

Hazlewood Exemption Frequently Asked Questions

(Updated March, 2012)

1. Who may qualify for Hazlewood Act benefits?

Veterans, dependent children under the age of 26, 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. Official military documentation confirming eligibility must be submitted to the institution.

2. Do the forms need to be submitted to the Coordinating Board or to the institution?

The forms need to be submitted to the institution.

3. Does the veteran have to reside in Texas in order to be eligible?

Yes. However, if the veteran resides outside of TX due to re-enlisting into active duty and being stationed outside of TX, or if the veteran resides outside of TX due to being married to a spouse that is serving on active duty outside of TX, then the veteran is exempt from this eligibility requirement.

4. Does a veteran have to provide a DD214 to qualify?

Yes. The veteran must provide official military documentation to confirm eligibility.

5. Is there a limit to the number of semesters or years a veteran can receive the exemption?

No. However, the number of semester credit hours is limited to 150 hours.

6. If a veteran entered the service in another state, but was a Texas resident at the time of entry, is that veteran eligible?

Yes. 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 his/her Home of Record, OR 3) was a Texas resident at the time of entry. The student will be required to submit appropriate documentation to the institution.

7. Is a veteran who was not a United States Citizen at the time of entry eligible?

Yes. A veteran does not have to be a U.S. Citizen at the time of entry to qualify. However, one of following "time of entry" requirements must be met:

- 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.

8. Are individuals with a reserve commission (i.e. graduates of U.S. military academies) who are members of the United States Reserve Forces eligible?

Yes, individuals who attended West Point, the Naval Academy or the USAF Academy for at least 181 days, are eligible.

9. Are reservists eligible for the exemption?

Yes, but only if the reservist was called to active duty by a branch of the US armed forces and served at least 181 days on active duty.

10. Are veterans of Operation Desert Storm eligible?

Yes.

11. Are Texas National Guard service members eligible?

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.

- 12. 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?**

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.

- 13. Are there any exceptions to the 181 day service requirement?**

The requirement remains 181 days of active military service, excluding training, unless the veteran 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.

- 14. What is acceptable discharge language related to the phrase "under honorable conditions"?**

Discharges characterized as "honorable" or "general, under honorable conditions" are legally acceptable.

- 15. Can a veteran who was discharged or separated from the military be eligible for the exemption if the veteran reenlists?**

Yes. The veteran can be eligible based on prior service.

- 16. Are veterans who are concurrently enrolled in more than one institution (in the same term or semester) eligible?**

Yes. Each institution must document the veteran's eligibility and observe the 150-hour limit.

- 17. If a student transfers from one institution to another during an academic year, and the current institution is requesting a record of hours covered by the exemption at the previous school, can the Coordinating Board provide that record?**

Yes. The institutions report the number of Hazlewood hours used to the Coordinating Board which maintains the data via 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/>

18. Can the Hazlewood Exemption be awarded retroactively for prior semesters?

Yes. Beginning Fall 2011, the application (along with supporting documentation) must be submitted to the institution no later than one year after the institution provides written notice of eligibility to the applicant, and receives written notice from the applicant acknowledging eligibility. Note: Any retroactive awards made beyond this one year limit are up to the discretion of the institution.

19. Is financial need an eligibility requirement?

No.

20. Do Pell or SEOG awards affect eligibility?

No.

21. Is a Texas veteran who has defaulted on an education loan through a loan program in another state, still eligible?

Yes. However, a veteran who is in default on an educational loan made or guaranteed by the State of Texas is not eligible.

22. If a student receives the Hazlewood exemption, and it is later discovered that he/she has defaulted on an applicable state loan, does the student have to repay the institution?

Yes.

23. Are graduate school classes covered?

Yes, as long as they receive formula funding from the State of Texas.

24. Are continuing education classes covered?

Yes - if the institution receives formula (state) funding for the continuing education classes. No - if the institutions do not receive formula (state) funding for the continuing education classes. The student will need to consult with the institution for more information regarding classes for which formula funding is appropriated.

25. Are teacher certification fees covered?

Yes, if the fee is for credit hour classes taken through a public institution of higher education. However, certain fees for courses taken through alternative certification programs such as: certification testing fees, state teaching certificate fees, educator certification course fees at independent (private) institutions are not covered.

26. Are aircraft flight training courses covered?

Yes, if they are taught at a public 4-year institution and the institution receives formula (state) funding for such courses.

27. Are distance learning classes covered?

Yes, 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.

28. What charges are covered? What charges are not covered?

Charges covered: all required tuition, dues, and fees. Charges not covered: deposit fees authorized under Texas Education Code 54.502, student service fees authorized under Texas Education Code 54.503, and any fees or charges for books, lodging, board, or clothing.

29. Are dual credit hours covered?

Yes.

30. Is credit by examination covered?

Yes. In accordance with Texas Education Code, 54.203 (a), the test must be administered through a Texas public institution, and the fees must be paid directly to the institution, and not a third party.

31. What is the Hazlewood Legacy Act?

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).

32. Does the veteran have to reside in Texas in order for the student to be eligible for the Legacy Program?

Yes.

33. Can the veteran and the Legacy child use the exemption at the same time?

No.

34. Is there an age limit for children using the Hazlewood Exemption?

Yes. The statute indicates to be eligible to receive an exemption...the child must be 25 years of age or younger on the first day of each semester.

35. 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 a child?

Yes, a veteran may re-assign the unused hours to another dependent child.

36. Can a veteran transfer benefits to a grandchild?

Yes. The veteran must provide confirmation to the institution that the grandchild was claimed on the latest year's tax return, or that the child was legally adopted.

37. If the parent dies of natural causes prior to assigning Hazlewood hours to a child, can the child receive the exemption?

Effective fall 2011, a veteran's spouse, child's guardian, conservator, custodian, or other legally designated caretaker may re-assign unused hours to an eligible child through the Legacy Program on behalf of a veteran who died prior to requesting the transfer.

38. If a child qualifies for Hazlewood as a child of a disabled veteran AND also qualifies to receive a transfer of unused Hazlewood hours under the Legacy Program, would the child be eligible for 150 hours or 300 hours?

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

- 39. If the veteran is receiving federal educational benefits, but can't utilize Hazlewood benefits yet because of the value of the federal benefits, is the veteran still eligible to transfer the Hazlewood benefits to a child?**

Yes.

- 40. When a veteran transfers unused Hazlewood hours to a spouse or a child, whose SSN are the hours reported under in the Hazlewood database?**

Hours transferred to a spouse or a child will be under the SSN of the spouse or the child in the Hazlewood database.

- 41. Are veteran spouses eligible?**

Yes. 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.

- 42. Can a veteran, or an eligible spouse or child who has federal education benefits available still be eligible?**

Effective fall 2009, only federal 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 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.

- 43. Are common law marriages recognized by the Hazlewood Exemption?**

Yes, common law marriages are recognized in Texas and thus are recognized by the Hazlewood Exemption. The spouse of a veteran who is common law married in Texas must submit a copy of the Declaration and Registration of Informal Marriage (VS-180.1 form) as proof of legal marriage to the institution.