

1 AN ACT

2 relating to programs to provide student loan repayment assistance
3 for certain correctional officers, for certain speech-language
4 pathologists and audiologists, and for certain mathematics and
5 science teachers.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Chapter 61, Education Code, is amended by adding
8 Subchapter FF to read as follows:

9 SUBCHAPTER FF. CORRECTIONAL OFFICER LOAN REPAYMENT

10 ASSISTANCE PILOT PROGRAM

11 Sec. 61.9781. DEFINITIONS. In this subchapter:

12 (1) "Correctional officer" means a correctional
13 officer employed in a confinement facility operated by the Texas
14 Department of Criminal Justice.

15 (2) "Trust fund" means the correctional officer loan
16 repayment assistance trust fund.

17 Sec. 61.9782. REPAYMENT AUTHORIZED. The board shall
18 establish a pilot program to provide, using money in the trust fund
19 and in accordance with this subchapter and rules of the board,
20 assistance in the repayment of student loans for correctional
21 officers who apply and qualify for the assistance.

22 Sec. 61.9783. ELIGIBILITY. To be eligible to receive
23 repayment assistance, a correctional officer must:

24 (1) have received a baccalaureate degree from Sam

1 Houston State University or from another general academic teaching
2 institution that is selected to participate in the program by the
3 board under Section 61.9789(b) if the board expands the program to
4 include an additional general academic teaching institution;

5 (2) establish to the board that:

6 (A) the repayment assistance will be used to
7 repay any part of a student loan received by the correctional
8 officer to cover the officer's cost of attendance in connection
9 with enrollment in junior-level or senior-level course work in the
10 baccalaureate degree program at the institution;

11 (B) during the period of the correctional
12 officer's enrollment at the institution as described by Paragraph
13 (A), the officer:

14 (i) was employed full-time as a
15 correctional officer in this state;

16 (ii) was classified as a resident of this
17 state under Subchapter B, Chapter 54;

18 (iii) established financial need as
19 determined by board rule; and

20 (iv) maintained good academic standing at
21 the institution as determined by board rule; and

22 (C) the correctional officer has not committed an
23 offense:

24 (i) under Chapter 39, Penal Code;

25 (ii) under Section 38.11 or 38.114, Penal
26 Code;

27 (iii) under any other provision of the

1 Penal Code in which the victim was a person in the custody of the
2 Texas Department of Criminal Justice at the time the offense
3 occurred; or

4 (iv) the elements of which are equivalent
5 to a criminal offense under the law of another state, federal law,
6 or the law of a foreign government;

7 (3) complete at least two full years of employment as a
8 full-time correctional officer in this state not later than the
9 second anniversary of the date of the person's graduation from the
10 institution; and

11 (4) comply with any other requirements adopted by
12 board rule under this subchapter.

13 Sec. 61.9784. ELIGIBLE LOANS. (a) The board may provide
14 repayment assistance for the repayment of any student loan received
15 by an eligible correctional officer through any lender for the cost
16 of attendance for enrollment at Sam Houston State University or at
17 another general academic teaching institution that is selected by
18 the board to participate in the program under Section 61.9789(b).

19 (b) The board may withhold repayment assistance for a
20 student loan that is in default at the time of the correctional
21 officer's application.

22 (c) Subject to Sections 61.9785 and 61.9788, in each state
23 fiscal biennium the board shall attempt to allocate all funds
24 available in the trust fund for the purpose of providing repayment
25 assistance under this subchapter.

26 Sec. 61.9785. REPAYMENT. (a) The board shall deliver any
27 repayment under this subchapter in a lump sum:

1 (1) payable to both the lender or other holder of the
2 loan and the correctional officer; or

3 (2) on the correctional officer's behalf directly to
4 the lender or other holder of the loan.

5 (b) A repayment under this subchapter may be applied to any
6 amount due in connection with the loan.

