be proposed. If the total amount of adjustments exceed the allowable error amount, the difference is equal to the proposed deletion amount.

#### Example 4b - Calculation of Proposed Deletion Amount

Total contact hour funding for biennium - \$8,000,000

Allowable error amount - ( $\$8,000,000 \times .02$ ) = \$160,000

Total biennium adjustment amount - \$183,200.00

Self-Reporting and Spring Semester Estimate Adjustments	\$	2,200
Class Size Adjustments		6,000
Enrollment Attributes		<u>175,000</u>
Total Biennium Adjustment		\$183,200

Proposed deletion amount:

$\$183,200 - \$160,000 = \$23,200$

For more detail on the Enrollment Audit Sampling and Extrapolation Methodology, refer to Appendix 3 of *An Enrollment Audit of Public Community/Junior and Technical Colleges* (SAO Report No. 96-023, November 1995).

## Community College Enrollment Audit Program

In the past, the State Auditor's Office has performed the Community College Enrollment Audit each biennium. With the acceptance of an allowable error rate of up to two percent, the scope of the audit was reduced. The scope of the 1997 Community College Enrollment Audit was reduced to the review and compilation of self-reported items and spring semester estimates. A risk assessment was also completed to identify any specific colleges that may be at risk of exceeding the two percent allowable error rate.

Each biennium the State Auditor's Office will continue to review enrollment information and collect information regarding self-reported items. A risk assessment will also be prepared to aid auditors in determining which colleges, if any, to visit. However, a significant amount of responsibility for the review and/or audit of enrollment information is being shifted to the colleges themselves.

As the presence of the State Auditor's Office lessens at the colleges, each college's staff must accept the responsibility of self-monitoring in order to continue to achieve a high level of accuracy in the reporting of contact hours. The following audit program prepared by the State Auditor's Office is included to aid institutions in self-monitoring. This program was prepared to meet the needs of the State Auditor's Office, but can easily be modified to meet the needs of each individual college.

### Section 4-A:

#### **Audit Sampling Methodology**

The samples for the audits are pulled using dollar unit sampling (DUS). Using DUS, the total of appropriated dollars (as determined by multiplying the contact hours by their respective funding amount) is combined into one population. One dollar is selected from the population and related to the course and specific student that generated the dollar. This course and student become the sample record. Sample records are located on the Attribute Sampling Testsheet.

The primary sample size is 114 records. Each attribute is tested for the initial sample. It is possible to have more than one exception on each record. If no attribute exceptions are noted, no further testing will be necessary.

If any exception is found, the sample is expanded to 531 records (for the attributes not in compliance). Only those attributes with exceptions in the 114 sample are expanded to the 531 sample.

Testing is limited to the course and individual in which the sample falls; therefore, there may or may not be adds/drops, exemptions, or other attributes associated with each sample.

**Attribute Sampling Objective**

The objective of attribute sample testing is to determine the accuracy of information reported by institutions on the CBM reports for use in the biennial state appropriations process. Attribute sampling is the method we will use to test for compliance with various attributes as addressed later in the audit program.

**Resources**

Testing of student and class sample data is performed based on auditor review of evidence gathered at the institution. Resources you may need to complete the attribute sampling portion of the audit include admissions records; TASP test results; tuition receipts; registration forms; certified class rolls; instructors' final grade sheets; add, drop, or withdrawal slips; tuition refund documentation; college course catalogs for the academic year under review; student transcripts; and other miscellaneous information.

Section 4-B:

**Attribute 1 - Class Size Test**

The objective of the Class Size attribute test is to determine whether the institution is reporting the appropriate enrollment to the Texas Higher Education Coordinating Board. Institutions shall report to the Coordinating Board only students enrolled in the class that paid in full the amount set as tuition by the institution's governing board (Title 19, Texas Administrative, Code Section 9.103). As with other tests, it is not the auditor's responsibility to prove the institution correctly reported enrollment. If you cannot determine whether the institution reported correctly from the documentation provided, notify the institution and let it prove the enrollment was properly reported.

Table 3

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
1.	<p>Verify that class size as reported by the institution to the Coordinating Board and listed on the Attribute Sampling Testsheet corresponds to the official reporting date (ORD) class size as reported on the certified class roster for each sample class.</p> <p>a. For each sample item, note on the Attribute Sampling Testsheet the number of students reported in the class. If the sample selected student 25 of 36, the class size reported by the institution is 36.</p>			

Table 3 (concluded)

<p>b. For each sample class, count (from the certified class roster) the total number of students enrolled in the class as of ORD. Verify this class size to class size as reported on the Attribute Sampling Testsheet. For each sample class, record actual ORD class size in the "Actual Class Size" column on the Attribute Sampling Testsheet. Your objective is to determine whether the class enrollment was accurately reported to the Coordinating Board.</p> <p>c. Observe the roster for add/drops, discrepancies, and other anomalies. If a student (included in the class roster) dropped the course on or before the ORD, or added the course after ORD, this student <b>should not</b> be counted to arrive at the total on the Class Sample.</p> <p><b>Note an Attribute 1 exception</b> if the student count on the CBM report does not tie to the number listed on the official class roster.</p> <p>2. Provide sufficient details to the institution to allow it to investigate whether the class size is in error or to offer evidence to the contrary.</p>			
<p><b>You should find a certified roll/roster for each class. It is the responsibility of the institution to provide the auditor with this information. Lack of such information results an audit exception.</b></p>			

Section 4-C:

### Sample Student Selection

Sample classes are selected using the statistical sampling methodology known as “dollar unit sampling.” Sample students are selected using the following program steps. Each sample student selected represents a dollar received by the college as the basis of its state appropriations. The records of students associated with the sampled dollars are then audited for compliance with state funding requirements. Use the following “Sample Student Selection” program steps to select sample students for testing prior to testing attribute numbers 2 through 8.

Table 4

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>1. Using the certified class roll/roster, select the sequentially listed student which corresponds with the “selected student” column on the Attribute Sampling Testsheet. (If the sample record indicates the selection of “25 of 36,” then use the following steps to select the 25th student from the roster of the sample class.)</p> <p>a. Refer to the outcome of Attribute 1 (Class Size Testing):</p> <ul style="list-style-type: none"> <li>- If the institution properly reported the enrollment in this class, count down the roster of eligible students until you reach the sequentially numbered student to test.</li> <li>- If the institution did not properly report the number of students, you must count those students which were correctly reported to determine the student to test. By sequentially counting down the class roster, only count students that were correctly reported until you arrive at the sample student number.</li> </ul>			

Table 4 (concluded)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>b. Do not substitute sample students if the same student is a repeat sample selection. If the same sample student is selected more than once, test the student again. Substitutions should be made only if the sample student was self-reported as an exception by the college prior to sample testing.</p> <div data-bbox="212 611 776 758" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Self-reporting of errors should have been made by the college before any testing begins.</p> </div>			

Section 4-D:

**Attribute 2 - Admissions Test**

The objective of the Admissions attribute test is to verify that only those students who are admitted according to admissions requirements established by Texas Administrative Code, Section 9.63 are counted to determine the student contact hours for appropriation purposes. The Coordinating Board has stated that an institution has one semester “grace period” in which to obtain the proper documentation. If the student does not provide the necessary documentation after attending for one semester, he or she cannot re-enroll until such documentation is provided.

Table 5

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>1. Verify that the files contain evidence the student was admitted to the institution according to one of the following conditions:</p> <p>a. Student graduated from accredited high school or meets the institutional requirements for transfer from another institution of higher education.</p> <div data-bbox="224 1675 792 1822" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Refer to the college handbook for the particular institution’s requirements regarding transfer students.</p> </div>			

Table 5 (continued)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>b. The student has completed his/her junior year of high school and is taking a class load that does not exceed two college credit courses per semester. The "junior year" rule applies unless, under special circumstances, the institution's chief academic officer grants an exception because a student who has not completed the junior year is capable of college-level work (i.e. ACT/SAT scores, GPA, and/or other assessment indicators).</p> <p>c. A student who is 18 years of age or over and has no transferable credit from any institution of higher education may be exempt from the admission requirements and admitted on "individual approval," provided the admitting officer is convinced that the applicant's record indicates the student would be competent to benefit from the program of the institution as demonstrated by the completion of a state-required or local assessment test.</p> <p>d. Certain conditions exist if the student (1) did not graduate from high school, (2) is under age 18, or (3) attended a non-accredited high school or was schooled in a non-traditional setting: The student must have been admitted on the basis of written exams or recommendation of the principal of the last high school attended and must present a notarized record of high school equivalent work completed and date completed.</p> <p>e. Students enrolling in the terminal curriculum including technical education courses shall have the same entrance requirements as those listed in this section. A student not meeting the requirements for admission to a standard academic or general curriculum may be admitted to a terminal program on individual approval if the student is at least 18 years of age.</p> <p>If evidence indicates that a student was admitted according to Coordinating Board requirements, no exception should be noted. Proceed to the next attribute.</p>			

Table 5 (concluded)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>2. If a student was admitted but evidence does not indicate the student was admitted according to Coordinating Board requirements as stated above (1a through 1e), determine whether the contact hours for the sample student are in compliance.</p> <p>a. If the sample item semester is the first semester the student was admitted, search CBM-001 information to determine whether contact hours were reported for the sample student subsequent semesters. <b>Any contact hours reported in subsequent semesters are in noncompliance and should be deleted.</b> The contact hours reported in the sample semester are in compliance since they occurred during the grace period.</p> <p>b. <b>Note an attribute 2 exception</b> on the Attribute Sampling Testsheet if the sample item student was admitted prior to the sample item semester.</p>			
<p><b>NOTE 1:</b> Colleges should be able to provide written proof (memo/signature/initials, etc.) consistent with institutional policy for admissions based on "individual approval." The college should also be able to provide results of placement tests used for the basis of the admission decision.</p> <p><b>NOTE 2:</b> Continuing Education courses are not subject to admission requirements. These are generally reported on the CBM-00C. It is also important to note that not all items reported on the CBM-00C are Continuing Education courses. Therefore, items cannot be assumed to be Continuing Education classes simply because they are reported as a non-semester-length course (CBM -00C).</p>				

Section 4-E:

### Attribute 3 - TASP Compliance Test

The Texas Administrative Code, Title 19, Section 5.313 requires most students who entered public institutions of higher education in the Fall of 1989 and thereafter to be tested for reading, writing, and mathematics skills. Those students not exempt from taking the Texas Academic Skills Program (TASP) test are required to meet minimum performance standards. Those students who do not meet the minimum standards must participate in a remediation program. The Coordinating Board has established a direct correlation between failure to comply with the TASP requirements and deletion of contact hours.

Admitting students to take credit hours (or the equivalent) who have not taken or passed the TASP test (when applicable), or any other act or omission that results in the accumulation of credit hours in violation of the TASP requirements, shall be a basis for disallowing those credits by audit, resulting in an adjustment of the dollar amounts of institutional funds.

TASP requirements referenced below are those in effect for the base period ending Spring 1997.

Table 6

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>1. Verify that the institution complies with TASP requirements by testing that each sample student took and passed the TASP test. If the student did not pass or take the TASP test, verify that a valid exception applies (see steps 2 through 5).</p> <p><u>Some special items to consider:</u></p> <ul style="list-style-type: none"> <li>• Extensions</li> <li>• TASP-Exempt Certificate Programs</li> <li>• Continuing Education courses are not subject to TASP requirements.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>All level-two certificate programs are TASP liable regardless of the number of general education hours contained therein.</p> </div>			

Table 6 (continued)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments												
	<p>2. If sample item (student) is exempt from TASP, review documentation supporting the exemption.</p> <p><b>Note an Attribute 3 Exception</b> if not properly documented. See examples of exemptions at the end of Attribute 3 section.</p> <p>3. If sample item (student) is not exempt from TASP and has not taken the test yet, verify the student has 9 or less credit hours at the time related sample course occurs.</p> <p><b>Note an Attribute 3 Exception</b> if the student has more than 9 credit hours, and has <i>NOT</i> taken TASP at the time of sample.</p> <p>4. If the sample student has taken and passed all parts of the TASP, verify grades meet the minimum requirements:</p> <table data-bbox="293 947 578 1035"> <tr> <td>Reading</td> <td>230</td> </tr> <tr> <td>Mathematics</td> <td>230</td> </tr> <tr> <td>Writing</td> <td>220</td> </tr> </table> <p>If the student became TASP liable prior to September 16, 1995, the following grades meet the minimum requirements:</p> <table data-bbox="293 1182 578 1270"> <tr> <td>Reading</td> <td>220</td> </tr> <tr> <td>Math</td> <td>220</td> </tr> <tr> <td>Writing</td> <td>220</td> </tr> </table> <p><b>Note an Attribute 3 exception</b> if the college has a student documented as TASP complete, yet grades do not meet the minimum.</p> <p>5. If the sample item (student) has taken but not passed all parts of TASP, verify the student is enrolled and participates in remediation.</p> <p><b>Note an Attribute 3 exception</b> if student is not properly enrolled and participating in remediation.</p>	Reading	230	Mathematics	230	Writing	220	Reading	220	Math	220	Writing	220			
Reading	230															
Mathematics	230															
Writing	220															
Reading	220															
Math	220															
Writing	220															

## Examples of TASP Exemptions

Table 6 (concluded)

**Several changes were made regarding exemptions. Use the appropriate exemption standards based on the date the student became TASP liable.**

**Student becomes TASP liable after September 1, 1995**

- a. Student has at least three credit hours prior to Fall 1989
- b. Student possesses bachelor's (or higher) degree
- c. 26 composite on ACT test (effective for five years), not less than 22 verbal and 22 math
- d. SAT test (effective for five years)

Tests taken prior to April 1995 - Combined score of 1,090, minimum of 470 verbal and 530 math

Tests taken after April 1995 - Combined score of 1,180, minimum of 550 verbal and 550 math

- e. TAAS test (effective for three years)

Tests taken prior to Spring of 1994 - Minimum of 1,780 on each part (reading, math and writing)

Tests taken after Spring of 1994 - Texas Learning Index (TLI) of 86 math and 89 reading

- f. Deaf students will take the Stanford Achievement Test instead of the TASP test. Minimum passing scores are as follows:

Reading Comprehension	-	652
Math	-	682
Language	-	662
Study Skills	-	663

Deaf students who accumulate three or more semester credit hours or the equivalent from an accredited institution prior to September 1, 1995, may be exempted from TASP requirements.

- g. Blind students will be required to take the TASP test with appropriate accommodations such as large print, braille, audio cassette, or a reader.

Blind students who accumulate three or more semester credit hours or the equivalent from an accredited institution prior to September 1, 1995, may be exempted from TASP requirements.

**Student becomes TASP liable after September 1, 1995**

- a. Student has at least 3 credit hours prior to Fall 1989
- b. Student possesses bachelor's (or higher) degree
- c. 29 composite on ACT test (effective for 5 years), not less than 27 on verbal and math
- d. 1,200 on SAT test (effective for 5 years), not less than 550 on verbal and math
- e. TAAS test (effective for 3 years)

<u>Texas Learning Index</u>	<u>Scale Score</u>	
Reading	90	1,800
Math	87	1,800

Writing (scale score) 1,800 ← for Writing, must meet TAAS scale score only

- f. "Blind Person" as defined by Texas Education Code 54.205 (a)
- g. "Deaf Person" as defined by Texas Education Code 54.205 (a)

Section 4-F:

### Attribute 4 - Residency Status Test

The objective of the Residency Status attribute test is to determine whether the student was properly classified as either in-district, out-of-district, in-state, or out-of-state. Students are charged tuition according to their residency status. In-district and in-state residency status results in the lowest possible cost to the student. All students are required by Texas Higher Education Coordinating Board to answer a residency questionnaire and sign an Oath of Residency asserting their actual residency status (Texas Administrative Code, Section 21.21-21.39).

Table 7

Step	Audit Procedure	Initials	Date	Work Paper Reference/Comments
	<p>1. Verify that sample students have "substantiating documentation" affirming residency for tuition purposes. At a minimum, the college should have on file the completed residency questionnaire and signed Oath of Residency for each sample student.</p> <p><b>Note an Attribute 4 exception</b> on the Attribute Sampling Testsheet if errors are noted in the college's determination of residency status.</p>			
<p><b>NOTE 1:</b> Colleges are required to have all students provide "substantiating documentation" to affirm residence for tuition purposes. The residency questionnaire is sufficient evidence if deemed conclusive by the college.</p> <p><b>NOTE 2:</b> Colleges are obligated to take the necessary additional steps to appropriately determine and document residency status if questions arise based on the student's answers to the residency questionnaire. However, if the designated college official determines that a student's response to the questionnaire in itself provides conclusive evidence of Texas residency, no further proof is required. When additional proof is required, the college is obligated only to observe the proof and note that it was sufficient. The certifying proof does not have to be filed.</p> <p><b>NOTE 3:</b> Continuing Education courses are not subject to residency requirements, except for contract courses offering CEUs.</p>				

Section 4-G:

### Attribute 5 - Tuition Exemption/Waivers Test

The objective of the Tuition Exemption/Waivers attribute test is to verify that the institution provided exemptions or waivers of tuition to only qualifying students. A tuition exemption allows a student to take classes at no charge. A tuition waiver allows a student (who under normal circumstances would pay out-of-state tuition rates) to pay the in-state tuition rate. The Texas Education Code provides valid reasons for granting a tuition exemption or waiver. Tuition exemptions or waivers should only be granted for reasons stated in the Texas Education Code, Section 54.

