

# FAQ - Hazlewood Act

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### **Question 1: What charges are covered?**

**Answer:** The Hazlewood Act exempts qualified veterans, and dependent children and spouses of certain deceased or disabled veterans taking classes at public institutions of higher education in Texas from all tuition and mandatory fee charges, excluding property deposit fees and student services fees. The deposit fees that are not covered are those specifically authorized under Texas Education Code 54.502. The student services fees that are not covered by the Hazlewood Act are those specifically authorized as student service fees in Texas Education Code 54.503. Charges for continuing education classes are not covered UNLESS the college receives tax support for offering the class OR the college has CHOSEN to waive charges for continuing education classes EVEN THOUGH state law allows them to refuse benefits.

### **Question 2: What charges are not covered?**

**Answer:** Books, supplies, and living expenses are not exempted, nor are deposit and student services fees.

### **Question 3: Does the Hazlewood Act cover teacher certification fees?**

**Answer:** If the fee is for credit hour classes taken through a public institution of higher education the fees for such courses would be exempted; fees for courses taken through alternative certification programs (such as those offered through Region Service Centers), fees for certification testing, fees to obtain a state teaching certificate, and fees for educator certification courses at independent (private) institutions are not exempted.

### **Question 4: Does the Hazlewood Act cover credit by examination?**

**Answer:** Since Texas Education Code, 54.203 (a) refers to an exemption from "all dues, fees, and their required charges, the exemption would include charges for credit by examination as long as the test is given through a Texas public institution and the charges are paid to the institution and not to a third party.

### **Question 5: Does the Hazlewood Act cover dual credit hours?**

**Answer:** Yes, the exemption may be used to pay for dual enrollment credit hours.

**Question 6: Which dependents may qualify for Hazlewood Act benefits?**

**Answer:** Dependent children and spouses of eligible veterans who died in the line of duty or as a result of injury or illness directly related to military service, are missing in action, or who became totally disabled for purposes of employability as a result of service related injury or illness. This benefit also applies to the dependent children and spouses of members of Texas National Guard or Air National Guard units who were killed while on active duty while serving either the State of Texas or the United States or are totally disabled for purposes of employability. An eligible child or spouse must provide official military documentation indicating that he or she meets the requirements.

**Question 7: Does the dependent child or spouse of a deceased service member using Hazlewood Act benefits have to be a Texas resident at the time he/she uses the benefits?**

**Answer:** Yes. The dependent child or spouse must be a resident of Texas.

**Question 8: If the dependent child or spouse of a deceased or disabled service member wants to use Hazlewood Act benefits, must the parent or veteran spouse have entered the service as a Texas resident?**

**Answer:** Effective fall 2009, eligible dependents must be the spouse or child of a service member of the U. S. Armed Forces who, at the time of entry into the service meets one of these “time of entry” requirements: 1) entered the service in the State of Texas, 2) declared Texas as their Home of Record, OR 3) were residents of Texas when they entered the service.

**Question 9: Would a veteran who was a dependent when his/her parents moved to Texas and who shortly thereafter entered the military be eligible?**

**Answer:** If the parent was a resident of Texas at the time of the veteran’s entry, the veteran would qualify as a Texas resident.

**Question 10: Does the Hazlewood Act provide benefits to the spouses of veterans?**

**Answer:** Effective fall 2009, eligible spouses of service members who are killed or who died during active military duty, are missing in action, or are 100% disabled or rated at 100% disabled for purposes of employability are eligible for the Hazlewood exemption.

**Question 11: Does the Hazlewood Act provide benefits to injured/disabled veterans?**

**Answer:** Yes, but only if they meet all other program requirements and served at least 181 days of active duty.

**Question 12: Does a veteran have to show his DD214 to qualify?**

**Answer:** Yes. The veteran must provide official military documentation to prove his/her eligibility for the Hazlewood Act exemption.

**Question 13: What is acceptable discharge language related to the phrase “under honorable conditions”?**

**Answer:** Discharges which have been characterized as “honorable” or “general, under honorable conditions” are legally acceptable. This includes the following categories: Honorable Discharge or Separation or General Discharge under

Honorable Conditions. If other wording is used and you are unsure of its meaning, you may contact the Texas Veteran's Commission at 512.463.5538.

**Question 14: What is the current status of the debate about honorable discharge and honorable separation from active duty?**

**Answer:** In September 1996, the Texas Attorney General issued an opinion that military personnel honorably separated after being on active duty may qualify for the Hazlewood Act exemption if they meet other program requirements.