7 (c) The board may grant prior conditional approval to a
8 correctional officer who completes each eligibility requirement
9 under Section 61.9783 other than the requirement under Section
10 61.9783(3) and may reserve money in the trust fund for disbursement
11 under this subchapter on the officer's completion of that
12 requirement.

13 Sec. 61.9786. RULES. (a) The board shall adopt rules
14 necessary to administer this subchapter. The board may consult
15 with the Texas Department of Criminal Justice to assist the board in
16 establishing priorities among eligible correctional officers for
17 repayment assistance.

18 (b) The board shall distribute to Sam Houston State
19 University, any other general academic teaching institution that is
20 selected by the board to participate in the program under Section
21 61.9789(b), each public junior college, and appropriate state
22 agencies and professional associations copies of the rules adopted
23 under this section and other pertinent information relating to this
24 subchapter.

25 Sec. 61.9787. AMOUNT OF REPAYMENT ASSISTANCE. (a) The loan
26 repayment amount for one year of full-time employment as a
27 correctional officer beginning two years after graduation from Sam

1 Houston State University or from another general academic teaching
2 institution that is selected by the board to participate in the
3 program under Section 61.9789(b) may not exceed the cost of
4 attendance for the officer to enroll in 30 semester credit hours of
5 junior-level or senior-level course work at the institution, as
6 applicable.

7 (b) The total amount of repayment assistance distributed by
8 the board under this subchapter may not exceed the total amount of
9 gifts and grants accepted by the board for repayment assistance,
10 legislative appropriations for repayment assistance, and other
11 funds available to the board for purposes of this subchapter.

12 Sec. 61.9788. TRUST FUND. (a) The board shall award
13 repayment assistance under this subchapter from the amount
14 available in the trust fund. The trust fund is established outside
15 the treasury but is held in trust by the comptroller. Money in the
16 trust fund may be spent without appropriation and only to fund the
17 pilot program. Interest and income from the assets of the trust
18 fund shall be credited to and deposited in the trust fund. In each
19 state fiscal year the board may spend from the trust fund to cover
20 the costs of administering this subchapter an amount not to exceed
21 2.5 percent of the total amount of money deposited into the trust
22 fund in that fiscal year.

23 (b) The board may solicit and accept gifts and grants from
24 any public or private source for the purposes of this subchapter and
25 shall deposit a gift or grant to the credit of the trust fund.

26 (c) The legislature may appropriate money to the trust fund.

27 Sec. 61.9789. EVALUATION OF PILOT PROGRAM. (a) The board

1 shall evaluate the effectiveness of the pilot program established
2 under this subchapter and report the results of the evaluation to
3 the legislature not later than December 31 of each even-numbered
4 year.

5 (b) If the board determines that expansion of the program
6 would enhance the effectiveness of the program or improve the
7 board's ability to evaluate the program, the board by rule may
8 expand the program to include as eligible to receive repayment
9 assistance under Section 61.9783 a correctional officer who:

10 (1) received a baccalaureate degree from a general
11 academic teaching institution other than Sam Houston State
12 University that is located near a confinement facility operated by
13 the Texas Department of Criminal Justice and that is selected by the
14 board to participate in the program; and

15 (2) meets all other eligibility requirements
16 prescribed by or adopted under Section 61.9783.

17 (c) If the board by rule expands the program under
18 Subsection (b) to include graduates of one or more other general
19 academic teaching institutions, the board shall include in the
20 report under Subsection (a) information regarding the
21 effectiveness of the expansion and the name of each additional
22 general academic teaching institution selected to participate in
23 the program.

24 Sec. 61.9790. TERMINATION OF PILOT PROGRAM. The board may
25 not award repayment assistance under this subchapter to pay the
26 costs of enrollment in an academic year after the 2015-2016
27 academic year. On January 1, 2019, the trust fund is abolished and

1 any amount remaining in the trust fund shall be transferred to the
2 general revenue fund.