This attribute test is performed on the enrollment samples as applicable.

Table 8

Step	Audit Procedure	Initials	Date	Work Paper Reference/Comments
1.	Determine whether the sample student received a tuition exemption or waiver. If the student received an exemption or waiver for tuition, verify that his/her qualifications for such is in accordance with the requirements as stated in the Texas Education Code.			
2.	<b>Note an Attribute 5 exception</b> on the Attribute Sampling Testsheet if errors are noted in the college's granting of exemptions or waivers of tuition payment.			
There are many different exemptions and waivers. See Appendix 3 of the <i>Community College Enrollment Audit Guide</i> or Section 54 of the Texas Education Code for a list of valid exemptions and waivers.				

Section 4-H:

### Attribute 6 - Proper Tuition Collection By the ORD

The objective of the Proper Tuition Collection by the ORD attribute is to determine that the institution collected 100 percent of tuition from the student on or before the ORD. Only students who have paid the proper tuition by the ORD are eligible to be reported to the State for funding. Also, this attribute verifies that the institution collected the proper amount of tuition, a minimum as set in the Texas Education Code, while collecting an amount as set by the institutions' boards of regents. (Texas Administrative Code, Section 21.4)

Table 9

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>1. Determine the Official Reporting Date (ORD) for each semester under audit. Reference the colleges's course catalog for ORD:</p> <p>Summer I - 1996 ___/___/___            Summer II - 1996 ___/___/___            Fall - 1996 ___/___/___            Spring - 1997 ___/___/___</p> <p>2. Verify that the sample student paid the proper tuition on or before the ORD.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><b>Only verify tuition charges. Validity of fees other than tuition need not be verified.</b></p> </div> <p>a. Ensure that tuition payment date (per student's tuition receipt files and student registration information) is on/before the ORD. <b>Note Attribute 6 exception</b> if payment is post-ORD.</p> <p>b. Note tuition charges compared to payments received by the student. By multiplying semester credit hours enrolled for the semester times applicable tuition rates, verify that payments received by the student equal or exceed charges for tuition. Take into consideration factors that would result in the student not paying 100 percent of tuition charges (valid accounts receivable, exemptions/waivers, etc).</p> <p>c. <b>Note an attribute 6 exception</b> for the sample student if the sample student did not pay the proper tuition on or before the ORD.</p>			

Table 9 (continued)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>3. Determine that tuition charged to the sample student is correct based on rates established by the institution and specified in the appropriate semester's course catalog.</p> <p>a. Document in the comments section or insert in the working papers a copy of tuition rates (for both resident and non-resident rates).</p> <p>For vocational/technical, non-semester length courses, there may be a charge for attending. For example, defensive driving could be a non-semester length course. These courses typically have a set tuition rate or fee. This fee should be published by the institution. These rates should also be included in the working papers.</p> <p>b. Verify that the sample student's residency as affirmed in the questionnaire (Attribute 2) correlates to tuition charges applied by the college.</p> <p>4. Determine whether the tuition rate is lower than those prescribed in Sections 54.051 and 54.0512 of the Texas Education Code. See following guidelines for minimum tuition rates established by this code and prescribed for public junior colleges, Texas State Technical College, and Lamar University:</p> <p>a. For <u>Public Junior College</u> resident students, tuition rates are established by the college but may not be less than \$8.00 per semester credit hour or \$25.00 per semester</p> <p>Non-resident tuition is determined by the governing board; however, may not be less than \$200 for each semester.</p>			

Table 9 (continued)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>b. For <u>Texas State Technical College</u> campus resident students:</p> <p>Greater of \$50 or an amount set by the governing board, but not less than \$16 per Semester Credit Hour. Non-resident tuition is also determined by the governing board but may not be less than \$80 per semester hour.</p> <p>c. For <u>Lamar University Components</u> tuition for the 1995-1996 and 1996-1997 academic years is the <i>greater</i> of either:</p> <ul style="list-style-type: none"> <li>- \$120 for each semester or 12-week summer session and \$60 for each six-week summer term</li> <li>- \$30 per semester credit hour for Summer I 1996 and Summer II 1996 and</li> <li>- \$32 per semester credit hour for Fall 1996 and Spring 1997 semesters.</li> </ul> <p><b>Note an Attribute 6 exception</b> on the Attribute Sampling Worksheet if the college charged less than the minimum amount.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>For the base period ending Spring 1997, only Texas State Technical College and Lamar University could allow students to pay by the installment method. Effective Fall 1997, all institutions of higher education will provide the option of paying by installment (Education Code, Section 54.007.)</b></p> </div>			

Table 9 (continued)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>5. Returned checks must be covered by a transfer from a self-supporting auxiliary enterprise fund or other non-state fund source (e.g., food service, bookstore) within 10 days of the date the institution receives the returned check.</p> <p>a. Determine whether the sample item tuition was paid for with a returned (NSF/ISF/Hot) check.</p> <div data-bbox="212 653 792 825" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Returned checks may be identified on the fee statement or by a separate list maintained by the college. This will vary from college to college.</p> </div> <p>b. <b>Note an Attribute 6 exception</b> on the Attribute Sampling Worksheet if the returned check is not covered by auxiliary funds (or the student) within 10 days.</p>			

Table 9 (concluded)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>6. Contract courses must be under the sole and direct control of the institution and must be taught by an instructor who meets the qualifications required by the institution. For such courses, a contractual agreement must be documented.</p> <p>If the sample item class is a contract course, perform the following steps:</p> <ul style="list-style-type: none"> <li>a. Determine whether the instructor is an employee of the college and meets the qualifications required by the institution.</li> <li>b. Determine whether the college has documentation of a valid contract that specifies the work to be performed, the period of the agreement, and the conditions under which any renewal or renegotiation will occur.</li> </ul> <p>If the instructor is a valid employee who meets the qualifications and the contract is properly documented, no further work is necessary.</p> <p><b>If not, note an Attribute 6 exception</b> on the Attribute Sampling Testsheet.</p>			
<p>The tuition rates for in-state, out-of-state, in-district, or out-of district can be different for each college. Auditors should use the rates set in each college's course catalog(s).</p> <p><i>Exceptions to Attribute Requirements:</i></p> <p><b><i>Tuition Collection:</i></b></p> <p>A valid accounts receivable (including financial aid/grants) is acceptable. Valid contracts with the United States Government for instruction of eligible military personnel and valid contracts with private business and public service-type organizations or institutions may be considered as collections thereunder but subject to adjustment after final payment thereof.</p> <p><i>If the valid accounts receivable was refunded to the grantor agency or was written off by the institution because the student did not use it, the student's related contact hours should be deleted.</i></p>				

Section 4-I:

**Attribute 7 - Add/Drops and Withdrawal Refunds**

The objective of testing adds/drops is to ensure only those students that were officially enrolled in the sample course on the ORD are reported for appropriations purposes. and. It is also necessary to determine whether the proper refund has been issued to the students (based on a Coordinating Board-established refund schedule at Texas Administrative Code, Section 21.5) had the student officially withdrawn from the institution.

This attribute is only applicable if the student added or dropped the sample course, or officially withdrew from the institution. If none of these conditions apply to the sample course for the sample student, then proceed to the next sample student.

Table 10

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>1. Determine if the student added or dropped the sample class.</p> <p style="padding-left: 20px;">a. If you conclude through audit procedures that the student did not add or drop the sample course or withdraw from the college, this portion of the attribute is not applicable for the sample student; proceed to the next sample item.</p> <p>2. If the student added the sample class after the ORD, verify that on the CBM-001 total hours reported for the student does not include this course. If so, <b>note an Attribute 7 exception.</b></p> <p>3. If the student dropped the sample class on or before the ORD, the student should not be included in the official certified roster, nor should the hours for the class be counted on the CBM-001 for the student. <b>Note an Attribute 7 exception</b> if either occurs.</p> <p>4. If the student added the sample course before the ORD, verify that the appropriate tuition was collected on or before the ORD for this course. If not, <b>note an Attribute 7 exception.</b></p>			

Table 10 (continued)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>5. If the student dropped the sample course or officially withdrew from the college, then verify that tuition and mandatory fees were refunded according to the following schedule:</p> <p>Prior to the first class day - 100 percent</p> <p>During the:</p> <p>First 15 class days - 70 percent            16th through 20th class days - 25 percent            After the 20th class day -NONE</p> <div data-bbox="212 716 792 856" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><b>Beginning in the Fall of 1996, add/drops and withdrawals are refunded in the same manner.</b></p> </div> <p>6. Perform steps to ensure that refunds were issued in accordance with the official withdrawal refund schedule. <b>Note an Attribute 7 exception</b> if refunds to the student exceed stated percentages. (See NOTE 2 below.)</p> <p>7. Document any instances whereby a college is not consistently applying the proper refund policy to all students.</p> <p>Obtain a copy of the college's refund policy (including the amount refunded on/before the ORD and the treatment of classes "swapped" on/before the ORD) for the working papers.</p> <div data-bbox="212 1356 792 1528" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><b>If a college elects to refund 100 percent on/before the ORD as allowed in NOTE 2 below, it must follow this policy for all students on a consistent basis.</b></p> </div> <p>8. Colleges are allowed to set their own refund policies for Continuing Education courses. Obtain documentation of the college's refund policy for Continuing Education courses.</p>			

Table 10 (concluded)

Step	Audit Procedure	Initials	Date	Working Paper Reference/Comments
	<p>Determine whether the college has adhered to the documented policy. <b>Note an Attribute 7 exception</b> if the college is not in compliance with its own Continuing Education refund policy.</p>			
<p><b>The Coordinating Board has made the following statements regarding the new refund policy:</b></p> <p><b>NOTE 1:</b> Prior to the census date, community and technical colleges may allow hours to be dropped and re-added without penalty to the student if the exchange is an equal one. When the charges for dropped hours are greater than for those hours added, the refund policy is to be applied to the net charges being dropped. If the charges for hours being added exceed the charges for hours being dropped, the student would pay the net additional charges.</p> <p><b>NOTE 2:</b> The Coordinating Board does view refunding 100 percent to a student for a class dropped on or prior to the census date as meeting the 70 percent refund requirement of its rules.</p>				

## **Community College Enrollment Audit: Applicable Riders to the General Appropriations Act**

### **Article III-187, Item 4, Audit of Compliance (Public Community/Junior Colleges)**

The compliance of each public community/junior college with the requirements set forth in the paragraphs above shall be ascertained by the State Auditor who shall also audit the pertinent books and records of each college as necessary.

### **Article III-188, Item 8, Adjustment of Contact Hours (Public Community/Junior Colleges)**

The hours used in the contact hour base period are subject to audit for accuracy by the State Auditor according to an audit plan developed in consultation with the Texas Higher Education Coordinating Board, the Legislative Budget Board, and the Public Community and Junior Colleges and the appropriation amount adjusted accordingly by the Texas Higher Education Coordinating Board. The total amount that is reduced from colleges which have overstated base period contact hours shall be redistributed to those which have understated base period contact hours to the extent of such understatement. The calculation of revised appropriation amounts shall allow the institutions an error rate of up to two percent. No college shall have dollar amounts adjusted below \$2,025,000. Institutions where sampling errors are identified may request a comprehensive institutional audit at institutional expense.

### **Article III-200, Item 10, Audit of Base Contact Hours (Texas State Technical Colleges)**

The hours used in the contact hour base period to fund Texas State Technical College are subject to audit for accuracy by the State Auditor according to an audit plan developed in consultation with the Texas Higher Education Coordinating Board, the Legislative Budget Board, and the Public Community and Junior Colleges and the appropriation amount adjusted accordingly by the Comptroller of Public Accounts. The calculation of revised appropriation amounts shall allow the institutions an error rate of up to two percent.

### **Article III-131, Item 3, Audit of Base Period Contact Hours at the Lamar Centers**

The hours used in the contact hour base period to fund the Lamar Components are subject to audit for accuracy by the State Auditor according to an audit plan developed in consultation with the Texas Higher Education Coordinating Board, the Legislative Budget Board and the public community and junior colleges and the appropriation amounts adjusted accordingly by the Comptroller of Public Accounts. The calculation of revised appropriation amounts shall allow the institutions an error rate of up to two percent.

## Oath of Residency Core Questions

### Residency Core Questions Required of New Students beginning Registrations for Summer I, 1993

Texas Higher Education Coordinating Board rule 21.38 requires each student to provide substantiating documentation to affirm residence for tuition purposes. It also requires that they sign an Oath of Residency. Continuing students previously documented to be eligible for resident classification need not recertify their eligibility by completing this form. However, all new students or students returning to school after being out at least 12 months are required to answer the questions below.

PART A AND PART C ARE REQUIRED OF ALL STUDENTS COMPLETING THIS FORM.

#### Part A. Student Background

Name: \_\_\_\_\_ Student ID Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Local Address: \_\_\_\_\_ Permanent Address: \_\_\_\_\_

\_\_\_\_\_

Education Background:

High school last attended: \_\_\_\_\_  
School City/State

Date of graduation: \_\_\_\_\_

If you did not graduate, do you have a GED?  Yes  No

Date GED received: \_\_\_\_\_

Colleges/universities attended:

Institution (city/state)	Dates Attended	Degree, Certif., Rcd.?
_____ (_____)	_____ to _____	_____
_____ (_____)	_____ to _____	_____
_____ (_____)	_____ to _____	_____
_____ (_____)	_____ to _____	_____

#### Part B. Residency Issues

1. (a). Are you a U.S. Citizen?  Yes  No

(b). If not a citizen, do you hold Permanent Residence status for the U.S.?  
 Yes  No

If yes, date permanent resident card issued: \_\_\_\_\_ Number: \_\_\_\_\_

2. Are you claiming Texas residence status for tuition purposes?  Yes  No  
 (If no, go to part C.)

**Required Core Questions**

**Page 2**

3. Upon whom are you basing your claim of residence status?  
 Self  Parent  Legal Guardian\*  
\* if Legal Guardian, guardianship papers must be provided.
4. If your claim of residence status is based upon self, answer the following questions:  
(a) How long have you lived in Texas?  Years and  Months  
(b) Previous state or country of residence: \_\_\_\_\_  
(c) If you came here within the past 5 years, why did you move to Texas?  
 Education  Employment  Other: \_\_\_\_\_  
\_\_\_\_\_
5. If your claim for residence status is based upon parent or legal guardian, please answer the following questions:  
(a) Name of person upon whom claim is based: \_\_\_\_\_  
(b) Relationship to self:  parent  legal guardian  
(c) How long has this person resided in Texas?  Years and  Months  
(d) Previous state or country of residence: \_\_\_\_\_  
(e) If this person came here within the past 5 years, why did this person move to Texas?  
 Education  Employment  Other: \_\_\_\_\_  
\_\_\_\_\_
- (f) Is this person a U.S. citizen?  Yes  No  
(g) Has parent or legal guardian claimed you as a dependent for U.S. federal income tax purposes for the tax year preceding your registration?  
 Yes  No  
(h) Will this person claim you for the current tax year?  Yes  No

**Part C. Oath of Residency**

I understand that information submitted herein will be relied upon by college/ university officials to determine my status for admission and residency eligibility. I authorize the college/university to verify the information I have provided. I agree to notify the proper officials of the institution of any changes in the information provided. I certify that the information on this application is complete and correct and understand that the submission of false information is grounds for rejection of my application, withdrawal of any offer of acceptance, cancellation of enrollment, or appropriate disciplinary action.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Guidelines for Acceptable Responses for Texas Residents

Question	Acceptable Response for Residents
1(a)	Yes
(b)	May be blank if 1(a) is answered yes; otherwise, Yes
2	Yes
3(a)	Any of the three answers are acceptable, depending on responses to questions 4 and 5.
4(a)	<u>If the answer to 3(a) is Self</u> , the answer to 4(a) must be at least 12 months AND the purpose for coming must be employment or "other."
5(c)	<u>If the answer to 3(a) is Parent or Legal Guardian</u> , the answer to 5(b) must be at least 12 months.
5(f), (g), and (h)	Yes

### Responses Needing Further Inquiry

Any of the following answers should cause the Residency Determination Official to require additional information:

Question	Response Needing Additional Checking
1	Indication that the student is not a U.S. citizen or not a Permanent Resident.
4(a)-(c)	An indication of being in Texas less than 12 months, or of coming to the state for education purposes. If the student is basing his/her claim on self, and indicates he/she came to Texas for education purposes, the length of time in Texas would need to be compared to the college/university enrollment information on page 1 to determine whether a full year has passed when the student was not in school. Follow up is advised.
5(c), (e)	An indication that the parent or guardian has been in Texas less than 12 months or of moving here for education purposes.
5(f)	An indication that the parent or guardian is not a U.S. citizen.
5(g) and (h)	Any indication that the student was not claimed for tax purposes for the previous tax year or will not be claimed for the current tax year.