**Question 15: Is the required amount of active service still 181 days? Are there any exceptions?**

**Answer:** The requirement remains 181 days of active military service, excluding training, for the person, unless he/she is a veteran who completed all of required active duty prior to the conclusion of the Korean War, or the person is the dependent child or spouse of an eligible service member who died in the line of duty. In these cases, the active duty time of the service member may be fewer than the required 181 days.

**Question 16: If a veteran served fewer than 181 days of active duty when he or she entered the service as an eligible veteran but had previously participated in active duty in the armed forces, could periods of service be combined to meet the 181-day requirement?**

**Answer:** Yes. The law requires 181 days of active duty beyond training. It does not indicate this duty time all has to fall in the period of service after entering as a Texas resident.

**Question 17: Can service in the Texas National Guard qualify an individual for Hazlewood benefits?**

**Answer:** No. The Hazlewood Act benefit is for veterans who served in the armed forces of the United States. The National Guard is a state unit. However, an individual in the National Guard who is called into active duty by a branch of the United States armed forces, who serves at least 181 days of active duty (excluding training), and who meets all other program requirements may qualify for Hazlewood benefits.

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

**Answer:** Yes, as long as they meet all of the program requirements, including 181 days of active military duty, excluding training.

**Question 19: Can a veteran whose point of entry into military service is another state qualify for Hazlewood Act benefits if he/she was a Texas resident at that time?**

**Answer:** Yes. He/she must prove to the college or university that although his/her point of entry was not Texas, he/she was a Texas resident at the time of entry into military service, or he/she declared Texas as his/her Home of Record in the manner provided by the military or other service. Effective fall 2009, a veteran must have met one of the following requirements at the time of entry into the service 1) entered the service in the State of Texas, 2) declared Texas as their Home of Record, OR 3) was a Texas resident at the time he/she entered the service.

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

**Answer:** Only if the veteran, at the time of entry into the service, entered in the State of Texas or declared Texas as his/her Home of Record in the manner provided by the military or other service.

**Question 21: If someone entered the service from another state but then became a Texas resident, could he/she use the Hazlewood Act benefit?**

**Answer:** Effective fall 2009, a veteran must have met one of the following requirements at the time of entry into the service 1) entered the service in the State of Texas, 2) declared Texas as their Home of Record, OR 3) was a Texas resident at the time he/she entered the service.

**Question 22: Is financial need an eligibility requirement?**

**Answer:** As of fall 2005, NO. The only relevant financial aid issue is that a person may not be in default on a loan made or guaranteed by the State of Texas.

**Question 23: Can a Pell or SEOG award make a person ineligible for the Hazlewood Act?**

**Answer:** As of fall 2005, No. Such awards are not relevant.

**Question 24: If a veteran, or an eligible spouse or child has federal veterans' education benefits available, would he/she be eligible for Hazlewood?**

**Answer:** Effective fall 2009, only federal veterans' education benefits dedicated to the payment of tuition and fees; such as chapter 33 (Post-911), are to be considered when determining eligibility for Hazlewood. A student may use both federal benefits and Hazlewood during the same term only if the amount available in fed benefits is less than the value of what Hazlewood would cover (tuition and required fees); the combination of both benefits may not exceed the total amount of tuition and fees. Federal veterans' education benefits issued under Montgomery GI Bill (MGIB, chapter 30 and chapter 1606), Reserve Educational Assistance Program (REAP, chapter 1607), or Post Vietnam Era Veterans' Educational Assistance program (VEAP, chapter 32), are no longer relevant.

**Question 25: What is the Hazlewood Legacy Act?**

**Answer:** Effective fall 2009, the Hazlewood Legacy Act (81st Texas legislature) allows veterans to transfer their unused Hazlewood hours (up to 150 SCH) to a child (stepchild, biological, adopted, or dependent for income tax purposes). A veteran cannot transfer his/her unused hours to a spouse; only to a child.

**Question 26: What are the requirements to transfer unused hours to a child using the Legacy Act?**

**Answer:** Veterans (eligible for Hazlewood) who have/have not used their Hazlewood benefit may transfer their unused hours (up to 150 SCH) to a child. An eligible child must be a TX resident who is 25 years of age or younger, and make satisfactory academic progress toward a degree, certificate or continuing education program. Unused Hazlewood hours cannot be transferred to a spouse.

**Question 27: If a child to whom unused hours have been assigned fails to use all of the hours of the exemption that are available, can the veteran assign the remaining hours to another child?**

**Answer:** Yes, a veteran may re-assign the unused hours that are available to another dependent child.

**Question 28: Can a veteran who has transferred his/her unused hours to a dependent child change his/her mind and take the hours back?**

**Answer:** Yes, but only to the extent that unused hours (that were previously transferred) are still available.

**Question 29: Can a veteran assign his/her unused hours to a child who will not be of age to go to college for several years, or must this be done just prior to the child's enrollment?**

**Answer:** There is no minimum time lapse required between the time the hours are assigned and the time the child enrolls. However, the child loses eligibility for the assigned hours when he/she turns 26 years of age.