3 SECTION 2. Chapter 61, Education Code, is amended by adding
4 Subchapter GG to read as follows:

5 SUBCHAPTER GG. REPAYMENT OF CERTAIN SPEECH-LANGUAGE PATHOLOGIST
6 AND AUDIOLOGIST EDUCATION LOANS

7 Sec. 61.9801. DEFINITIONS. In this subchapter:

8 (1) "Audiologist" means a person licensed as an
9 audiologist under Chapter 401, Occupations Code.

10 (2) "Communicative disorders program" means a
11 graduate degree program in audiology or speech-language pathology
12 accredited by the Council on Academic Accreditation in Audiology
13 and Speech-Language Pathology.

14 (3) "Public school" means a public preschool or
15 primary or secondary school in this state.

16 (4) "Speech-language pathologist" means a person
17 licensed as a speech-language pathologist under Chapter 401,
18 Occupations Code.

19 Sec. 61.9802. REPAYMENT ASSISTANCE AUTHORIZED. The board
20 shall provide, in accordance with this subchapter and board rules,
21 assistance in the repayment of student loans for speech-language
22 pathologists and audiologists who apply and qualify for assistance.

23 Sec. 61.9803. ELIGIBILITY. (a) To be eligible to receive
24 repayment assistance, a speech-language pathologist or an
25 audiologist must:

26 (1) apply to the board; and

27 (2) at the time the speech-language pathologist or

1 audiologist applies for the assistance:

2 (A) have been employed as a speech-language
3 pathologist or as an audiologist, as applicable, for at least one
4 year by, and be currently employed full-time in that capacity by, a
5 public school; or

6 (B) have been employed as a faculty member of a
7 communicative disorders program at an institution of higher
8 education for at least one year, and be currently employed
9 full-time in that capacity at such an institution.

10 (b) The board by rule may provide for repayment assistance
11 on a pro rata basis for speech-language pathologists and
12 audiologists employed part-time by a public school or institution
13 of higher education.

14 Sec. 61.9804. LIMITATION. (a) On qualifying for the
15 assistance, a speech-language pathologist or an audiologist may
16 receive repayment assistance grants for each year of employment,
17 not to exceed five years, by:

18 (1) a public school; or

19 (2) a communicative disorders program at an
20 institution of higher education.

21 (b) The amount of repayment assistance grants that a
22 speech-language pathologist or an audiologist may receive for each
23 year of employment by a public school or a communicative disorders
24 program at an institution of higher education may not exceed 20
25 percent of the speech-language pathologist's or audiologist's total
26 principal amount of student loans.

27 (c) The total amount of repayment assistance grants

1 received by a speech-language pathologist or an audiologist under
2 this subchapter may not exceed \$30,000 for an eligible recipient
3 who holds a master's degree but not a doctoral degree, or \$45,000
4 for an eligible recipient who holds a doctoral degree.

5 Sec. 61.9805. ELIGIBLE LOANS. (a) The board may provide
6 repayment assistance for the repayment of any student loan for
7 education at an institution of higher education, including loans
8 for undergraduate education, received by a speech-language
9 pathologist or an audiologist through any lender.

10 (b) The board may not provide repayment assistance for a
11 student loan that is in default at the time of the speech-language
12 pathologist's or audiologist's application.

13 (c) Each state fiscal biennium, the board shall attempt to
14 provide repayment assistance in amounts sufficient to use all the
15 money appropriated to the board for that biennium for the purpose of
16 providing repayment assistance under this subchapter.

17 Sec. 61.9806. REPAYMENT. (a) The board shall deliver any
18 repayment made under this subchapter in a lump sum payable to the
19 lender and the speech-language pathologist or audiologist, in
20 accordance with any applicable federal law.

21 (b) A repayment made under this subchapter may be applied
22 only to the principal amount of the loan.