Appendix 3:

## Tuition Exemptions and Waivers

Appendix 3.1:

### Tuition and Fee Exemptions

Table 11

Eligible Individuals	Type of Exemption	Required Proof	Education Code, Section(s):
Highest ranking graduate of accredited high school	Tuition for two semesters	Approved list of honor graduates (valedictorian)	54.201
Certain veterans, dependents, etc. of the Armed Forces of the United States	All dues, fees and charges, excluding property deposit fees, student service fees, and fees for lodging, board or clothing	Copy of DD-214 - Honorable Discharge from Armed Forces	54.203 (a) - (e)
Certain orphans of members of the Armed Forces, the National Guard and Texas Air National Guard	All dues, fees and charges, excluding property deposit fees, student service fees, and fees for lodging, board or clothing	Proof of parent's death	54.203 (a) - (b)
Students eligible under the Hazelwood Act	<p>Tuition and fees other than those course fees or training fees charged to cover flight costs associated with a course in aircraft flight training</p> <p>The requirement to pay such fees would only apply to students who do not have private pilot rating or have such rating and are actively seeking to fulfill FAA requirements for additional certification or rating.</p>	Copy of DD-214 - Honorable Discharge	54.203
Children of disabled firefighters, peace officers, employees of the Texas Department of Corrections, and game wardens	All dues, fees, and charges excluding property deposits or fees charged for lodging, board, or clothing	Proof of parent's death or disability	54.204
Peace officers disabled in the line of duty	Tuition and fees	Proof of eligibility	54.2041
Deaf or blind students who are residents	All dues, fees, and charges excluding property deposits or fees charged for lodging, board, or clothing	Letter from the appropriate Commission	54.205

Table 11 (continued)

Eligible Individuals	Type of Exemption	Required Proof	Education Code, Section(s):
Students from other Nations of the American Hemisphere (other than Cuba)	Tuition	Letter certified by proper authority of native country that student is a bona fide native citizen and scholastically qualified	54.207
Employed firefighters (exemption only applies to courses offered as part of a fire science curriculum)	Tuition and lab fees	Letter from fire department	54.208
Certain children of military personnel missing in action or taken prisoner of war	All dues, fees, and charges excluding property deposits or fees charged for lodging, board, or clothing	Proof of P.O.W. or MIA	54.209
Senior citizens auditing courses	Tuition and fees	Proof of age 65 or older	54.210 (b)
Senior citizens taking up to six credit hours per term	Tuition and fees	Proof of age 65 or older	54.210 (c)
Students in foster or other residential care	Tuition and fees	Proof of having been in foster care under the conservatorship of TDPRS and meeting certain age requirements	54.211
Students under the age of 22 who were on AFDC during their senior year of high school	Tuition and fees for one year	Proof that the student received AFDC for at least six months the year of high school graduation	54.212
Students in Texas National Guard or ROTC	Tuition and fees for 4 years Room and board for 2 years	Proof of selection by National Guard and pledge to serve 4 years in National Guard upon graduation	54.212
Certified educational aides	Tuition and mandatory fees other than class or laboratory fees	Memo from Coordinating Board	54.214

Table 11 (concluded)

Eligible Individuals	Type of Exemption	Required Proof	Education Code, Section(s):
<ul style="list-style-type: none"> <li>Students enrolling in continuing education courses that receive no formula funding</li> <li>Students eligible under the Hazelwood Act may receive exemptions in all continuing education courses</li> <li>Exemption applies to correspondence courses if related to the student's degree plan</li> </ul>	Tuition and fees other than property deposit and student service fees	Copy of DD-214 - Honorable Discharge	54.545
Early high school graduates	Tuition of up to \$1,000	Letter from Coordinating Board indicating eligibility and residency	56.201
Students enrolled for 12 or more semester credit hours who are residents of the junior college district, provided that this action will allow the college to participate in and benefit from funds available as provided by Sections 1-7, Title I 64 Stat. 1100, as amended, 20 U.S.C., Sections 236-241-1.	Tuition	Proof of residency and registration in at least 12 semester credit hours	130.085

## Tuition Waivers

Table 12

Eligible Individuals	Type of Waiver	Required Proof	Education Code, Section(s):
Students' whose families transferred to Texas as a part of the State's plan for economic development	May pay resident tuition rate first year in Texas	Memo from Coordinating Board	54.052 (h)
Individual who is 18 years of age or under or is a dependent and whose parents were formerly residents of Texas, as long as the individual remains continuously enrolled in a regular session in state-supported institutions of higher learning	Application of resident rather than nonresident tuition rate	Proof of continuous enrollment	54.055
Alien living in this country under visa of permanent resident	Application of resident rather than nonresident tuition rate	Permanent visa and admission form states Texas resident	54.057 Letter CB May 26, 1977 from Mack Adams
Nonresident alien and his or her dependents stationed in Texas in keeping with the North Atlantic Treaty	Application of resident rather than nonresident tuition rate	Proof that the family is stationed in Texas in keeping with the North Atlantic Treaty	54.057
Members of the Armed Forces stationed in Texas, their husband or wife, as the case may be, and their children	Application of resident rather than nonresident tuition rate	Admission form stating facts - general proof of military station	54.058 (a) and (b)
Teachers, professors, or other employees of Texas State Institutions of Higher Learning, their husband or wife, as the case may be, and their children	Application of resident rather than nonresident tuition rate	Letter from institution or payroll verification	54.059
Students from other nations participating in an exchange program	Application of resident rather than nonresident tuition rate	Documentation of exchange program	54.060
Mexican nationals attending a Texas State Technical College campus or Texas Southmost College located in counties adjacent to the border.  Also, a limited number of students from Mexico who have financial need may enroll at Texas State Technical College campuses throughout the State	Application of resident rather than nonresident tuition rate	Proof of residency  Proof of financial need	54.060 (b)
Resident of bordering state; this applies only to those junior colleges located in a county adjacent to the Texas border.	Application of resident rather than nonresident tuition rate	Ask about policy and review student file	54.060 (f)

Table 12 (concluded)

Eligible Individuals	Type of Waiver	Required Proof	Education Code, Section(s):
Students of concurrently enrolled in more than one public institution of higher education	Special tuition rates	Must have copy of paid tuition receipt from other college	54.062 Memo CB dated June 1, 1977, Mack Adams
Teaching assistant, research assistant or other student employee; provided student employee is employed at least ½ time in a position which relates to his or her degree program	Application of resident rather than nonresident tuition rate	Verify employment through payroll	54.063
Nonresident holding a Competitive Academic Scholarship of at least \$1,000 for the academic year or summer for which he/she is enrolled	Application of resident rather than nonresident tuition rate	Copy of scholarship	54.064
Nonresident or foreign student who holds a competitive scholarship or stipend and is accepted in a clinical biomedical research training program leading to both a Doctor of Medicine and a Doctor of Philosophy degree	Application of resident rather than nonresident tuition rate	Proof of scholarship or stipend	54.065
Senior citizens age 55 or older	Lower tuition rate if space is available	Proof of age 55 or older	54.210
Needy students for whom the institution believes the fee would cause undue financial hardship. Total receiving waiver cannot exceed 10 percent of the total enrollment.	Student service fee	Documentation of financial condition or need	54.503
Students enrolled at the same time at two campuses of the same system	Mandatory student service fees may be waived	Documentation that the student is enrolled at two system campuses or in a joint or cooperative program	54.505
Nonresident (and his or her dependents) who owns property subject to ad valorem taxation by the junior college district in which the person is enrolling	Application of resident rather than nonresident tuition rate	Proof of ownership such as copy of tax bill	130.003
Students living outside the school's taxing district if: <ul style="list-style-type: none"> <li>• They own in-district property which they pay ad valorem taxes for</li> <li>• Live in the taxing district of a contiguous junior college district</li> <li>• Or they show financial need and reside in a service area of the district that is not an independent school district eligible to establish a junior college district</li> </ul>	Application of in-district tuition rather than out-of-district tuition rates	Proof of tax liability, proof of residence, or proof of financial need	130.0032

## Attorney General Opinions as of April 29, 1997

<b>JM-35</b>	<ol style="list-style-type: none"><li>1. Junior College District of Washington County (JCDWC) is required to contribute funds to defray cost incurred by the appraisal district.</li><li>2. JCDWC was empowered by statute to compel the county to assess and collect its taxes and was obligated to compensate county for services (1980-1981) although the county had contracted with the appraisal district for these services.</li><li>3. JCDWC is required to compensate the appraisal district for services performed by the district after January 1, 1982.</li></ol>
<b>MW-38</b>	A public junior college may not charge a lower tuition for certain classifications of students without relinquishing its entitlement to state funds.
<b>LA-50</b>	Student service fees must be used for student services directly involving or being of benefit or interest to students.
<b>MW-63</b>	A public junior college must charge foreign students the same rate charged by state senior colleges in order to be eligible for its share of the biennial state appropriation.
<b>H-103</b>	Junior college districts wishing to participate in state funding are required to charge students who are citizens of any other country a minimum of \$14 per semester hour and a total not less than \$200 per semester. They may charge more.
<b>MW-220</b>	The governing board of a public junior college has full discretion in setting tuition and/or fees for non-credit vocational/technical (voc-tech) courses, including a fee rate of zero. Tuition is required for voc-tech courses taken for credit pursuant to Sections 54.051 and 130.003(b) (4) of the Texas Education Code (TEC).
<b>JM-241</b>	Modified by JM-848.
<b>Open Records Decision No. 224</b>	Student rosters - Universities, after complying with federal notice requirements for the release of directory information, are required to disclose the information to which no appropriate objection has been filed pursuant to federal law. Student rosters are open records.

- JM-267** State law charging foreign nationals a higher rate than other nonresidents of Texas would be unconstitutional.
- JM-302** The distinction between residents and nonresidents for charging tuition at state colleges and universities is reasonable and constitutional.
- JM-303** Special allowances paid lenders by the Federal Government pursuant to Hinson-Hazelwood and federal guaranteed student loans constitute interest on loans within the meaning of Section 52.17 of the TEC.
- JM-309** Students with F-1 visas can be charged a higher tuition rate than Texas residents; however, the charge cannot be higher than that charged to citizens and other alien students who are not Texas residents.
- JM-367** A student whose parents are involuntarily assigned outside the State is considered as having Texas residency unless there has been a clear and unequivocal intention to establish a new domicile during active service.
- MW-504** Independent school district tax funds may not be used to support a junior college district.
- MW-529** An institution of higher education may issue scholarships to more than one person in any case in which the relevant school district certifies a tie for the title of "highest ranking graduate."
- MW-546** A veteran need not have been eligible for or received G.I. benefits from the Federal Government in order to qualify for the tuition exemption of Section 54.203 of the TEC.
- H-559** Persons who are incarcerated in a federal correctional institution in Texas and whose preincarceration domicile was in Texas are Texas residents for purposes of college tuition. Those persons whose preincarceration domicile was not in Texas may demonstrate Texas residence only by showing that they intend to remain in Texas after their release.
- H-685** Mexican students attending a junior college adjacent to the Mexican border are not exempted from paying nonresident tuition rates.
- V-688** A veteran and citizen of Texas, who has exhausted his or her eligibility for educational benefits under federal laws, is eligible for exemption from payment of tuition in state institutions of higher learning for an unlimited period of time.
- H-722** An amendment establishing foreign student tuition rates does not affect the minimum tuition rates a junior college may charge nonresident students.

- H-746** Public community and junior colleges are required to set aside from tuition charges for voc-tech courses only the 6 percent designated in Section 56.033 of the TEC. These funds must be set aside regardless of whether there is state funding for the course.
- H-761** Individuals discharged from the military as a result of their own personal request are disqualified from tuition exemption eligibility.
- M-940** Public junior colleges may charge tuition greater than those rates specified in House Bill 43 and Senate Bill 1036, 62nd Legislature. Governing boards may authorize fees other than tuition. Nursing programs are those receiving accreditation from the Board of Nursing Examiners.
- M-1129** (Only for voc-tech courses that are not equated in terms of semester hours). TEC Section 54.051 requires certain amounts of tuition fees to be placed in scholarship funds that apply to tuition charged for voc-tech. One-sixteenth of tuition received from resident students and three-eighths of tuition received from nonresident students is to be placed into scholarship fund according to TEC 54.051. Scholarships may be paid only to students taking some or only voc-tech courses at public junior colleges. Up to one-tenth may be paid to "out-of-state-students" (i.e., none to alien students).
- M-1134** When only a partial collection or an amount at least as much as required by statute, but less than that amount set by the governing board, of tuition has been collected on or before the 12th class day of the fall semester, all semester credit hours for which the student is enrolled shall be deducted from the State Auditor's Office report for state aid purposes. (Notes other items regarding 1971 General Appropriations Act).
- V-1540** The date which should be used for termination of World War II for the purposes of determining eligibility for tuition exemption is April 28, 1952.
- O-7021** Persons transferred to inactive duty at the government's initiative rather than that of a personal request, and otherwise qualify for tuition and fee exemption, are entitled to exemption payment of dues, fees, and charges.
- O-7316** Honorably discharged veterans of World War II ineligible for education benefits under Public Law 346 may attend at state-supported institutions of higher learning without payment of tuition provided he or she was not discharged for being over 38 or at personal request. A veteran of same was eligible to secure training under same law is not entitled to benefits conferred on veterans under State statute.
- JM-370** The terms "teaching assistant" and "research assistant," as used in Section 54.063 of the Texas Education Code, are not intended as titles of

positions that determine the entitlement of nonresident student employees to a waiver of nonresident student tuition at institutions of higher education.

- JM-388** A person is not automatically ineligible for benefits under the Hinson-Hazelwood Act, Section 54.203 of the Texas Education Code, because of his or her status as a client of the Texas Rehabilitation Commission.
- JM-597** A community college is not prohibited from offering as course work in a government class an optional assignment which involves student participation in a political campaign. A teacher is prohibited from "coercing" a student to contribute his services to a political organization for a political purpose.
- JM-647** The foreign service is sufficiently distant from the military that a court would not presume that a person in the foreign service keeps the domicile he had when he entered the foreign service.
- JM-711** A state college or university may offer liberal arts courses on the non-proselytizing aspects of religion. If a state college or university exercises its discretion to grant elective credit for courses offered through religious organizations, it must comply with constitutional guidelines.
- JM-845** An alien granted special permanent resident status subject to the condition set out in the Immigration Marriage Fraud Amendments of 1986 is eligible to be classified as a resident for purposes of tuition at Texas colleges and universities.
- JM-848** Under the Supremacy Clause of the U.S. Constitution, aliens who are permitted by Congress to adopt the U.S. as their domicile while they are in this country must be allowed the same privileges as citizens and permanent residents of the U.S. to qualify for Texas residency for the purposes of tuition at state universities, despite the limitation in Section 54.057 of the Texas Education Code. Holders of visas in the E-1 category, and aliens covered by the Agreement between the Parties to the North Atlantic Treaty regarding the status of their forces, 4 U.S.T. 1792, T.I.A.S. 2846, are not permitted by Congress to establish domicile in the U.S. and; therefore, need not be permitted to establish residency status for the purposes of Section 54.057 of the TEC.
- LO-94-080** There is no constitutional, statutory, or common-law impediment to an individual's simultaneously holding full-time teaching positions at both a state university and a public junior college. This ruling answers the question of whether an individual may "be employed simultaneously in a full-time faculty position at both a public junior college and a state university without violating the state constitution or other state law" (ID#27929).

- DM-297** Three statutory provisions authorize the disannexation of territory from a junior college district: Sections 130.069 and 130.070 of the TEC and Article 2815p, V.T.C.S. Neither Section 130.069 of the TEC and Article 2815p, V.T.C.S., authorizes Wharton County Junior College District to disannex Needville Independent School District. We are not presented with sufficient facts to determine whether Section 130.070 of the TEC authorizes the disannexation. If Section 130.070 of the TEC is indeed applicable to the situation, that statute governs the procedures for the disannexation.
- LO-93-48** If provisions allowing a different rate of state contributions to the Teacher Retirement System and the Optional Retirement System were challenged as violating the equal protection clause of the 14th Amendment of the United States Constitution, a court would probably use the rational basis test to determine the validity of those provisions. This ruling pertains to regulations governing state funding of retirement programs provided for junior college faculty members (ID# 18188)
- LO-92-74** The common-law doctrine of incompatibility precludes a member of the appraisal district review board of Hockley County from simultaneously holding a position as a regent of a junior college, if the junior college district overlaps with Hockley County.
- DM-178** The governing body of a junior college has the authority of an independent school district under Section 20.45 of the TEC to pledge its delinquent local maintenance taxes as security for a loan. Loan proceeds secured under Section 20.45 may be used only for maintenance purposes of a school district or junior college district. Accordingly, the Alamo Community College District may use funds secured through a loan under Section 20.45 of the TEC only for maintenance purposes of the junior college district.
- DM-421** Unless a statute explicitly permits the waiver, a governing board may not waive any fee created by Chapter 54 or 55 of the TEC.

