

Texas Administrative Code

TITLE 19

EDUCATION

PART 1

TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 21

STUDENT SERVICES

SUBCHAPTER O

PROVISIONS REGARDING SCHOLARSHIPS TO RELATIVES OF BOARD MEMBERS OF INSTITUTIONS OF HIGHER EDUCATION AND UNIVERSITY SYSTEMS

RULE §21.468

Authority and Purpose

(a) Authority. Authority for this subchapter is provided in Subchapter Z, Chapter 51 of the Texas Education Code. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §51.969.

(b) Purpose. The purpose of these provisions is to provide guidance for institutions in the awarding of certain scholarships in such way as to avoid criminal penalties.

RULE §21.469

Definitions

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

(1) Affinity--Relationship between individuals based on being married or the fact that the spouse of one of the individuals is related by consanguinity to the other individual. The ending of a marriage ends relationships by affinity unless a child of that marriage is living, in which case the affinity continues as long as a child of that marriage lives. These relationships are named as follows:

(A) 1st Degree--Spouse, spouse's child, spouse's mother or father, child's spouse, parent's spouse.

(B) 2nd Degree--Spouse's brother or sister, spouse's grandparent, spouse's grandchild, brother or sister's spouse, grandparent's spouse, grandchild's spouse.

(2) Board or Coordinating Board--the Texas Higher Education Coordinating Board.

(3) Consanguinity--Relationship between individuals based on being descendants of one another or sharing a common ancestor. An adopted child is considered to be a child of the adoptive parent. These relationships are named as follows:

(A) 1st Degree--Mother, father, daughter, son.

(B) 2nd Degree--Brother, sister, grandparent, grandchild.

(C) 3rd Degree--Great-grandparent, great-grandchild, uncle (brother of parent), aunt (sister of parent), nephew (son of brother or sister), niece (daughter of brother or sister).

(4) Institution of Higher Education--A public institution of higher education as

defined in Texas Education Code Chapter 61, §61.003.

(5) Scholarship--An award of gift aid that does not have to be repaid by the student or earned through service or performance.

(6) University System--The association of one or more public senior colleges or universities, medical or dental units or other agencies of higher education under the policy direction of a single governing board.

(7) Within the Second Degree by Affinity--A circumstance in which a person is a spouse, spouse's child, spouse's mother or father, child's spouse, parent's spouse, spouse's brother or sister, spouse's grandparent, spouse's grandchild, brother or sister's spouse, grandparent's spouse, grandchild's spouse.

(8) Within the Third Degree by Consanguinity--A circumstance in which a person is a parent, child, brother, sister, grandparent, grandchild, great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual of an individual. An adopted child is considered to be a child of the adoptive parent for this purpose.

RULE §21.470 Relevant Institutions

The provisions of these rules apply to persons attending any institution of higher education in Texas.

RULE §21.471 Prohibited Scholarships

A person is not eligible to receive a scholarship originating from and administered by an institution of higher education or university system if the person is related to a current member of the governing board of the institution or system if the scholarship application is filed on or after January 1, 2008, unless:

- (1) the scholarship is granted by a private organization or third party not affiliated with the institution of higher education or university system;
- (2) the scholarship is awarded exclusively on the basis of prior academic merit;
- (3) the scholarship is an athletic scholarship; or
- (4) the relationship is not within the third degree by consanguinity or the second degree by affinity.

RULE §21.472 Declaration of Eligibility

Prior to receiving a scholarship originating from and administered by an institution of higher education or university system, a student must file a written statement indicating whether the person is related within the third degree by consanguinity or the second degree by affinity to a current member of the governing board of the institution or system. The required wording of the statement will be developed by the Board and will be made available to institutions via the Coordinating Board's web site.

RULE §21.473 Criminal Penalty

A person commits a Class B misdemeanor offense if the person knowingly files a false statement under §22.405 of this title (relating to Declaration of Eligibility).

RULE §21.474 Dissemination of Information and Rules

The Board is responsible for publishing and disseminating general information and program rules for the provisions described in this subchapter.