23 Sec. 61.9807. ADVISORY COMMITTEES. The board may appoint
24 advisory committees to assist the board in administering this
25 subchapter.

26 Sec. 61.9808. ACCEPTANCE OF GIFTS. The board may accept
27 gifts, grants, and donations for the purposes of this subchapter.

1 Sec. 61.9809. RULES. (a) The board shall adopt rules
2 necessary for the administration of this subchapter.

3 (b) The board shall distribute a copy of the rules adopted
4 under this section and pertinent information regarding this
5 subchapter to:

6 (1) each institution of higher education;

7 (2) any appropriate state agency; and

8 (3) any appropriate professional association.

9 SECTION 3. Chapter 61, Education Code, is amended by adding
10 Subchapter HH to read as follows:

11 SUBCHAPTER HH. TEXAS TEACH CORPS STUDENT LOAN REPAYMENT ASSISTANCE
12 PROGRAM FOR MATHEMATICS AND SCIENCE CLASSROOM TEACHERS

13 Sec. 61.9831. LOAN REPAYMENT ASSISTANCE AUTHORIZED. The
14 board shall provide, in accordance with this subchapter and board
15 rules, assistance in the repayment of eligible student loans for
16 eligible undergraduate students who agree to teach mathematics or
17 science for a specified period in school districts in this state
18 that are determined by the Texas Education Agency to have shortages
19 of teachers in mathematics or science.

20 Sec. 61.9832. ELIGIBILITY; AGREEMENT REQUIREMENTS.

21 (a) To be eligible to receive loan repayment assistance under this
22 subchapter, a person must:

23 (1) apply for the loan repayment assistance in the
24 manner prescribed by the board;

25 (2) have graduated from high school in this state;

26 (3) be currently enrolled in an educator preparation
27 program accredited by the State Board for Educator Certification

1 that is provided by an institution of higher education or by a
2 private or independent institution of higher education in this
3 state;

4 (4) have a cumulative grade point average of at least
5 2.75 on a four-point scale or the equivalent;

6 (5) enter into an agreement with the board providing
7 that:

8 (A) the person will earn a baccalaureate degree
9 through completion of an educator preparation program described by
10 Subdivision (3);

11 (B) the person will graduate with a cumulative
12 grade point average of at least 2.75 on a four-point scale or the
13 equivalent;

14 (C) the person will obtain, within the period
15 prescribed by board rule, appropriate certification under
16 Subchapter B, Chapter 21, to teach mathematics or science in a
17 public school in this state;

18 (D) beginning with the first school year that
19 begins after the date the person obtains the appropriate
20 certification described by Paragraph (C), the person will accept an
21 offer of full-time employment to teach mathematics or science, as
22 applicable based on the person's certification, in a school
23 district in this state selected by the person from among districts
24 determined by the Texas Education Agency to have shortages of
25 teachers in that subject for that first school year for which the
26 person is accepting employment;

27 (E) the person will complete four consecutive

1 years of employment as a full-time classroom teacher in a district
2 described by Paragraph (D) whose primary duty is to teach
3 mathematics or science, as applicable, based on the person's
4 certification; and

5 (F) the person acknowledges the conditional
6 nature of the loan repayment assistance; and

7 (6) comply with any other requirement adopted by the
8 board under this subchapter.

9 (b) Except as provided by Section 61.9833, for the first
10 school year of employment and each following consecutive school
11 year of employment, as described by Subsections (a)(5)(D) and (E),
12 not to exceed a total of four years, the board may provide
13 assistance for the repayment of a portion of an eligible person's
14 eligible loans. Subject to the availability of funding under
15 Section 61.9836 and except as otherwise provided by this
16 subsection, the amount of an assistance payment provided under this
17 subsection in any year to an eligible person is \$5,000. The board
18 shall increase that amount as necessary to adjust for inflation or,
19 as determined by the board, on the basis of other relevant
20 considerations. The board shall reduce the amount of a single
21 assistance payment or refrain from making an assistance payment to
22 an eligible person as necessary to avoid making total payments
23 under this subsection to the person in an amount greater than the
24 total amount of principal and interest due on the person's eligible
25 loans.