**Question 30: Must the child start using the hours before he/she turns 26, or does his/her eligibility to use the exemption end when he/she turns 26?**

**Answer:** The statute indicates, "to be eligible to receive an exemption ... the child must be 25 years of age or younger on the 1st day of the semester." If the child is 26 as of the 1st day of the semester/term, he/she loses eligibility for any remaining assigned hours.

**Question 31: If the parent dies of natural causes prior to assigning his/her hours to a child, can the child receive the benefit?**

**Answer:** The current statute does not address this situation. Additional legislation will be needed to clearly indicate how such a child can become eligible. The new statute will also need to address the question of which child is to receive the hours if the deceased veteran has more than one child. The eligible veteran may complete the appropriate applications for the child while living and store in a safe place. The eligible veteran may also contact the Veterans' Education Office or the appropriate office at the institution the child plans to attend to ask if the institution would like a copy of the applications. It is not mandatory that the institution accept the applications.

**Question 32: Is there a special Legacy Act application that must be completed?**

**Answer:** Yes, the veteran must complete the application for the Transfer of Unused Hours to Eligible Child (Form TUHH); the child must complete the application for A Child Who Has Received Transferred Hours (Form HE-T). The applications are available for download on our website: <http://www.collegefortexans.com/apps/financialaid/tfa2.cfm?ID=579>

**Question 33: If a child qualifies for Hazlewood as a child of a disabled veteran AND also qualifies to receive a transfer of unused Hazlewood hours, would the child be eligible for 150 hours of the exemption, or for 300 hours of exemption?**

**Answer:** No individual is permitted to receive more than 150 semester credit hours of the Hazlewood Exemption.

**Question 34: If the veteran is eligible for and receiving federal veterans' educational benefits, but can't tap into Hazlewood yet because of the value of the federal veterans' benefits, is he/she be still eligible to transfer his/her HW benefits to a child?**

**Answer:** Yes. The veteran is not yet eligible to "use" his/her Hazlewood benefit does not preclude that veteran from transferring the hours to a child.

**Question 35: If a Texas veteran has defaulted on an education loan through a loan program in another state, would he/she be eligible for an exemption?**

**Answer:** A veteran who is in default on an educational loan made or guaranteed by the State of Texas is not eligible to receive Hazlewood Act benefits. These loans include only the state loans; for example, the College Access Loan Program (CAL) program, the Health Education Loan Program (HELP), the state's Federal Family Education Loan Program (FFELP) and the Texas B-On-Time Loan Program (BOT). Federal loans, such as the Federal Perkins Loan Program, are not included.

**Question 36: Will individuals in default on a state student loan be eligible to use the Hazlewood Act benefits for non-credit courses?**

**Answer:** If a veteran has a default which excludes him/her from Hazlewood benefits, that exclusion will be true no matter what type of class he/she is taking.

**Question 37: If a veteran receives Hazlewood Act benefit and it is later discovered that he/she defaulted on an applicable state loan, does he/she have to pay the money back to the school?**

**Answer:** If the veteran signs a statement that he/she is not in default on any education loan made or guaranteed by the State of Texas and is later found to be in default, the school may require repayment of tuition and appropriate fees by the veteran.

**Question 38: If an eligible dependent's parent is in default on a PLUS loan, can the student receive Hazlewood Act benefits?**

**Answer:** PLUS loans are taken out by the parents of students. If the parent's default is on a PLUS loan, the child is not in default. This default status does NOT have an impact on the student's eligibility for Hazlewood Act benefits.

**Question 39: Will the Hazlewood Act benefits pay for continuing education classes?**

**Answer:** Only if those classes receive state funding. Institutions are not required to offer Hazlewood exemptions for continuing education classes which receive no formula funding, but may if they choose to do so. The institution will advise veterans whether a particular continuing education course qualifies for Hazlewood Act benefits.

**Question 40: Can Hazlewood Act benefits be used for graduate school?**

**Answer:** Yes. Hazlewood Act benefits may be used for graduate studies, including law school or any their program of study at public institutions (other than non-funded continuing education) if the veteran has not already accumulated 150 credit hours using Hazlewood Act benefits since fall 1995.