## General Rulings as of April 29, 1997

SAO Letter 03/17/64	Work scholarships are not really scholarships, but are payments for services performed and do not qualify as an exemption from tuition. On or before the official reporting date of each semester the college must collect in full tuition from each student (except those who may be exempt by State law) that is to be counted for state aid purposes the amount set as such by the respective governing board.
R.D. Lucky 02/18/75	A nonresident student may be changed to a resident after residing in Texas for at least 12 months if his or her primary purpose for residing in Texas is to establish domicile and not educational purposes.
Mack Adams 06/01/77	Students who are concurrently enrolled (at institutions) do not have to pay the minimum tuition charge at both institutions. The minimum needs to be paid at the first school enrolled and the per hour charge at the subsequent schools.
Mack Adams 01/09/78	Refund of Tuition and Fees per Senate Bill 604 - 100 percent of all tuition and fees must be refunded if the student drops a course on or before the official reporting date and is still enrolled at the institution. A student who drops a course after the official reporting date and is still enrolled should receive no refund for such dropped courses.
Winston Cave 08/07/79	Although there is no specific regulation prohibiting the changing of a course from a credit to non-credit due to a student's bad performance, this is a practice that is really not proper and should not be allowed.
Tim Weaver 09/06/79	An individual who owns only personal property in a junior college district which does not tax personal property is not entitled to the benefit of TEC 130.003(b)(4).
Mack Adams 10/28/80	Members of ROTC units who would otherwise be classified as non-resident assigned to duty in Texas are entitled to pay resident tuition charges.
Ronnie Jung 05/06/82	All veterans must attempt to receive any type of federal education benefits (G.I. Bill and Federal Grants) they may be entitled to prior to requesting a Hazelwood Act tuition exemption for veterans. Financial aid would include any basic grant program such as PELL.
Ronnie Jung 06/16/82	Adequate documentation for non-resident military personnel and dependents granted resident tuition rates as authorized by Section 54.058 of the Texas Education Code must be maintained. Copy of correspondence with the military base or copy of military I.D. is sufficient.

Ronnie Jung 10/26/82	Individuals who served in the military during the 1960s and 1970s would qualify for the Hazelwood exemption provided they fulfill all other requirements in Section 54.203.
Winston Cave 06/04/82	It should be noted that the refund policy applies to all mandatory fees. Mandatory fees include physical education activity fees, bowling fees, private music lesson fees, and any other fees which the student is required to pay in order to attend class.
Ronnie Jung 02/16/83	Tuition to be collected by the official reporting date by definition includes all tuition and mandatory fees as set by the governing board. The tuition collected need not be deposited in the bank to be deemed collected; however, proper documentation supporting the collection must be on hand.
Winston Cave 10/27/83	A late registration fee is non-refundable regardless of when the student drops. This is a fee that is charged only to students who register late in order to cover the expense for late registrations, and as such, it is considered a non-mandatory fee.
Ronnie Jung 03/05/84	Since Section 54.203 of the TEC does not differentiate between credit and non-credit courses, we believe the intent was to exempt qualified veterans from all tuition payment including charges for non-credit courses. The Hazelwood exemption applies to all students enrolled in continuing education courses regardless of the funding source for those courses.
Mack Adams 11/13/84	Tuition and fees set by the institution's board for courses taught for industries may not differ between similar courses reported on the CBM-001 and CBM-004. If tuition and fees set differ, then the industry's course will not be eligible for state funding. Also, the awarding of credit, collection procedures, etc. becomes strictly an internal management function in such cases.
Mack Adams 06/04/85	House Bill 1147 - (bill was superseded effective Fall 1995) (1) Competitive scholarships can only be given for academic purposes (54.064). (2) A non-resident that marries a Texas resident still remains a non-resident for tuition purposes (54.056) (3) Texas State Guard members no longer receive tuition waiver [54.058(b)]. (4) A teacher, professor, and the spouse and children of such teacher or professor will have a waiver of tuition. This applies specifically to these types of employees at the institution (54.059).

**Mack Adams**  
06/07/85

Texas Public Education Grant Program (TPEG) - Tuition revenue to be set aside, from tuition revenue from resident students and for awarding to resident students - 6 percent for resident and \$1.50 per hour non-resident, from tuition revenue for academic courses and 6 percent for resident or non-resident for vocational courses. Any unencumbered TPEG funds carried forward from the prior year or years that exceeds 150 percent of the amount set aside in the immediate prior year will be transferred to the Coordinating Board for awarding as scholarships to students at other institutions.

**Winston Cave**  
06/21/85

It is a foregone conclusion that the instructional time spent for abbreviated sessions will be the same as for regular terms.

**Mack Adams**  
08/27/85

TPEG set-asides should be made from all tuition revenues. All TPEG set-asides will need to be split between resident and non-resident funds.

**Ronnie Jung**  
09/01/85

Legal requirements pertaining to official enrollment:

- (1) If a student is allowed to change from credit to audit after the official reporting date, then those contact hours will be deleted for adult purposes.
- (2) Delayed collection of tuition is allowed when a valid contract exists with the United States Government, private business, or public service-type organizations. However, such receivable must in all cases be subsequently collected if hours are to be claimed for funding.
- (3) Returned checks must be covered by a transfer from self-supporting auxiliary enterprise or similar fund source on or before the official reporting date. Returned checks not transferred by the official reporting date will result in deletion of the student's contact hours.
- (4) An alien who is living in this country under a visa permitting permanent residence or who has filed with the proper federal immigration authorities a declaration of intention to become a citizen has the same privilege of qualifying for resident status for fee purposes.

**Ken Ashworth**  
10/24/85

The Coordinating Board has authority under Article II-35, paragraph (e) of the Appropriations Bill, Acts of the 69th Legislature, to exempt revenue collected from out-of-district contact hours. This exemption allows this revenue not to be considered out-of-district revenue.

**Lawrence Alwin**  
12/16/85

A compensatory education program as stated in Section 130.003(e)(5) of the Texas Education Code is considered to mean a remedial course and we believe this would give the Coordinating Board the authority to approve remedial courses for state funding.

<b>Ronnie Jung</b> 01/27/86	The requirement that tuition and fees collected by the 12th class day does not prevent the college from using the money for operations once it has been collected.
<b>Ronnie Jung</b> 02/10/86	Unintentional errors made by a college in collecting the proper amount of tuition would still cause the college to lose state funding for the student due to lack full collection of tuition by the official reporting date.
<b>L.. Temple</b> 12/29/86	Documents acceptable to prove Texas residency, (not limited to this list): <ol style="list-style-type: none"> <li>(1) Texas high school transcript</li> <li>(2) Texas college or university transcript</li> <li>(3) Employer statement of date of employment</li> <li>(4) Permanent driver's license (at least one year old). Generally, the license expiration date minus the date of enrollment should not exceed three years.</li> <li>(5) Texas voter registration</li> <li>(6) Lease agreement which includes student's name and periods covered</li> <li>(7) Property tax payments</li> <li>(8) Canceled checks</li> <li>(9) Utility bills</li> <li>(10) Other third party documentation</li> <li>(11) A signed and dated application for admission with comprehensive questions regarding residence in Texas</li> <li>(12) A signed, dated, and notarized residence questionnaire</li> <li>(13) For aliens, proof of permanent residence classification which is eligible for the establishment of a domicile in Texas</li> <li>(14) If current year federal tax form has not been filed, a signed, notarized statement regarding the student's independence or regarding the individual(s) who claim the student is a dependent.</li> </ol>
<b>Barbara Turley</b> 04/06/87	In order to claim an other than semester length course for state funding, the same rate must be charged to each student in the class.
<b>D. Campbell</b> 06/27/88	Boards of trustees may authorize the president to establish tuition and fees for non-credit adult vocational classes and assure that these are uniformly and consistently assessed.
<b>Winston Cave</b> 02/28/89	Use the same official reporting date (ORD) for concurrent eight-week summer session as that for a six-week session.
<b>Ernie Pereyra</b> 04/20/89	Continuing Education Census Day rolls may contain any title (advertised name or approved course name) provided that the auditors can determine a correlation between the course taught and the approved course.

Winston Cave 04/12/89	Students who have registered and paid fees, did not withdraw, and did not attend classes may be reported on the CBM-001 and the CBM-004 reports.
Winston Cave 04/24/89	The waiving of any optional fee or fees (parking, athletic, etc.) for any employees of the college would be acceptable as it would be for their dependents. Required fees (general fees, registration fees, lab fees) mandated by the board of trustees and not the State may not be waived for any select group of students.
Mack Adams 09/07/89	Employees of Sematech (actually there are currently 41 companies which qualify under the Economic Development and Diversification Program), their spouses and dependent children are eligible for waiver of the difference between non-resident and resident rates under this program.
Mack Adams 04/16/90	The federal Guaranteed Student Loan Program now requires a pro-rata refund of tuition and fees for students who withdraw in a term for which they have received a GSL (Stafford) or SLS loan if the cohort default for the institution attended is 30 percent or greater.
	At institutions not subject to the federal pro-rata refund requirement, and for students who have <u>not</u> had a GSL and SLS loan covering the term in which withdrawal occurs, regardless of the institution's loan default rate, the State's refund policies set out in Section 54.006 of the Texas Education Code should be observed.
Mack Adams 05/31/90	Employees of the Superconducting Super Collider ("SSC") are eligible for waiver of the difference between non-resident and resident rates under this program.
Senate Bill 63 04/05/91	<p>Section 54.006, Texas Education Code, is amended by adding Subsection (f) to read as follows:</p> <p>(f) Beginning with the summer semester of 1990, if a student withdraws from an institution of higher education because the student is called to active military service, the institution, at the student's option, shall:</p> <ol style="list-style-type: none"> <li>(1) Refund the tuition and fees paid by the student for the semester in which the student withdraws.</li> <li>(2) Grant a student, who is eligible under the institution's guidelines, an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript.</li> <li>(3) As determined by the instructor, assign an appropriate final grade or credit to a student who has satisfactorily completed a substantial amount of course work and who has demonstrated sufficient mastery of the course material.</li> </ol>

Mack  
Adams  
04/24/91

Rules and Regulations for determining residence status passed as Chapter 21, Subchapter B, Coordinating Board Rules and Regulations.

Mack  
Adams  
06/14/91

Section 54.201 of the Texas Education Code provides that the governing board of each institution of higher education may exempt the highest ranking graduate of an eligible high school from the payment of tuition during both semesters of the first regular session immediately after the student's graduation. Also, the exemption may be granted for any one of the first four regular sessions following the eligible student's graduation when, in the opinion of the institution's president, circumstances of an individual case, including military service, merit such action.

Kenneth  
Dalley  
06/14/90

The following automated checks will be incorporated in the student (CBM-001) and the class (CBM-004) report edits:

- (1) The total contact hours of the CBM-001 must equal the total contact hours of the CBM-004.
- (2) The contact hours reported on the CBM-004 cannot be greater than the contact hours on the course inventory.

Kenneth  
Ashworth  
09/01/93

- (1) On or before the dates for reporting official enrollments to the Texas Higher Education Coordinating Board each enrollment period, each college shall collect in full from each student that is to be counted for state aid purposes the amounts set as tuition by the respective governing boards. Valid contracts with third party payers may be considered as collections thereunder, but subject to adjustments after final payment thereof.
- (2) Returned checks must be covered by a transfer from a self-supporting auxiliary enterprise fund or other non-state fund source within ten days of the date the institution receives the returned check in order for contact hours to be presented to the state for funding.
- (3) Auxiliary enterprise or other non-state fund sources may not be reimbursed with state provided funds.
- (4) Institutions must retain records of individual student tuition payment and returned checks for verification of contact hour funding.

SAO Letter  
07/22/95

- (1) Colleges should have the option of self-reporting any enrollment errors they find that occur during the audit period.
- (2) The dollar associated with the self-reported, base period enrollment errors should be removed from the State Auditor's Office pool of sample dollars and not included in any extrapolation of sample results. All self-reported, base period enrollment errors would lead to a recommended reduction of the actual dollars associated with self-reported error.

Kenneth  
Ashworth  
5/11/95

Under-reported hours, which audit has verified as otherwise eligible for funding, should offset deletions at the audited college. Under-reported hours should also be eligible for reimbursement from a pool of funds created by all other audited colleges' deletions based on over-reported hours to the extent that funds are available. Colleges not audited should not participate in this pool of funds created by deletion of over-reported contact hours.

Kenneth  
Ashworth  
8/15/96

We do view refunding 100 percent to a student for a class dropped prior to the census date as meeting the 70 percent refund requirement of our rules.

Sharon  
Cobb  
8/2/96

- (1) Prior to the census date, community and technical colleges may allow hours to be dropped and re-added without penalty to the student if the exchange is an equal one. When the charges for dropped hours are greater than for the hours added, the refund policy adopted in April is to be applied to the net charges being dropped. Of course, if the charges for hours being added exceed the charges for hours being dropped, the student would pay the net additional charges.
- (2) The acceptance of off-setting drops and adds prior to the census date is an institutional option (not a requirement). Each institution will need to adopt its own policy for handling drop/add combinations. The State Auditor's Office has suggested that each institution's board adopt a policy for that institution regarding add/drop off-sets. Since one school may adopt a different policy from another, the auditors will be looking for internal consistency at your institution in the application of your adopted refund procedures.

Kenneth  
Ashworth  
4/29/97

Because large numbers of inmates are relocated during July and August, the Windham School District requires that the summer semester begin in early May. At the same time, the school district limits the number of dates the TASP Test may be given in prisons to three annually. This means that inmates who accumulated their ninth semester hour during the spring semester of 1996 could only take the test in early to mid-April. A minimum of three weeks is required for scores to be reported, which means that in many cases the summer semester has already begun before inmates' TASP Test scores are known. At that point, students who fail any portion of the TASP Test are required by law to be enrolled in remediation. However, once a semester begins, Windham will permit no changes in a student's schedule; moreover, the TDC will not allow an inmate to enroll in remediation without a test score.

Mr. Ashworth therefore requested that the State Auditor's Office not hold the colleges accountable for technical violations of the TASP law that occurred in this fashion during the summer semester of 1996.

Appendix 6:

## Funding Rates - Recommended Formula for Community Colleges, Texas State Technical Colleges, Lamar University-Orange and Lamar University-Port Arthur

Table 13

<b>Technical Education Programs</b> Technical Education Programs = Base Period Contact Hours x Rates		
Program	Rates Per Base Period Contract Hour	
	Fiscal Year 1998	Fiscal Year 1999
Agriculture	\$4.87	\$5.07
Home Economics	\$4.10	\$4.26
<b>Distribution and Marketing</b>		
Restaurant Management	\$5.64	\$5.87
Mid-Management	\$4.69	\$4.88
Fashion Merchandising	\$8.79	\$9.14
Other Distribution and Marketing	\$4.58	\$4.77
<b>Office Occupations</b>		
Secretarial and General Business	\$4.46	\$4.64
Business Data Processing	\$4.30	\$4.47
Word Processing	\$4.35	\$4.52
<b>Industrial Education</b>		
Welding	\$5.03	\$5.23
Automotive	\$4.69	\$4.88
Diesel Mechanics	\$5.56	\$5.79
Cosmetology	\$3.35	\$3.48
Fire Protection	\$3.39	\$3.53
Airframe and Power Mechanic	\$6.97	\$7.25
Law Enforcement	\$3.74	\$3.89
Machine Shop	\$5.66	\$5.88
Printing and Graphic Arts	\$5.68	\$5.90
Building construction	\$4.12	\$4.29
Photography	\$5.79	\$6.03
Other Industrial Education	\$4.21	\$4.38

Table 13 (concluded)

<b>Technical Education Programs</b>		
Technical Education Programs = Base Period Contact Hours x Rates		
Program	Rates Per Base Period Contact Hour	
	Fiscal Year 1998	Fiscal Year 1999
<b>Health Occupations</b>		
Associate Degree Nursing	\$6.11	\$6.36
Vocational Nursing	\$3.80	\$3.95
Dental Assisting	\$5.39	\$5.60
Dental Hygiene	\$8.29	\$8.62
Medical Laboratory	\$6.04	\$6.28
Respiratory Therapy	\$5.19	\$5.40
Surgical Technology	\$5.17	\$5.37
Mental Health	\$3.73	\$3.88
Radiologic Technology	\$4.60	\$4.78
Other Health Occupations	\$4.21	\$4.38
<b>Technical Education</b>		
Career Pilot	\$13.42	\$13.95
Drafting and Design	\$4.62	\$4.81
Electronics	\$5.18	\$5.39
Other Technical Education	\$5.68	\$5.91
<b>Related</b>	\$3.71	\$3.86
<b>Adult Apprenticeship</b>	\$3.97	\$4.13
<b>Adult (Supplementary/Preparatory)</b>	\$3.40	\$3.53
<b>Cooperative Work Experience</b>	\$3.45	\$3.59

Table 14

<b>General Academic Programs</b>		
General Academic Programs = Base Period Contact Hours x Rates		
Program	Rates Per Base Period Contact Hour	
	Fiscal Year 1998	Fiscal Year 1999
Agriculture and Natural Resources	\$5.14	\$5.35
Architecture and Environmental Design	\$4.74	\$4.93
Biological Sciences	\$3.43	\$3.57
Business and Management	\$4.04	\$4.20
Communications	\$6.46	\$6.72
Computer and Information Sciences	\$3.90	\$4.06

Table 14 (concluded)

<b>General Academic Programs</b>		
General Academic Programs = Base Period Contact Hours x Rates		
Program	Rates Per Base Period Contact Hour	
	Fiscal Year 1998	Fiscal Year 1999
Education	\$4.20	\$4.37
Engineering	\$5.23	\$5.44
Fine and Applied Arts	\$5.45	\$5.66
Foreign Languages	\$3.64	\$3.78
Health Professions	\$3.80	\$3.95
Home Economics	\$3.30	\$3.43
Letters	\$3.77	\$3.92
Mathematics	\$3.51	\$3.65
Physical Sciences	\$3.83	\$3.98
Psychology	\$3.34	\$3.47
Social Sciences	\$3.29	\$3.42

### Notes For General Academic and Technical Programs

Base period contact hours for semester length courses are for Summer Session 1996, Fall Semester 1996, and Spring Semester 1997.

Base period contact hours for non-semester length courses are for quarterly periods: March-May 1996; June-August 1996; September-November 1996; and December 1996-February 1997.

The formula rates include the direct cost of each program for faculty salaries and departmental operating expense. Cost of instructional administration and organized activities is allocated between general academic and technical programs.

Administrative cost includes institutional support, student services, library and staff benefits (except for group insurance premiums and retirement contributions).

Rates for technical education courses identified by the Coordinating Board as priority technologies will be increased by 10 percent.

Technical education contact hours during the base period are subject to modification as provided by the Board's policy regarding Transition Funding for Programmatic Restructuring.

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**Texas Higher Education Coordinating Board  
Rules and Regulations  
(Texas Administrative Code, Title 19, Part 1)**

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## Chapter 5. Program Development

### Subchapter P. Testing and Remediation

#### § 5.311 Purpose

In accordance with Texas Education Code, § 51.306, this subchapter is intended to delineate policies relating to the Texas Academic Skills Program (TASP) and the treatment of students in public institutions of higher education who do not pass one or more sections of the TASP examination.

#### § 5.312 Definitions

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

**Blind Student and Deaf Student** - For the purpose of this subchapter "blind student" and "deaf student" mean students who are blind or deaf persons as defined by § 54.205(a) of the Texas Education Code.

**Certificate Programs Subject to the Requirements of TASP**- Certificate programs of 37 to 59 semester credit hours or the equivalent which contain nine or more semester credit hours or the equivalent of basic core general education courses as defined by the Southern Association of Colleges and Schools.

**Certification Form of the TASP Examination** - A version that shall be uniformly administered statewide on days prescribed by the board and shall be scored by the testing contractor.

**Exceptional Case** - A student who possesses the requisite skill knowledge but is unable to demonstrate mastery on the TASP examination; fails at least one part of the Texas Academic Skills Program Test battery; performs satisfactorily (as shown by a grade of C or higher) in pertinent college-level course work that can be counted toward the student's degree or certificate, if any; performs satisfactorily in pertinent remedial/developmental programs (as certified by one or more remedial/developmental educators); attempts and completes the failed part of the test battery at least two more times without receiving a passing score (if the student has a diagnosed disability that can be verified, the student must have requested and tested under accommodations appropriate for that disability in all three attempts); and applies to the student's institution for permission to be assessed as an exceptional case; and receives such permission.

**Extension Requests** - Requests to extend TASP compliance deadlines for students who have not taken the test due to circumstances beyond their control.

**Freshman** - A matriculated student who has accumulated fewer than 30 college-level semester credit hours or the equivalent.

**Passing Standard** - Statewide testing standard all public postsecondary students, unless exempt, must meet or exceed on the Texas Academic Skills Program certification test form to leave state mandated remediation or to progress to upper division course work or to graduate from a Texas public postsecondary institution.

**Pre-TASP Test or Campus Form of the TASP Examination** - A version that may be administered and scored by qualified campus personnel on a schedule determined by the institution. The pre-TASP test may not be used to satisfy the requirements of § 5.313(4) or (6) of this title (relating to Eligibility and Exemptions).

**Testing Irregularity** - Any occurrence in the course of administering the TASP Test or detected after administration of the test that violates rules of test participation, standards of test security and/or academic honesty.

**Upper Division Course** - Any degree credit course beyond the sophomore level as defined by a four year senior university, and any degree credit course offered by an upper level institution (for the purposes of this section).

### § 5.313 Eligibility and Exemptions

(a) Eligibility.

- (1) All students in the following categories who enter public institutions of higher education in the fall of 1989 or thereafter must be tested for reading, writing, and mathematics skills:
  - (A) All full-time and part-time freshmen enrolled in a college-level certificate program or degree program.
  - (B) Any other student, including transfers from private or out-of-state institutions, prior to the accumulation of nine or more college-level semester credit hours or the equivalent in a Texas public institution of higher education.
- (2) High school students may take the examination prior to graduation only if they have previously passed all sections of the exit level TAAS test, and have been admitted to, or are currently enrolled in, an institution of higher education.
- (3) Pre-collegiate or non-credit courses may not be counted toward the accumulation of the semester credit hours referred to in paragraph (1)(B) of this subsection.
- (4) No student may graduate from a certificate program defined in § 5.312 of this title (relating to Definitions), an associate degree program, or a baccalaureate degree program without having passed all sections of the certification form of the examination, unless the student is exempted under paragraph (1)(B) of this subsection.

- (5) Students in certificate programs other than those defined in § 5.312 of this title (relating to Definitions) are exempted from the requirement of taking the examination unless and until they become eligible under the provisions of subsection (b) of this section.
- (6) A student may not enroll in any upper division course completion of which would give the student 60 or more college-level semester credit hours or the equivalent until the student's examination results meet or exceed the minimum standards in all test sections (reading, writing, and math). The student may continue to enroll in lower division, non-credit or pre-collegiate courses only.
- (7) An institution which by law may not offer lower division courses may use performance on the certification form of the examination as a condition of admission.
- (8) A health science center may use performance on the certification form of the examination as a condition of admission only to upper level programs.
- (9) All students who enter a Texas public institution of higher education for the first time in fall 1989 or thereafter, other than those exempted by this subchapter, must take the certification form of the examination prior to the end of the semester in which they accumulate nine or more college-level semester credit hours. This also applies to high school students who accumulate college-level hours.
- (10) If any student tested under paragraph (9) of this subsection fails to take the certification form of the TASP during the designated semester, the student will not be permitted to re-enroll or to enroll in any other Texas public higher education institution in any courses other than non-credit remedial, developmental, or pre-collegiate courses until he or she has taken the examination. Students may retake courses for which credit has already been granted (for no additional credit), and may also audit courses.
- (11) Effective September 1, 1995, blind students will take the TASP test with appropriate accommodations and deaf students will take the Stanford Achievement Test nationally normed on the hearing impaired population by Gallaudet University.

Effective fall semester 1995 and until amended by the Board, minimum standards on the Stanford Achievement Test to be used in lieu of the TASP test are:

- (A) Reading Comprehension - 652
  - (B) Mathematics - 682
  - (C) Language Total - 662
  - (D) Study Skills - 663
- (12) The governing board of a junior college district may contract with the governing board of an independent school district in the junior college

district's service area for the junior college to provide remedial programs for students enrolled in secondary schools in the independent school district in preparation for graduation from secondary school and entrance into college.

Students in remediation under such authorized agreements are not to be permitted to concurrently take collegiate level work.

(b) Exemptions.

- (1) Any student with at least three college-level semester credit hours or the equivalent from an accredited institution accumulated prior to the fall of 1989 shall not be required to take the examination. Such credit hours must be certified as college-level by the granting institution and need not be applicable toward a degree or certificate. In addition, students who perform at or above a level set by the Coordinating Board on the American College Test (ACT), Scholastic Assessment Test (SAT), or Texas Assessment of Academic Skills (TAAS), which will exempt 15 percent of eligible students, shall be exempt from the Texas Academic Skills Program (TASP). This exemption will be in effect for five years from the date the ACT or SAT test was taken and for three years from the date the TAAS Test was taken. While tests may be retaken, ACT, SAT, or TAAS scores meeting or exceeding the standard set by the Board must be achieved on a single test administration. Effective fall semester 1995 and until amended by the Board, standards for exemption from the TASP are:
  - (A) ACT: composite score of 26, with a minimum of 22 on both the English and the mathematics tests
  - (B) SAT: combined verbal and mathematics score of 1,180, with a minimum of 550 on both the verbal and the mathematical tests (recentered scale for tests taken April 1995 and thereafter)
  - (C) SAT: for tests taken prior to April 1995, a combined verbal and mathematics score of 1,090, with a minimum of 470 on the verbal test and a minimum of 530 on the mathematics test
  - (D) TAAS: a minimum score of 1,780 on the reading, mathematics and writing tests, or, for tests taken spring 1994 and thereafter a Texas Learning Index (TLI) of 86 on the mathematics test and 89 on the reading test.
- (2) Students with three or more semester credit hours or the equivalent awarded prior to fall semester, 1989, are exempt from the Texas Academic Skills Program (TASP) regardless of any election of academic fresh start (Texas Education Code (TEC), § 51.929).
- (3) An institution may exempt a non-degree seeking or non-certificate-seeking student who will be 55 years of age or older on the first class day of a term or

semester from the testing requirements imposed by this section as a condition for enrollment during that term or semester in a course.

- (4) Students who enroll on a temporary basis in an institution of higher education, and are also enrolled in a private or independent institution of higher education or an out-of-state institution of higher education or have graduated from an institution of higher education, a private or independent institution of higher education, or an out-of-state institution of higher education may be exempt from the requirements of TEC 51.306.
- (5) TASP requirements do not apply to students enrolled in certificate programs of one year or less.
- (6) A student who has been diagnosed as having dyslexia or a related disorder, as those terms are defined by TEC 21.924(a), by a qualified professional whose license or credentials are appropriate to diagnose the disorder as determined by the board and who completes the remedial program prescribed by the institution may be required to retake the test once but may not be referred to an additional remedial course or other remedial program or precluded from enrolling in an upper division course because of the student's performance on the test.

#### **§ 5.314 Administration**

- (a) All institutions shall use TASP test instruments and testing procedures prescribed by the Board. The same instruments shall be used at all public institutions of higher education.
- (b) The test instruments shall be diagnostic in nature and be designed to provide a comparison of the skill level of the individual student with the skill level necessary for a student to perform effectively in an undergraduate degree or certificate program. The content of the test instruments, as defined and reviewed by Texas higher education faculty and approved by the Coordinating Board, fulfills the statutory requirements of TEC 51.306.
  - (1) For the purposes of this provision it is the intent of the Board that the diagnostic feature of the TASP assures that for each of the three examination sections—reading, writing, and mathematics—the student score report will provide an indication of student performance on both the examination and on the specific skills or groups of skills assessed by the examination. This information will help to identify areas of student academic strength and weakness, and thereby will facilitate student remediation and preparation for retaking any section not passed. (2) Also, even in cases where a student has demonstrated minimum skill proficiency, the diagnostic score report may help the student to identify skills where further improvement may be needed in order to increase the likelihood of benefiting from collegiate instruction.

- (c) Once a student has passed any section of the certification form of the examination, his or her score shall remain active.
- (d) A public institution of higher education serving as a testing site may not charge students for site costs.
- (e) An institution may not charge a student more than \$4.00 for the administration and scoring of the campus form of the examination.
- (f) Policies relating to these rules must be followed as they are described and further extended in the TASP Policy Manual.
- (g) Each institution of higher education shall provide to each student, accepted for admission, information in the institution's catalog relating to the testing and remedial requirements of TASP and of the rules adopted by the board.
- (h) TASP test scores may be withheld and/or canceled for any student who is suspected of committing a testing irregularity during the TASP test administration. A student whose TASP test scores have been withheld shall receive prompt notification of the reasons why the scores have been withheld and shall be entitled to due process of law prior to any cancellation of scores.

Institutions may be notified in the event the student is found to have committed a testing irregularity.

- (i) The Commissioner of Higher Education has the authority to grant or reject extension requests.

### **§ 5.315 Alternative Assessment**

- (a) The Board shall establish other assessment procedures to be used by institutions in exceptional cases to allow a student to enroll in upper division courses in cases where student test results do not meet standards. This provision offers an alternative form of basic skill assessment for "exceptional cases" where a student is believed to possess the requisite skill knowledge but is unable to demonstrate mastery on the TASP examination. Application procedures for "exceptional case" status are detailed in the TASP policy manual.
- (b) The Texas Higher Education Coordinating Board staff must review the application and recommendations, decide if the documentation provided supports classification as an "exceptional case" and, if the case meets all requirements, then specify the "other assessment procedures" that must be used; and the examiners who must conduct the "other assessment procedures." The Commissioner of Higher Education has authority to approve or disapprove applications for alternative assessment.

### § 5.316 Standards

The Board shall set statewide standards for the certification form of the examination, but an institution may require higher performance standards than those set by the board. In this case, a student wishing to transfer to an institution with higher standards may not be denied admission on the basis of TASP test scores, but may, nonetheless, be required to meet other higher standards as determined by the institution. Effective immediately and until amended by the Board, passing scale score standards for the TASP Test are set at: Reading - 220; Mathematics - 220; and Writing - 220; and effective September 16, 1995: Reading - 230; Mathematics - 230; and Writing - 220.

### § 5.317 Remediation and Advisement

- (a) For initial placement of a student, an institution may use any appropriate diagnostic assessment procedures.
- (b) A student whose performance is below the standard set by the board for a tested skill area on the certification form of the examination must participate continuously in a remediation program. "Continuously" means that during each semester in which a student is enrolled, he or she must participate and be enrolled in a remedial course or other remedial program provided by the institution.
- (c) If the examination results indicate that remedial education is necessary in any area tested, the institution shall refer the student to remedial courses or other types of remedial programs made available by the institution. Remediation must begin as soon as possible, but not later than the beginning of the next semester.
- (d) Each institution shall make available those courses and programs on the same campus or center at which the student would otherwise attend classes. Where there are multiple centers or sites for classes, an institution may designate a principal site or sites where remediation will be held.
- (e) An institution may elect to provide remedial programs or courses on its campus by contracting with a second institution to deliver the instruction. If such an arrangement is made, the host institution will be responsible for the quality and effectiveness of remediation.
- (f) An upper level institution or health science center that admits a student who has not passed the certification form of the examination is responsible for providing remedial instruction on campus either through the provision of noncredit remedial programs or by contracting with another institution, as provided in subsection (e) of this section.
- (g) Remedial courses and programs may not be considered as credit toward completion of degree or certificate requirements.

- (h) Each institution shall establish an advising program to advise students at every level of undergraduate courses and degree options that are appropriate for the individual student.
- (i) Each institution shall formulate policies to require and monitor students' continuous participation in appropriate remedial courses and/or other types of programs until such students have passed all sections of the certification form of the TASP examination.
- (j) The faculty of each institution should review its degree credit and certificate courses, and may identify those courses for which students must demonstrate prior successful performance on one or more parts of the TASP examination. Each institution adopting such a placement plan shall file it with the Texas Higher Education Coordinating Board. In the absence of such a placement plan, students would be eligible to enroll concurrently in remedial programs and college level courses, subject to appropriate advisement.
- (k) When students are concurrently enrolled in multiple Texas public institutions of higher education, the institution where the student first registers and pays full tuition charges (per TEC 54.062) takes precedence for the provision of remediation in accordance with subsections (d) and (e) of this section.

#### **§ 5.318 Institutional Reporting**

- (a) Each institution shall report annually to the Board, on or before a day set by rule of the board and in a manner prescribed by the Board, data concerning the effectiveness of the institution's remedial program and advising program.
- (b) Annual reports on the effectiveness of advising shall contain information about the institution's total advisement program.
- (c) Each institution is responsible for full compliance with TEC 51.306 and the rules adopted by the Coordinating Board.
  - (1) Failure to comply with the TASP statute and rules by admitting students to take semester credit hours or the equivalent who have not taken or passed the TASP test (when applicable), or any other act or omission that results in the accumulation of semester credit hours or the equivalent in violation of the TASP statute and rules shall be a basis for disallowing those credits by audit, resulting in an adjustment of the dollar amounts of institutional funds. The funding adjustment will be based on credit hours used in the contact hours base period that have been disallowed as a result of audit.
  - (2) The State Auditor has the right to audit the TASP programs at institutions of higher learning for compliance utilizing the TASP statute, rules and policy manual.

## Chapter 9. Public Junior Colleges

### Subchapter D. Basic Standards

#### § 9.63 Admission

A student may be admitted to a public community college according to any one of the following conditions and in compliance with the criteria of the Commission on Colleges of the Southern Association of Schools and Colleges:

- (1) For admission to a standard academic or general curriculum, a public community college shall require that the applicant be a graduate of an accredited high school, or meet the institutional requirements for transfer from another institution of higher education.
- (2) An applicant who has not been graduated from high school and has no transferable credit from any institution of higher education:
  - (A) Must be admitted upon completion of the general educational development testing program
  - (B) May be admitted on the basis of placement examinations or upon the recommendation of the principal or superintendent of the last high school attended. Content of the placement examinations shall reflect high school equivalency. The form and type of these examinations and the procedure for administering them are to be determined by local policy.
- (3) An applicant who has not been graduated from high school, has no transferable credit from any institution of higher education, and is under the age of 18 and who attended a non-accredited public or private high school, or who was schooled in a non-traditional setting:
  - (A) May be admitted on the basis of placement examinations or upon the recommendation of the principal or superintendent of the last high school attended. Content of the placement examinations shall reflect high school equivalency and shall be consistent with the minimums for high school completion established by the Texas Education Agency. The form and type of these examinations and the procedure for administering them are to be determined by local policy
  - (B) Must present a notarized record of the high school equivalent work completed and the date of successful completion
  - (C) Must agree to limitations or conditions of admissions established by the institution.
- (4) A person who is 18 years of age or over and has no transferable credit from any institution of higher education may be exempt from the admission requirements of this section and admitted on "individual approval," provided the admitting

officer is convinced that the applicant's record indicates the student would be competent to benefit from a program of the institution as demonstrated by the completion of a state-required or local assessment test. Students admitted on this condition shall be subject to the same policies and regulations as all other students.

- (5) Students enrolling in the terminal curriculum including technical education courses, shall have the same entrance requirements as those listed in this section. A student not meeting the requirements for admission to a standard academic or general curriculum may be admitted to a terminal program on individual approval if the student is at least 18 years of age.
- (6) A student who has completed the junior year of high school may be permitted to enroll in a community college upon the recommendation of the high school principal. Normally, the class load of such student shall not exceed two college credit courses per semester. However, under special circumstances that indicate a student with exceptional academic abilities is capable of college-level work, based on such factors as grade-point average, ACT or SAT scores, and other assessment indicators, the chief academic officer of a higher education institution may grant exceptions to these two requirements.

#### **§ 9.92 Eligibility of Students**

Only those students who are admitted to the college in credit courses under the applicable subsections of § 9.63 of this title (relating to Admission) and who are enrolled in courses formally approved may be counted in determining the student contact hours for appropriation purposes.

## **Chapter 9. Public Junior Colleges**

### **Subchapter E. Operational Provisions**

#### **§ 9.103 Reporting for State Reimbursement**

Class enrollments shall be reported on the CBM-004 for all students enrolled at the reporting institution in Coordinating Board approved semester-length courses (for which semester credit hours are awarded). Class enrollments shall be reported on the CBM-00C for all students enrolled in courses approved for other than semester length reporting. Enrollment for all classes shall be reported as of the official census date prescribed in the current edition of the educational data reporting system for public community and technical colleges. On or before the official census date, each student eligible for inclusion shall have paid in full the amount set as tuition by the respective governing board (or, where applicable, have a valid accounts receivable on record).

## Chapter 9. Public Junior Colleges

### Subchapter I. Contractual Agreements

#### § 9.191 Definitions

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

**Contract Instruction** - Instruction (generally for technical and vocational education and training) in which specific targeted instruction is provided by the PSI to the contracting entity. This arrangement is utilized when conventional methodology or instructional systems are difficult or impossible to obtain.

**Contractual Agreements** - An agreement by contract between a postsecondary institution and one of the following:

- (A) An NRAO for instructional services to be provided by the NRAO that could not be offered otherwise
- (B) A public school district for instructional services to be provided by the postsecondary institution.

**Nonregionally Accredited Organization (NRAO)** - An agency not accredited by the regional accreditation organization, Southern Association of Colleges and Schools.

**Postsecondary Institution (PSI)**- A community college, technical institute, or lower division of a university offering technical and vocational degree and certificate programs, adult vocational education courses, compensatory courses, and lower division general academic courses.

#### § 9.192 Contractual Agreements for Instruction with Non-Regionally Accredited Organizations

- (a) General Policy Guidelines.
  - (1) Contractual agreements for instruction by public community and technical colleges with non-regionally accredited organizations must comply with all current guidelines of the Commission on Colleges of the Southern Association of Colleges and Schools.
  - (2) Courses and programs offered under contractual agreements must be consistent with the educational purpose, mission, and goals of the institution.
  - (3) Courses and programs offered and requested for state reimbursement must remain under the sole and direct control of the sponsoring postsecondary institution.

- (b) Regulations.
  - (1) Coordinating Board approval is required.
    - (A) All programs and courses must be approved through the established procedures (program, course, and out-of-district approvals) of the Coordinating Board.
    - (B) Courses offered must remain under the sole and direct control of the sponsoring accredited institution which exercises ultimate and continuing responsibility for the performance of the functions reflected in the contract. Instructors of courses must meet qualifications as stipulated by the accredited institution. The accredited institution should employ at least one full-time faculty member per degree program and specify in the contract the institutional procedures by which the contracted courses or programs meet the standards of regular programs as disclosed fully in the publications of the institution, specifically including the following:
      - (i) Recruitment and counseling of students
      - (ii) Admission of students to courses and/or to the sponsoring institution where credit programs are pursued
      - (iii) Development and evaluation of the curriculum
      - (iv) Evaluation of student progress
      - (v) Instruction
      - (vi) Record keeping
      - (vii) Tuition and/or fee charges, receipts and disbursement of funds, and refund policy
      - (viii) Appointment, supervision, and evaluation of faculty
      - (ix) Instruction and learning resources
  - (2) The contractual agreement is executed.
    - (A) The contractual agreement should be executed by designated officers of the institution and their counterparts in the contracting organization.
    - (B) The contractual agreement will establish a definite understanding between the institution and the contracting agency to include each of the items mentioned in this subsection.
    - (C) The agreement should specify the work to be performed, the period of the agreement, and the conditions under which any renewal or renegotiation will occur.

### **§ 9.193 Contractual Agreements for Instruction Provided by a Postsecondary Institution for Public Secondary Schools**

#### **(a) General policy guidelines.**

- (1) Postsecondary institutions may contract to provide instruction for public secondary schools.
- (2) Provision of instruction for public secondary schools by postsecondary institutions will be in accordance with rules and guidelines established by the Texas Education Agency.
- (3) Instruction provided under a contractual agreement will include course work necessary for students to complete high school. It does not apply to early admission programs for high school students entering college, to college credit courses being offered on-site at the high school, or to individual students applying for early admissions course work on the campus.

#### **(b) Regulations.**

- (1) Instructors in contract programs must meet qualifications required by the postsecondary institution as well as the minimum guidelines approved by the State Board of Education.
- (2) An agreement between the postsecondary institution and the independent school district (ISD) will be approved by both boards of trustees.
- (3) Funding for this type of instruction will flow to the contracting agency (ISD). An agreed cost for instruction will be negotiated between the PSI and the ISD.

### **§ 9.194 Continuing Education**

Continuing education is a public service component of an institution that provides life-long learning opportunities. These opportunities may be referred to as adult vocational education, workforce education, public or community service programs or extension services. The Coordinating Board recognizes that in order to prepare a literate and trained workforce to be available for economic stability and development requires a true joint partnership between private and public sectors. Accordingly, the Board encourages contractual agreements between postsecondary institutions, business, industry, and other government agencies in order to forge a common partnership of joint planning, facilities, laboratories, delivery systems, and evaluation efforts. The Board policy intends to provide institutional incentives for colleges to work with business, industry, and government in the development of an educated workforce for Texas.

- (1) Each community and technical college may classify workforce continuing education and other courses as earning semester/quarter credit hours or continuing education units (CEUs). Contact hours reported for courses which result in either

credit hours or CEUs will be eligible for formula funding. A course or program that exceeds 360 hours in length must be approved as a technical certificate program except by special justification and approval by the Coordinating Board staff. A course or program that meets or exceeds 780 hours in length must result in the award of appropriate semester/quarter credit hours and in most cases be applicable to an associate degree program.

- (2) General enrollment or contact training courses that are non-credit and do not result in the award of CEUs are not eligible for any state apportionment funding, but a community and technical college is free to market such non-credit or non-CEU training to business, industry and government at whatever rate can be negotiated with the contracting organization. (Exceptions to rules, this paragraph and paragraph (1) of this section regarding programs serving incarcerated students must be submitted to the Coordinating Board staff for review and approval.)
- (3) Courses earning CEUs will be subject to the guidelines published by the Southern Association of Colleges and Schools as a condition of eligibility for formula funding.
- (4) All student enrollments for credit are subject to the provisions of the Texas Academic Skills Program as applicable.
- (5) Institutions providing courses to organizations for which credits or CEUs are earned and for which tuition is charged must charge out-of-state tuition to non-resident students who are brought from out-of-state for such contract courses.

## Chapter 21. Student Services

### Subchapter A. General Provisions

#### § 21.4 Collection of Tuition

The following conditions shall apply in the collection of tuition at institutions of higher education and in the conducting of enrollment audits.

- (1) On or before the dates for reporting official enrollments to the Texas Higher Education Coordinating Board each enrollment period, each institution of higher education shall collect in full from each student that is to be counted for state aid purposes the amounts set as tuition by state law or by the respective governing boards. Valid contracts with the United States government for instruction of eligible military personnel, approved financial assistance, and valid contracts with private business and public-service type organizations or institutions such as hospitals, may be considered as collections thereunder, but subject to adjustments after final payment thereof.
- (2) Returned checks must be covered by a transfer from a self-supporting auxiliary enterprise fund or other non-state fund source (e.g., food service, bookstore) within

ten days of the date the institution receives the returned check in order for contact hours to be presented to the state for funding.

- (3) Auxiliary enterprise or other non-state fund sources may not be reimbursed with state-provided funds.
- (4) Institutions must retain records of individual student tuition payment and returned checks for verification by the State Auditor.

### **§ 21.5 Refund of Tuition and Fees at Public Community/Junior and Technical Colleges**

- (a) A community/junior or technical college, as soon as practicable, shall refund mandatory fees and tuition collected for courses from which the students drop or withdraw, according to the following schedule. For courses which meet on what the college considers a regular schedule, class days refer to the number of calendar days the institution normally meets for classes, not the days a particular course meets. For courses which meet on an unusual or irregular schedule, the college may exercise professional judgement in defining a class day. The indicated percentages are to be applied to the tuition and mandatory fees collected for each course from which the student is withdrawing. The college may not delay a refund on the grounds that the student may withdraw from the institution or unit later in the semester or term. The institution may assess a nonrefundable \$15 matriculation fee if the student withdraws from the institution before the first day of classes.
  - (1) Coordinating Board approved semester-length courses for which semester credit hours are awarded:
    - (A) A 100 percent refund is to be made for courses dropped prior to the first class day.
    - (B) During the fall or spring semester or comparable trimester:
      - (i) During the first 15 class days, 70 percent
      - (ii) During the 16th through 20th class days, 25 percent
      - (iii) After the 20th class day, none.
    - (C) Six-week summer semester:
      - (i) During the first five class days, 70 percent
      - (ii) During the sixth and seventh class days, 25 percent
      - (iii) After the seventh class day, none.

- (2) For flex entry and non-semester-length courses with a census date other than the 12th class day (fourth class day for a six-week summer semester):
  - (A) Prior to the first class day, 100 percent
  - (B) After classes begin, see table:
- (b) A community/junior or technical college must follow the applicable refund policy outlined in subsection (a)(1) and (2) of this section for courses associated with any program which is approved for Title IV federal funding. The institution may determine a refund policy for any other program.
- (c) Separate withdrawal refund schedules may be established for optional fees such as intercollegiate athletics, cultural entertainment, parking, and yearbooks.
- (d) A community/junior or technical college shall refund tuition and fees paid by a sponsor, donor, or scholarship to the source rather than directly to the student who has withdrawn if the funds were made available through the institution.
- (e) A community/junior or technical college may terminate student services and privileges, such as health services, library privileges, facilities usage, and athletic and cultural entertainment tickets when a student withdraws from the institution.
- (f) If a student withdraws from an institution because the student is called to active military service, the institution, at the student's option, shall:
  - (1) Refund the tuition and fees paid by the student for the semester in which the student withdraws
  - (2) Grant a student, who is eligible under the institution's guidelines, an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript
  - (3) As determined by the instructor, assign an appropriate final grade or credit to a student who has satisfactorily completed a substantial amount of course work and who has demonstrated sufficient mastery of the course material.

## Chapter 21. Student Services

### Subchapter B. Determining Residence Status

(The following rules and regulations include changes adopted by the Coordinating Board in July 1997.)

#### § 21.21 Minors and Dependents

- (a) Residence of a Minor or a Dependent. Residency of a minor or dependent is based on one of the following circumstances:

- (1) The residence of the parent who has custody at the time of enrollment (upon divorce of parents)
  - (2) The residence of the parent who has claimed the dependent for federal income tax purposes both at the time of enrollment and for the tax year preceding enrollment
  - (3) The residence of the parent with whom the dependent has resided for the 12 months prior to enrollment.
- (b) **Custody by Court Order.** If the custody of the minor has been granted by court order (e.g., divorce decree, child custody action, guardianship or adoption proceedings) to some person other than the parent, the residence of that person shall control; provided, however, that such grant public institution of higher education and was granted under circumstances indicating of custody was not ordered during or within a year prior to the minor's enrollment in a that such guardianship was not for the purpose of obtaining status as a resident student. If the minor is not residing with either parent, and there is no court-appointed guardian, the residence of the parent with whom the minor last resided shall be presumed to control. If, however, the minor has resided with, and has been dependent upon a grandparent for more than a year prior to enrollment in an institution of higher education, the residence of that natural guardian shall be regarded as the minor's residence. The residence of a person other than a parent or a natural or legal guardian, who may furnish funds for payment of tuition, fees, or living expenses shall in no way affect the residence classification of a minor.
- (c) **Abandoned Child.** In the case of an abandoned child, the residence of a person who has stood in loco parentis for a period of time may determine the residence. The fact of abandonment must be clearly established and must not have been for the purpose of affecting the residence of the minor, and the minor must have actually resided in the home of such person for two years immediately prior to enrolling in a public institution of higher education in Texas and such person must have provided substantially all the minor's support. In the event that the in loco parentis relationship has not existed for the full two year period, a lesser period of time is acceptable in unusual hardship cases, such as death of both parents.
- (d) **Orphans.** Orphans who have lived for longer than a year in an established orphan's home in Texas operated by a fraternal, religious, or civic organization and have been graduated from the orphan's home shall be considered residents of Texas provided they reside in Texas from the time of such graduation until they enter an institution of higher education.
- (e) **Emancipation.** Under certain circumstances, minors may become emancipated or freed from parental control. If their parents have ceased to exercise parental control and responsibility, if they are responsible for all of their own decisions and affairs, and if they are not dependent on their parents, minors may establish emancipation. If emancipation is clearly proved, the residence classification of the minors is determined by their own residence rather than the residence of the parents. After 12 months in Texas under such circumstances, minors may be

classified as residents, if they otherwise satisfy the statutory requirements applicable to those over 18 (e.g., see presumption arising from residence while a student). Proof of emancipation is the responsibility of the minor.

- (f) Married Minors. Minors who are married have the power and capacity of single persons of full age.
- (g) Dependents whose parents move to another state or foreign country and no longer claim residence in Texas. If both of the parents of dependents who have been enrolled as resident students move their residence to another state or foreign country, the dependents shall be classified as nonresidents at all subsequent registration periods.
  - (1) Under the provisions of Texas Education Code 54.055, although classified as nonresidents, the dependents will be entitled to pay the resident tuition fee as long as they remain continuously enrolled in a state-supported institution of higher education. Such dependent students must enroll for the next available fall or spring semester immediately following the parents' change of residence to another state.
  - (2) When the parents of dependents who have established their residence in another state or foreign country return and reestablish their residence in Texas the dependents must continue to be classified as nonresidents until the first registration after the parents have resided in the state for a 12-month period.
- (h) Dependents whose parents move to another state or foreign country but continue to claim Texas residence.
  - (1) If both of the parents of dependents move to another state or foreign country, or reside outside the state or in a foreign country at the time the dependents enroll in an institution of higher education, but claim residence in Texas, conclusive evidence must be presented that the parents are still claiming residence in the State of Texas and that they have the present intent to return to the state. A certificate from the employer of the parents that the move outside the state was temporary (generally less than five years) and that there are definite plans to return the parents to Texas by a determinable future date will be considered in this connection.
  - (2) Persons who resided in Texas for at least five years prior to moving from the state, and who have returned to the state for residence purposes before having resided out of the state for a year, shall be classified as residents. The parent(s) of dependents must return to the state to live in order for the dependent to be considered a resident.

## **§ 21.22 Residence of Independent Individuals 18 Years of Age or Older**

Establishment of residence. Independent individuals 18 years of age or over who move into the state and who are gainfully employed within the state for a period of 12

months prior to enrolling in an institution of higher education are entitled to classification as residents. An individual who is self-employed or employed as a homemaker within the home may be considered gainfully employed for tuition purposes. If such 12 months residence, however, can be shown not to have been for the purpose of establishing residence in the state but to have been for some other purpose, the individuals are not entitled to be classified as residents. Students enrolling in an institution of higher education prior to having resided in the state for 12 months immediately preceding time of enrollment shall be classified as nonresidents for tuition purposes.

### § 21.23 Reclassification

- (a) Persons classified as nonresidents upon first enrollment in an institution of higher education are presumed to be nonresidents for the period during which they continue as students. Students classified as nonresident students shall be considered to retain that status until they make written application for reclassification in the form prescribed by the institution and are officially reclassified in writing as residents of Texas for admissions and tuition purposes by the proper administrative officers of the institution. Application for reclassification must be submitted prior to the official census date of the relevant term.
- (b) If such nonresident students withdraw from school and reside in the state while gainfully employed for a period of 12 consecutive months, upon re-entry into an institution of higher education they will be entitled to be reclassified as residents for tuition purposes if other evidence indicates they have established a domicile in the State of Texas. Accumulations of summer and other vacation periods do not satisfy this requirement.
- (c) If such nonresident students enroll while gainfully employed for a period of 12 consecutive months, they shall be considered for reclassification as residents for tuition purposes if other evidence indicates they have established a domicile in the state of Texas.
- (d) Material to the determination of the establishment of a domicile in Texas are business or personal facts or actions unequivocally indicative of a fixed intention to reside permanently in the state. Such facts shall include, but are not limited to,
  - (1) the length of residence and employment prior to enrolling in the institution;
  - (2) the nature of employment while a student,
  - (3) presence in Texas as a part of a household transferred to the state by an employer or as part of a household moved to the state to accept employment offered in Texas,
  - (4) purchase of a homestead, or
  - (5) dependency upon a parent or legal guardian who has resided in Texas for at least 12 consecutive months immediately preceding the student's enrollment.
- (e) All of these facts are weighed in the light of the fact that a student's residence while in school is primarily for the purpose of education and not to establish residence,

and that decisions of an individual as to residence are generally made after the completion of an education and not before. A person who moves to Texas as the spouse of an individual transferred here by the military (See 21.28), through the state's plan for economic development and diversification (See 21.26) or as a part of a household moved to the state to accept employment offered in Texas, is considered not to have come to Texas for the purpose of going to school. Therefore, once he or she has physically resided in Texas for 12 consecutive months, the person may be considered a resident if he or she has otherwise established a domicile in the state.

#### **§ 21.24 Loss of Residence**

Residents who move out of state will be classified as nonresidents immediately upon leaving the state, unless their move is temporary (generally less than five years) and residence has not been established elsewhere. Conclusive evidence must be provided by the individuals supporting their present intent to return to the state. Among other things, a certificate from the employer that the move outside the state is temporary and that a definite future date has been determined for return to Texas may qualify as proof of the temporary nature of the time spent out of state. Internship programs as part of the academic curriculum that require the student to return to the school may qualify as proof of the temporary nature of the time spent out of state.

#### **§ 21.25 Reestablishment of Residence**

Persons who resided in Texas for at least five years prior to moving from the state, and who have returned to the state for residence purposes before having resided out of the state for a year, shall be classified as residents.

#### **§ 21.26 Economic Development and Diversification Employees**

An individual eligible to establish a domicile in Texas, who has come from outside Texas and registered in an educational institution before having resided in Texas for a 12-month period immediately preceding the date of registration and his dependents, are entitled to pay the tuition fee and other fees required of Texas residents if the individual has located in Texas as an employee of a business or organization within five years of the date that such business or organization became established in this state as part of the program of state economic development and diversification authorized by the constitution and laws of this state and if the individual files with the Texas institution of higher education at which he registers a letter of intent to establish residency in Texas.

## § 21.27 Married Students

Marriage of a Texas resident to a nonresident does not jeopardize the former's right to pay the resident tuition rate unless the resident has taken steps to claim the out-of-state residence of his or her spouse. A nonresident who marries a resident of Texas must establish his or her own residency by meeting the standard requirements (see § 21.22 of this title (relating to Residence of Independent Individuals 18 Years of Age or Older) or § 21.21(C) of this title (relating to Married Minors)).

## § 21.28 Military Personnel, Veterans, and Commissioned Officers of the Public Health Service

- (a) General Rule of domicile for members of the military. Persons in military service and commissioned Public Health Service Officers are presumed to maintain during their entire period of active service the same domicile which was in effect at the time of entering the service. Persons stationed in a state for military or Public Health Service are presumed not to establish a domicile in that state because their presence is not voluntary but under military or Public Health Service orders.
- (b) Change of Domicile. It is possible for members of the military service or Public Health Service to abandon the domicile of original entry into the service and to select another, but to show establishment of a new domicile during the term of active service, there must be clear and unequivocal proof of such intent, including:
  - (1) evidence of abandonment of domicile of original entry,
  - (2) evidence of establishment of a domicile in Texas, and
  - (3) proof that Texas has remained the individual's domicile when stationed outside of Texas after having established Texas as his/her domicile.
- (c) Abandonment of domicile of original entry is evidenced by the establishment of a domicile in Texas.
- (d) Establishment of a domicile in Texas requires twelve consecutive months physical presence in the state. The military member must simultaneously file the appropriate documentation to change his or her military records to reflect Texas as the state of legal residence. Other actions may be considered in determining whether a domicile has been established in Texas. If four of the following actions have been taken by the military member at least 12 consecutive months immediately prior to the date of enrollment and continue to be in effect, the member has established a domicile in Texas unless he or she continues to vote and register his or her will in the same state other than Texas.
  - (1) purchasing a residence and claiming it as a homestead,
  - (2) registering to vote and voting in local elections,
  - (3) registering automobiles in Texas and paying personal property taxes thereon,
  - (4) maintaining a Texas driver's license,

- (5) maintaining checking accounts, savings accounts, or safe deposit boxes in Texas,
  - (6) having wills or other legal documents that indicate residence in Texas,
  - (7) having membership in professional organizations or other state organizations, and/or
  - (8) establishing a business in Texas.
- (e) To prove Texas has remained as his/her domicile when stationed outside of Texas, an individual must provide evidence that he or she was a Texas resident upon entry into the service and that Texas continues to be his or her state of record with the military. If he or she has established a domicile in Texas while in the service in accordance with section (d) above, the member must currently meet at least three of the following criteria and cannot currently vote and have a will registered in the same state other than Texas:
- (1) owning a residence in Texas and claiming it as a homestead,
  - (2) registering to vote and voting in Texas elections,
  - (3) registering automobiles in Texas and paying personal property taxes thereon,
  - (4) maintaining checking accounts, savings accounts, or safe deposit boxes in Texas,
  - (5) maintaining a Texas driver's license, and/or
  - (6) having wills of other legal documents indicate residence in Texas.
- (f) Eligibility of nonresident military personnel, commissioned Public Health Service Officers, and their spouses and their dependents. Certain military and Public Health Service personnel, spouses and dependent children classified as nonresidents are entitled to pay the resident tuition regardless of their length of residence in Texas if they comply with the following provisions of the statute and this subchapter.
- (1) Status of military personnel and commissioned Public Health Service Officers, their spouses and dependents stationed in Texas. Education Code 54.058(b) provides that military personnel assigned to duty within the State of Texas, their spouse and their dependent children, shall be entitled to pay the same tuition as a resident of Texas regardless of the length of their physical presence in the state. To be entitled to pay resident tuition, such military personnel shall submit at least once per 12-month academic year as defined by the institution a statement from an appropriately authorized officer in the service certifying that they are then assigned to duty in Texas and that same will be in effect at the time of such enrollment in a public institution of higher education. This same provision also applies to commissioned Public Health Service Officers, their spouses and their dependents. This subsection also provides that nonresident members of an out-of-state National Guard unit who are temporarily training with a Texas National Guard unit will not be entitled to pay the resident tuition.
  - (2) Status of spouses and dependents of military personnel or commissioned Public Health Service Officers who are reassigned out of state. Texas

Education Code 54.058(C) provides that if they reside continuously in the state of Texas, the spouse and dependent children of members of the armed forces previously assigned to active duty in Texas, but re-assigned to duty outside the state of Texas may pay resident tuition rates. This provision also applies to commissioned Public Health Service Officers, their spouses and their dependents.

- (3) Status of spouses and dependents of military personnel or commissioned Public Health Service Officers stationed in out-of-state locations. Texas Education Code 54.058(g) provides that the spouse and dependent children of members of the armed forces who are assigned to duty outside the State of Texas may be entitled to pay the resident tuition if they reside in Texas and file with the public institution of higher education at which a child or spouse plans to register a letter of intent, an affidavit or other evidence satisfactory to the institution stating they intend to become permanent residents of Texas. This provision also applies to commissioned Public Health Service Officers, their spouses and their dependents.
- (4) Status of spouses and dependents of military personnel or commissioned Public Health Service Officers once stationed in Texas but now stationed in out-of-state locations. Texas Education Code 58.058 (d) provides that a spouse or dependent child of a member of the Armed Forces of the United States, who is not assigned to duty in Texas but who has previously resided in Texas for a 12-month period, is entitled to pay the tuition fees and other fees or charges provided for Texas residents for a term or semester at a state institution of higher education if the member;
  - (A) at least one year preceding the first day of the term or semester executed a document with the applicable military service that is in effect on the first day of the term or semester and that:
    - (i) indicates that the member's permanent residence address is in Texas; and
    - (ii) designates Texas as the member's place of legal residence for income tax purposes;
  - (B) has been registered to vote in Texas for the entire year preceding the first day of the term or semester; and
  - (C) satisfies at least one of the following requirements:
    - (i) for the entire year preceding the first day of the term or semester has owned real property in Texas and in that time has not been delinquent in the payment of any taxes on the property;
    - (ii) has had an automobile registered in Texas for the entire year preceding the first day of the term or semester; or

- (iii) at least one year preceding the first day of the term or semester executed a will that has not been revoked or superseded indicating that the member is a resident of this state and deposited the will with the county clerk of the county of the member's residence under Section 71, Texas Probate Code.
- (5) Status of spouses and dependents of military personnel or commissioned Public Health Service Officers who die while in military or Public Health Service. Texas Education Code 54.058(f) provides that members of the immediate family (which includes spouse or dependent children) of members of the armed forces who die while in military service may qualify to pay the resident tuition if they become residents of Texas within 60 days of the date of death. To qualify under this provision, the students shall submit to the institution of higher education satisfactory evidence establishing the date of death and residence in Texas. This provision also applies to commissioned Public Health Service Officers and their dependents.
- (g) Nonresidents attending college under federal benefits programs for veterans. Texas Education Code 54.058(e) provides that the public institution of higher education may charge the nonresident tuition fee for nonresident veterans to the United States government under the provision of any federal law or regulation authorizing educational or training benefits for veterans.
- (h) Residence classification of veterans or commissioned Public Health Service Officers upon separation from military or Public Health Service. A former member of the Armed Forces of the United States or the former member's spouse or dependent child is entitled to pay the tuition fees and other fees or charges provided for Texas residents for any term or semester at a state institution or higher education that begins before the first anniversary of the member's separation from the Armed Forces if the former member:
  - (A) has retired or been honorably discharged from the Armed Forces; and
  - (B) has complied with the requirements of subsection 21.28 (f)(4) of these rules.
- (i) Students enrolled in ROTC programs. A nonresident student who is a member of an ROTC unit will be required to pay nonresident tuition rates until such time the student has signed a contract which cannot be terminated by the student and which obligates the student to serve a period of active military duty.
- (j) NATO forces stationed in Texas. Nonresident aliens stationed in Texas in keeping with the agreement between the parties to the North Atlantic Treaty regarding status of forces, their spouses, and dependent children are entitled to pay the same tuition rate at public institutions of higher education as residents of Texas.
- (k) Other federal employees. The privilege of paying resident tuition rates described in this section is restricted to persons in the military service and commissioned officers of the Public Health Service, and is not extended to other federal employees.

- (l) Civilian employees of the military. The privilege of paying resident tuition rates described in this section is restricted to persons in the military service and commissioned officers of the Public Health Service, and is not extended to civilians employed by the military or the Public Health Service.
- (m) A nonresident who marries a resident of Texas who is in the military must establish his or her own residency by meeting the standard requirements as stated in Section 21.27.

### **§ 21.29 Teachers, Professors, and Their Dependents**

Teachers and professors employed at least halftime on a regular monthly salary basis (not as hourly employees) by any Texas public institution of higher education may pay the same tuition as a resident of Texas for themselves, their spouses, and their dependent children, regardless of the length of residence in the state if their effective date of employment is on or prior to the official census date of the relevant term(s). To be entitled to pay the resident tuition fees, such employees must submit, prior to the time of each enrollment, a statement certifying employment from the director of personnel or a designated representative of the institution of higher education by which they are employed. This provision applies to eligible teachers and professors and their dependents no matter which Texas public institution of higher education they may attend. It is the intent of this rule that employment be for the duration of the period of enrollment for which a waiver is awarded.

### **§ 21.30 Students Employed As Teaching or Research Assistants**

Students employed as teaching or research assistants at least half time by any public institution of higher education in a degree program-related position with an effective date of employment on or before the official census date of the relevant term(s), may pay the same tuition while attending the employing institution as a resident of Texas for themselves, their spouses, and their dependent children, regardless of the length of residence in the state. The institution which employs the students shall determine whether or not the students' jobs relate to their degree programs. This provision applies to eligible teaching assistants, research assistants and their dependents no matter which Texas public institution of higher education they may attend. It is the intent of this rule that employment be for the duration of the period of enrollment for which a waiver is awarded.

### **§ 21.31 Competitive Academic Scholarship Recipients**

Certain students receiving competitive scholarships may be exempted from paying nonresident tuition rates.

- (a) Approved Procedures for Awarding Scholarships. Each institution awarding nonresident tuition waivers based on competitive scholarships shall have in the appropriate office of the institution a memo from the institution's administration

granting the scholarship committee the authority to award scholarships which hold a nonresident tuition waiver option. In addition, the scholarship committee shall maintain records which verify that residents as well as non-residents were eligible to compete for the scholarship and the criteria used to select scholarship recipients.

- (b) To qualify for exemption from paying nonresident tuition rates a student must be awarded competitive scholarships totaling at least \$1,000 for the academic year, the summer session or both by an official scholarship committee or committees of the public institution of higher education they are attending. If nonresidents or foreign students in competition with other students, including Texas residents, obtain these competitive scholarships, the students may pay the same tuition as a resident of Texas during the registration period in which the competitive scholarship is in effect. In order for a competitive scholarship to qualify a student to pay the resident rate, both the funds and the selection process must be under the control of the institution. At the time the competitive scholarship is made, the institution must designate the term or terms of the current 12-month academic year as defined by the institution in which the scholarship will be in effect. Scholarship funds need not be disbursed in each term covered by the scholarship and waiver, but documentation for the scholarship must define the relevant time period for the scholarship. The waiver's time period will be the same as that of the scholarship. If the scholarship is terminated for any reason, the waiver shall also cease as of the end of the enrollment period in which the scholarship is terminated. An institution shall not waive nonresident tuition on the basis of competitive scholarships for more than 5.0 percent of its total enrollment in the corresponding semester or term of the previous academic year. If the recipient of the scholarship is concurrently enrolled at more than one institution, the waiver of nonresident tuition is only effective at the institution awarding the scholarship.
- (c) Beginning with awards for fall 1998, a general academic teaching institution or medical and dental unit that offers competitive scholarships shall adopt a written policy describing the factors to be used by the institution or unit in making an award. A policy adopted under this section shall be published in the institution's or unit's catalog and shall be made available to the public in advance of any deadline for the submission of an application for a competitive scholarship to which the policy applies.
- (d) A nonresident or foreign student is eligible to pay the fees and charges required of Texas residents if the student holds a competitive academic scholarship or stipend and is accepted in a clinical biomedical research training program designed to lead to both a doctor of medicine and doctor of philosophy degree.

### **§ 21.32 Tuition Rates of Individuals from Bordering States or Countries**

- (a) Residents of a State Bordering Texas.
  - (1) Nonresidents who are residents of a state of the United States bordering Texas and who register in a public upper-level institution of higher education, two-year institution in the Lamar University System or in any Texas public

technical college or public junior college situated in a county immediately adjacent to the state in which the nonresident student resides are entitled to pay an amount equivalent to the amount charged a Texas student registered at a similar school in the bordering state. However, the amount paid by the nonresident for tuition may not be less than the amount charged Texas residents to attend the Texas institution.

- (2) Nonresidents who are residents of New Mexico or Oklahoma and who register in a public technical college that is situated in a county within 100 miles of the state in which the nonresident student resides are entitled to pay an amount equivalent to the amount charged a Texas student registered at a similar school in the bordering state. However, the amount paid by the nonresident for tuition may not be less than the amount charged Texas residents to attend the Texas institution.
- (3) The admitting Texas public junior college, public technical college, public senior upper-level institution or two-year institution in the Lamar University System must have on file a copy of a letter from the Chief Executive Officer of the comparable neighboring state institution which certifies that eligible Texas residents are entitled to pay in-state tuition at the comparable neighboring state institution. To be valid, the certifying letter must have been issued no longer than two years before the start of the involved enrollment period; also, a copy of the letter must be filed with the Texas Higher Education Coordinating Board.

(b) Citizens of Mexico.

- (1) A citizen of Mexico who registers for instruction offered by a general academic institution or component of the Texas State Technical College System in a county bordering Mexico or who registers for lower division courses at a community or junior college having a partnership agreement pursuant to Texas Education Code Subchapter N, Chapter 51, with an upper-level university and both institutions are located in the county immediately adjacent to the nation in which the foreign student resides, or who registers at Texas A&M University-Kingsville or Texas A&M University-Corpus Christi is eligible to pay tuition equal to that charged Texas residents provided the student demonstrates a financial need after the resources of the student and the student's family have been considered.
- (2) General academic teaching institutions other than Texas A&M University-Kingsville and components of the Texas State Technical College System, located in counties which are not adjacent to Mexico, may allow a limited number of citizens of Mexico who demonstrate financial need to register and pay the Texas resident tuition rate at their institution. The number of such students each institution may enroll in any one term is not to exceed two (2) eligible student per thousand of enrollment of the institution's total enrollment in that term. Institutions with fewer than 5000 students may enroll up to ten (10) eligible students

(c) Residents of Adjacent Counties of Bordering States.

- (1) A nonresident student who is a resident of a county or parish of Arkansas, Louisiana, New Mexico or Oklahoma that is adjacent to this state and who registers in a Texas public institution of higher education, the governing board of which has agreed to admit the student at the resident tuition fee prescribed by this chapter, shall pay tuition equal to that charged residents of this state at the institution. The state in which the student resides must allow a resident of a county of this state that is adjacent to that state to register in a public institution of higher education in that state at the tuition fee charged residents of that state
- (2) The admitting Texas institution must have on file
  - (A) a copy of a letter from the Chief Executive Officer of a neighboring state public institution which certifies that eligible Texas residents are entitled to pay in-state tuition at the neighboring state institution or
  - (B) a copy of a memorandum from the board that such a letter has been provided by a Texas institution and is on file at the board.
- (3) To be valid, the certifying letter must have been issued no more than two years before the start of the involved enrollment period; also, a copy of the letter must be filed with the Texas Higher Education Coordinating Board. For the Coordinating Board memorandum to justify a waiver, the student's enrollment period must fall within the eligibility period indicated in the memorandum by the board.

**§ 21.33 Foreign Students**

- (a) Aliens living in the United States under a visa permitting permanent residence, and aliens who are permitted by Congress to adopt the United States as their domicile while they are in this country and aliens who have filed with the proper federal immigration authority a declaration of intent to become a United States citizen have the same privilege of qualifying for Texas resident status for tuition purposes as do citizens of the United States. The Immigration and Naturalization Service has identified the following categories of foreign students as being eligible to establish domicile in the United States, however, if an individual provides proof from the Department of Justice or Immigration and Naturalization Service that the visa he/she holds has been granted eligibility to establish a domicile in the United States, such individuals may be granted the same privileges in establishing Texas residency for tuition purposes:
  - (1) holders of visas with A-1, A-2, G-1, G-2, G-3, G-4, K, or OP-1 classifications; and

- (2) individuals classified by INS as Refugees, Asylees, Parolees, Conditional Permanent Residents (holding I-551 cards which have not expired), and Temporary Residents (holding I-688 cards which have not expired).
- (b) A declaration of intent to become a citizen, according to the United States Department of Justice, may only be filed by the following four groups:
- (1) permanent residents;
  - (2) aliens lawfully admitted for temporary residence under section 245 A (a)(1) of the Immigration and Naturalization Act (holders of I-688 cards which have not expired);
  - (3) aliens admitted as refugees; and
  - (4) aliens granted asylum.
- (c) An individual who enters the state under a visa which does not allow the establishment of a domicile and who obtains permanent resident status while in Texas must wait a minimum of 12 consecutive months from the date on which permanent residence status was granted before they may apply for reclassification. The date on which permanent residence status was granted can be determined by the adjudication date (ADJ date) on Alien Registration Receipt Cards or by other official documentation provided by the United States Immigration and Naturalization Service.
- (d) Family Unity Program. A noncitizen residing in Texas under the Immigration and Naturalization Service's (INS) Family Unity Program may qualify to pay the resident tuition rate.
- (1) A noncitizen is eligible to apply for benefits under the Family Unity Program if he or she entered the United States on or before May 5, 1988 and has been residing in the United States since that date; and if he or she was the spouse or unmarried child of a legalized alien as of that date and continues to be so.
  - (2) An individual proving his/her eligibility should provide an institution two Immigration and Naturalization Service forms I-797, one which indicates an INS-approved "Application for Voluntary Departure under the Family Unity Program," and the other which must indicate either an INS-approved "Immigration Petition for Relative" or a "Visa Petition for Spouse." Since INS may cancel eligibility for the Family Unity Program at any time, it is necessary that institutions confirm the student's current INS status each time he/she registers.
  - (3) To comply with the provisions of the Family Unity Program and qualify to pay resident tuition rates at Texas institutions, the parent or spouse must have established a domicile in the State of Texas.

### § 21.34 Student Responsibilities

When completing the oath of residency portion of an application for admission process, the student is responsible for registering under the proper residence classification and for providing documentation as required by the public institution of higher education. If there is any question as to right to classification as a resident of Texas, it is the student's obligation, prior to or at the time of enrollment, to raise the question with the administrative officials of the institution in which enrolling for official determination. Students classified as Texas residents must affirm the correctness of that classification as a part of the admissions procedure. If the student's classification as a resident becomes inappropriate for any reason, it is the responsibility of the student to notify the proper administrative officials at the institution. Failure to notify the institution constitutes a violation of the oath of residency and will result in disciplinary action.

### § 21.35 Procedures for Reclassification

- (a) Application for reclassification. Students classified as nonresident students shall be considered to retain that status until they make written application for reclassification in the form prescribed by the institution and are officially reclassified in writing as residents of Texas by the proper administrative officers of the institution.
- (b) Reclassification as a nonresident. Persons who have been classified as residents of Texas shall be reclassified as nonresident students whenever they shall report, or there is found to exist, circumstances indicating a change in residence to another state. If students who have been classified as residents of Texas are found to have been erroneously classified, those students shall be reclassified as nonresidents and shall be required to pay the difference between the resident and nonresident tuition for those semesters in which they were so erroneously classified.
- (c) Reclassification as a resident. If students have been erroneously classified as nonresident students and subsequently prove to the satisfaction of the appropriate officials of an institution of higher education that they should have been classified as a resident student, they shall be reclassified as residents of Texas and may be entitled to a refund of the difference between the resident and nonresident fees for the semesters in which they were so erroneously classified. Normally the refunds must be requested and substantiated during the current term.

### § 21.36 Penalties

Each institution has been authorized by statute to assess and collect from nonresident students failing to comply with the provisions of the tuition statute and with these interpretations concerning nonresident fees a penalty not to exceed \$10 a semester. In addition, if students have obtained residence classification by virtue of deliberate concealment of facts, or misrepresentation of fact, they may be subject to appropriate disciplinary action, in accordance with the rules and regulations that may be adopted by the governing boards of the respective institutions of higher education.

### **§ 21.37 Junior College Tuition Waivers for Ad Valorem Taxpayers**

The governing board of a public junior college district may waive the difference in the rate of tuition for nonresident and resident students for individuals, or their dependents, who own property which is subject to ad valorem taxation by the junior college district. Aliens not domiciled in the United States are not eligible for waiver of the nonresident tuition rate due to payment of ad valorem taxes. Persons, or their dependents, applying for such waiver shall verify property ownership by presentation of an ad valorem tax statement or receipt issued by the tax office of the junior college district; or by presentation of a deed, property closing statement, or other appropriate evidence of ownership of property which is subject to ad valorem taxation by the junior college district. If a sworn affidavit is accepted at the time of enrollment, verification of the student as an ad valorem taxpayer must be provided by the end of the semester of enrollment.

### **§ 21.38 Responsibilities of the Public Institutions of Higher Education**

- (a) Review of enrollment and/or registration forms. Each public institution of higher education is responsible for reviewing enrollment and/or registration applications for errors, inconsistencies, or misclassifications of residency status. Institutions should obtain written documentation to resolve any problems noted during the review of forms.
- (b) Affirmation of residence for returning students. When independent students classified as residents have been out of school for 12 months or more, an institution may continue the students' classification as residents upon receipt of affirmations from the students that they have not changed their state of residence since their last enrollment at that institution, provided the institution has documentation of residence status on file. When dependent students classified as residents have been out of school for 12 months or more, an institution may continue the students' classification as residents upon receipt of affirmations from the students that their parents or legal guardians have not changed their state of residence since the student's last enrollment at that institution, provided the institution has documentation of residence status on file.
- (c) Oath of residency. Each public institution is responsible for incorporating a core of residency questions and an oath of residency into its student application for admission process. The required core of questions will be developed by Coordinating Board staff with the assistance of an advisory committee. Answers to the questions should then be reviewed to determine the student's proper residency classification. If any of the answers raise questions as to the appropriateness of classification, the institution must file and maintain a copy of one or more appropriately dated documents which will certify that the student classified as a resident has legal right to such classification as of the official census date of the semester or term for which enrolling. However, documents which cannot legally or conveniently be reproduced should be observed by an official of the institution and pertinent information about the documents should be noted and signed by the observing official. Such notations should be maintained in the school's records for

audit purposes. Documents acceptable for this purpose include, but are not limited to:

- (1) Texas high school transcript for the full senior year immediately preceding the full semester enrolled
- (2) Texas college or university transcript (in conjunction with other documents from the institution)
- (3) Employer statement of date of employment
- (4) Permanent driver's license (at least one year old). The license expiration date minus date of enrollment should not exceed three years
- (5) Texas voter registration
- (6) Lease agreement which includes student's name and period covered
- (7) Property tax payments for the year preceding enrollment
- (8) Canceled checks
- (9) Utility bills for the year preceding enrollment
- (10) A signed, dated, and notarized comprehensive residence questionnaire
- (11) (For aliens) proof of permanent residence classification which is eligible for the establishment of a domicile in Texas
- (12) An income tax form or, if current year federal tax form has not been filed, a signed, notarized statement regarding the student's independence or regarding the individual(s) who claims the student as a dependent
- (13) A current credit report which documents the student's length and place of residence
- (14) Other third party documentation which confirms residency status for the 12-month period preceding enrollment
- (15) For a homeless individual, documentation may consist of written statements from the office of one or more legitimate social service agencies located in Texas, attesting to the provision of services to the individual over the previous 12-month period

### **§ 21.39 Glossary**

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

**Competitive Scholarship** - A scholarship which is designated as competitive by the institution, whose sum either singularly or in combination with other competitive scholarships totals the amount named in Texas Education Code 54.064, that is publicized and open to all students including Texas residents, and which has been selected by the institution to be a basis for the waiver of nonresident tuition charges.

**Conclusive Evidence** - Proof which removes uncertainties. In the case of proving residency, conclusive evidence may include, but is not limited to, the purchase of a homestead with substantial down payment, significant employment, dependence on parents who are residents of the state, and business or personal ties in the state which imply a fixed intent to remain in Texas.

**Dependent** - An individual (minor or 18 years of age or older) who is claimed as a dependent for federal income tax purposes by a parent or guardian the year of enrollment and the tax year prior to enrollment.

**Domicile in Texas** - Physically residing in Texas for at least 12 consecutive months with the intent to make Texas one's permanent home.

**Foreign Students** - Aliens who are not permanent residents of the United States or have not been permitted by Congress to adopt the United States as their domicile while they are in this country.

**Gainful Employment** - Lawful activities intended to provide an income to the individual or allow an individual to avoid the expense of paying another person to perform the tasks (as in child care or the maintenance of a home).

**Homeless Individual** - A homeless individual as defined by 42 United States Code § 11302. See § 21.40 of this title (relating to Homeless Individual).

**In-District Student** - A Texas resident who physically resides within the geographic boundaries of the classifying public junior college district.

**Independent Student** - A student who is not claimed by a parent or a guardian as a dependent for federal income tax purposes during the tax year including the enrollment period.

**Minor** - An individual who is 17 years of age or younger.

**Nonresident** - A citizen, national, or permanent resident of the United States or an alien who has been permitted by Congress to adopt the United States as his or her domicile while in this country and who has not met the state requirements for establishing residency for tuition purposes.

**Official Census Date** - The official reporting date for enrollments; the date upon which the student (by virtue of having paid or obligated him/herself to pay requisite tuition and/or fees) is considered to be enrolled in the institution (for 16-week semesters, the 12th class day; for six-week summer sessions, the fourth class day). For

other length programs, consult the Reporting and Procedures Manual, published by the Educational Data Center of the Coordinating Board.

**Out-of-District Student** - A Texas resident who does not physically reside within the geographic boundaries of the classifying public junior college district.

**Prior to Enrolling** - Prior to or including the official census date.

**Public Institution of Higher Education** - State-supported institutions of higher education, including public, junior, and community colleges, public senior colleges and universities, public health science centers, and Texas state technical institutes.

**Resident** - A citizen, national, or permanent resident of the United States or an alien who has been permitted by Congress to adopt the United States as his or her domicile while in this country and who has otherwise met the state requirements for establishing residency for tuition purposes.

**Time of Enrollment** - Official census date for the semester or term for that institution (for specific dates, refer to the Reporting and Procedures Manual of the Educational Data Center of the Coordinating Board).

#### **§ 21.40 Homeless Individual**

- (a) A homeless individual who resides in Texas for the 12-month period immediately preceding the date of registration, but who does not have a permanent residence in Texas, may enroll in vocational education courses at a public junior college by paying the resident tuition rate.
- (b) For this purpose, a homeless individual is defined by 42 United States Code § 11302, which states, "the term homeless or homeless individual or homeless person" includes:
  - (1) An individual who lacks a fixed, regular, and adequate nighttime residence
  - (2) An individual who has a primary nighttime residence that is:
    - (A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations
    - (B) An institution that provides temporary residence for individuals intended to be institutionalized
    - (C) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- (c) Documentation for a homeless individual may consist of written statements from the office of one or more legitimate social service agencies located in Texas,

attesting to the provision of services to the homeless individual over the previous 12-month period.

#### **§ 21.41 Students Enrolled in Radiological Sciences**

Members of the United States military who are enrolled in the bachelor of science or master of science degree program in radiological sciences at Midwestern State University by instructional telecommunication will be entitled to pay tuition fees and other fees or charges provided for Texas residents if they began the program while stationed at a military base or other military installation in Texas as a member of the United States Armed Forces.

#### **§ 21.42 Appeals to the Higher Education Coordinating Board**

In the event two or more Texas public institutions of higher education determine a different residency status for members of the same family with identical evidence of residency currently enrolled at each institution, the individuals who were the subject of the residency determination may appeal the unfavorable decision to the Commissioner of Higher Education. Before making an appeal to the Commissioner, the student classified as a nonresident must exhaust all appeal processes available at the institutional level. A decision by the Commissioner as to one family member's residency status will apply to each family member with identical evidence of residency at any institution of higher education he or she attends.

#### **§ 21.43 Students Who Are Beneficiaries of the Texas Tomorrow Fund**

A beneficiary of a prepaid tuition contract through the Texas Tomorrow Fund (Prepaid Higher Education Tuition Program) is considered a resident for purposes of tuition regardless of the beneficiary's residence on the date of enrollment. In this respect, the program may be seen as providing a waiver of nonresident tuition to eligible beneficiaries who at the time of enrollment are not residents of Texas.

Appendix 8:

## **Acknowledgments**

The following State Auditor's Office employees were responsible for researching and writing this guide:

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