26 (c) For purposes of this subchapter, whether a school
27 district is determined to have a shortage of mathematics or science

1 teachers for a school year is based on a determination made by the
2 Texas Education Agency during the preceding school year. Not later
3 than April 1 of each school year, the Texas Education Agency shall
4 determine which school districts in this state have a shortage of
5 mathematics or science teachers during that school year and shall
6 provide that information to the board and to each educator
7 preparation program in this state accredited by the State Board for
8 Educator Certification.

9 (d) For purposes of Subsection (a)(5)(E), if a person is
10 employed as a teacher in a school district determined to have a
11 shortage of teachers in mathematics or science for the first year of
12 employment, each subsequent year of continuous employment as a
13 teacher in that district is considered to be employment in a
14 district determined to have such a shortage of teachers in that
15 subject in that subsequent year, regardless of whether the Texas
16 Education Agency determined that the district had a shortage of
17 teachers in that subject for that year.

18 (e) To satisfy the teaching obligation prescribed by an
19 agreement under this section, a person must teach mathematics or
20 science courses for not less than an average of four hours each
21 school day.

22 Sec. 61.9833. EXCEPTION TO CONSECUTIVE YEARS OF EMPLOYMENT
23 REQUIREMENT. The board shall excuse an otherwise eligible person
24 from the requirement imposed by Section 61.9832(a)(5)(E) that the
25 employment be performed in consecutive years if the break in
26 employment is a result of the person's:

27 (1) full-time enrollment in a course of study related

1 to the field of teaching that is approved by the State Board for
2 Educator Certification and provided by an institution of higher
3 education or by a private or independent institution of higher
4 education in this state;

5 (2) service on active duty as a member of the armed
6 forces of the United States, including as a member of a reserve or
7 National Guard unit called for active duty;

8 (3) temporary total disability for a period of not
9 more than 36 months as established by the affidavit of a qualified
10 physician;

11 (4) inability to secure employment as required by
12 Section 61.9832 for a period not to exceed 12 months, because of
13 care required by a disabled spouse or child;

14 (5) inability, despite reasonable efforts, to secure,
15 for a single period not to exceed 12 months, employment as required
16 by Section 61.9832; or

17 (6) satisfaction of the provisions of any other
18 exception adopted by the board for purposes of this section.

19 Sec. 61.9834. ELIGIBLE LOANS. (a) The board may provide
20 under this subchapter repayment assistance for the repayment of any
21 student loan that:

22 (1) is for education at a public or private
23 institution of higher education; and

24 (2) is received by an eligible person through an
25 eligible lender.

26 (b) If the loan is not a state or federal guaranteed student
27 loan, the note or other writing governing the terms of the loan must

1 require the loan proceeds to be used for expenses incurred by a
2 person in attending a postsecondary educational institution.

3 (c) The board may not provide loan repayment assistance
4 under this subchapter for a student loan that is in default at the
5 time of the person's application for repayment assistance.

6 Sec. 61.9835. PAYMENT OF ASSISTANCE. (a) The board shall
7 pay any loan repayment assistance under this subchapter in a lump
8 sum:

9 (1) payable to both the holder of the loan and the
10 eligible person; or

11 (2) delivered on the eligible person's behalf directly
12 to the holder of the loan.

13 (b) Loan repayment assistance provided under this
14 subchapter may be applied to any amount due on the loan.

15 (c) Each fiscal biennium, the board shall attempt to
16 allocate all money available to the board for the purpose of
17 providing loan repayment assistance under this subchapter.

18 Sec. 61.9836. MATHEMATICS AND SCIENCE TEACHER INVESTMENT
19 FUND. (a) In this section, "fund" means the mathematics and
20 science teacher investment fund.