**Question 41: Can veterans who are concurrently enrolled in more than one college or university (in the same term or semester) receive Hazlewood Act benefits?**

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

**Question 42: Are distance learning classes covered by the Hazlewood Act?**

**Answer:** If the classes receive formula funding, are taken through Texas public institutions, and the charges are paid to the institution and not to a third party, they are covered by the Hazlewood Act.

**Question 43: Are aircraft flight training courses covered by the Hazlewood Act?**

**Answer:** If they are taught at a public four-year institution and the institution receives formula funding for such courses, the benefit applies. Fees for such courses at community colleges, technical institutions, and state colleges may be exempted; but, the governing boards of these institutions are authorized to establish a fee for extraordinary costs associated with a specific course or program and may pass these fee charges to their students.

**Question 44: Can an individual who met all of the eligibility requirements and was discharged or separated under honorable conditions or received a general discharge or separation under honorable conditions qualify for the Hazlewood Exemption if he/she later decides to return to active duty?**

**Answer:** Yes. The fact that a person decides to re-enter the service does not disqualify him/her from the Hazlewood Exemption if he/she established eligibility through an earlier period of service. However, the person cannot be currently receiving any type of educational benefit that would disqualify him.

**Question 45: How much does the Hazlewood Exemption pay?**

**Answer:** This program does not provide a specific amount. Students who are eligible for this program are exempted (not charged) from all dues, fees, and other required charges, including fees for correspondence courses but excluding deposit fees, student service fees, and any fees or charges for lodging, board, or clothing.

**Question 46: Is there a limit to the number of semesters or years a Texas veteran can receive the Hazlewood Exemption?**

**Answer:** No. However, there is a limit on the number of semester credit hours that may be exempted by the program. The exemption will cover all up to 150 semester credit hours. This limit is not per institution, but is a cumulative total per eligible participant.

**Question 47: I used the Hazlewood Exemption at a previous school. Now I've transferred and want to use the remainder of my exemption. My university has asked for a record of the number of hours covered by this exemption at the previous school. Can the Texas Higher Education Coordinating Board provide that record?**

**Answer:** Yes. The institutions report the number of Hazlewood hours used by their students to the Coordinating Board which maintains the data through the Hazlewood database. Students who have not already registered to view their hours may access the database through this link: <https://www1.thecb.state.tx.us/Apps/HSH/students/>

**Question 48: If a veteran transfers his/her unused to a dependent child, will the hours be reflected in the state database under the dependent's SSN?**

**Answer:** The hours transferred to the child will be reported for him/her. The veteran will also be shown to have a zero balance. The database will be modified to accommodate the Legacy Act participants. The institutions must retain information on vets who are transferring hours and the institutions must retain information on the child who receives the hours.

**Question 49: Can a reservist qualify to receive Hazlewood benefits?**

**Answer:** Maybe. If the reservist was called to active duty, served at least 181 days on active duty, and met all other requirements, he/she can receive the Hazlewood Exemption.

**Question 50: Can an individual with a reserve commission (i.e. graduates of U.S. military academies) who are members of the United States Reserve Forces receive Hazlewood benefits?**

**Answer:** Yes, an individual who attended West Point, the Naval Academy or the USAF Academy is eligible for Hazlewood provided he/she meets all of the standard requirements and attended for at least 181 days.

**Question 51: Can a veteran who was not a United States Citizen at the time of entry qualify for Hazlewood benefits?**

**Answer:** Yes, a veteran does not have to be a U.S. Citizen at the time of entry to qualify for Hazlewood; however, he or she must meet one of the following "time of entry" requirements to be eligible to receive the exemption: 1) entered in the state of Texas, 2) declared Texas as his or her Home of Record, or 3) was a resident of Texas (at the time of entry).

**Question 52: Is a veteran who is on terminal leave eligible to receive Hazlewood benefits?**

**Answer:** A veteran who is on terminal leave is not eligible for the Hazlewood exemption until he or she reaches his or her actual retirement date.

**Question 53: Where do I mail the Hazlewood Exemption Applications?**

**Answer:** Mail the applications to the Veterans' Education Office or the appropriate office at the institution you plan to attend.

**Question 54: What is the Federal Veterans' Education Benefits Letter and why do I need it?**

**Answer:** The Federal Veterans' Education Benefits Letter serves as documentation regarding the current status of your veterans' education benefits (CH33) and is required in order for the Veterans' Education Office or the appropriate office at your institution to be able to process your application. If the veteran has not served since 9/11, he/she does NOT have to provide a copy of his/her Federal Veterans' Education Benefits Letter. If the veteran has served since 9/11, he/she IS required to provide a copy of his/her Federal Veterans' Education Benefits Letter.

**Question 55: Can a veteran use a Leave and Earnings Statement (LES) in lieu of a DD214?**

**Answer:** No.

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