21 (b) The fund is a dedicated account in the general revenue
22 fund and consists of:

23 (1) appropriations of money to the fund by the
24 legislature;

25 (2) gifts, grants, and other donations received for
26 the fund; and

27 (3) interest and other earnings from the investment of

1 the fund.

2 (c) The fund may be used only to provide repayment
3 assistance for the repayment of loans eligible under Section
4 61.9834, including related administrative costs.

5 (d) The fund is exempt from the application of Sections
6 403.095 and 404.071, Government Code.

7 (e) The board may solicit and accept grants, gifts, or
8 donations from any public or private entity for the purposes of this
9 subchapter. All money received under this subchapter shall be
10 deposited in the fund.

11 Sec. 61.9837. AMOUNT OF LOAN REPAYMENT ASSISTANCE.

12 (a) The total amount of loan repayment assistance paid by the
13 board under this subchapter may not exceed the total amount of money
14 available in the fund under Section 61.9836 and any other money that
15 the board is legally authorized to use for purposes of this
16 subchapter.

17 (b) Not more than 4,000 eligible persons may be provided
18 loan repayment assistance in the amount authorized under this
19 subchapter in any school year.

20 (b-1) This subsection expires January 1, 2016.
21 Notwithstanding Subsection (b), not more than the following number
22 of eligible persons may be provided loan repayment assistance in
23 the amount authorized under this subchapter in the specified school
24 year:

25 (1) in the 2012-2013 school year, not more than 1,000
26 eligible persons may be provided loan repayment assistance;

27 (2) in the 2013-2014 school year, not more than 2,000

1 eligible persons may be provided loan repayment assistance; and

2 (3) in the 2014-2015 school year, not more than 3,000
3 eligible persons may be provided loan repayment assistance.

4 (c) If in any year the amount of money available for loan
5 repayment assistance under this subchapter is insufficient to
6 provide loan repayment assistance to each eligible applicant or if
7 there are more eligible applicants than the number authorized by
8 this section, the board shall establish criteria to determine which
9 eligible applicants will be provided repayment assistance as the
10 board determines appropriate to further the purposes of this
11 subchapter.

12 Sec. 61.9838. RULES. The board shall:

13 (1) adopt rules necessary for the administration of
14 this subchapter, including a rule providing for the manner in which
15 a person may apply for loan repayment assistance; and

16 (2) distribute to each educator preparation program
17 approved by the State Board for Educator Certification offered by
18 an institution of higher education or by a private or independent
19 institution of higher education in this state a copy of the rules
20 adopted under this section.

21 SECTION 4. The Texas Higher Education Coordinating Board
22 shall adopt the rules for repayment assistance under Subchapter FF,
23 Chapter 61, Education Code, as added by this Act, not later than
24 December 1, 2009.

25 SECTION 5. The Texas Higher Education Coordinating Board
26 shall begin providing loan repayment assistance under Subchapter
27 HH, Chapter 61, Education Code, as added by this Act, for eligible

1 persons teaching in the 2012-2013 school year.

2 SECTION 6. Subchapter HH, Chapter 61, Education Code, as
3 added by this Act, does not make an appropriation. A provision in
4 Subchapter HH, Chapter 61, Education Code, as added by this Act,
5 that creates a new governmental program, creates a new entitlement,
6 or imposes a new duty on a governmental entity is not mandatory
7 during a fiscal period for which the legislature has not made a
8 specific appropriation to implement the provision.

9 SECTION 7. This Act does not make an appropriation. A
10 provision in this Act that creates a new governmental program,
11 creates a new entitlement, or imposes a new duty on a governmental
12 entity is not mandatory during a fiscal period for which the
13 legislature has not made a specific appropriation to implement the
14 provision.

15 SECTION 8. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 518 was passed by the House on May 15, 2009, by the following vote: Yeas 137, Nays 4, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 518 on May 29, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 518 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor