

1-1 By: Kolkhorst, et al. (Senate Sponsor - Van de Putte) H.B. No. 518  
1-2 (In the Senate - Received from the House May 18, 2009;  
1-3 May 21, 2009, read first time and referred to Committee on Finance;  
1-4 May 25, 2009, reported favorably by the following vote: Yeas 14,  
1-5 Nays 0; May 25, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to programs to provide student loan repayment assistance  
1-9 for certain correctional officers and for certain speech-language  
1-10 pathologists and audiologists.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 61, Education Code, is amended by adding  
1-13 Subchapter FF to read as follows:

1-14 SUBCHAPTER FF. CORRECTIONAL OFFICER LOAN REPAYMENT

1-15 ASSISTANCE PILOT PROGRAM

1-16 Sec. 61.9781. DEFINITIONS. In this subchapter:

1-17 (1) "Correctional officer" means a correctional  
1-18 officer employed in a confinement facility operated by the Texas  
1-19 Department of Criminal Justice.

1-20 (2) "Trust fund" means the correctional officer loan  
1-21 repayment assistance trust fund.

1-22 Sec. 61.9782. REPAYMENT AUTHORIZED. The board shall  
1-23 establish a pilot program to provide, using money in the trust fund  
1-24 and in accordance with this subchapter and rules of the board,  
1-25 assistance in the repayment of student loans for correctional  
1-26 officers who apply and qualify for the assistance.

1-27 Sec. 61.9783. ELIGIBILITY. To be eligible to receive  
1-28 repayment assistance, a correctional officer must:

1-29 (1) have received a baccalaureate degree from Sam  
1-30 Houston State University or from another general academic teaching  
1-31 institution that is selected to participate in the program by the  
1-32 board under Section 61.9789(b) if the board expands the program to  
1-33 include an additional general academic teaching institution;

1-34 (2) establish to the board that:

1-35 (A) the repayment assistance will be used to  
1-36 repay any part of a student loan received by the correctional  
1-37 officer to cover the officer's cost of attendance in connection  
1-38 with enrollment in junior-level or senior-level course work in the  
1-39 baccalaureate degree program at the institution;

1-40 (B) during the period of the correctional  
1-41 officer's enrollment at the institution as described by Paragraph  
1-42 (A), the officer:

1-43 (i) was employed full-time as a  
1-44 correctional officer in this state;

1-45 (ii) was classified as a resident of this  
1-46 state under Subchapter B, Chapter 54;

1-47 (iii) established financial need as  
1-48 determined by board rule; and

1-49 (iv) maintained good academic standing at  
1-50 the institution as determined by board rule; and

1-51 (C) the correctional officer has not committed an  
1-52 offense:

1-53 (i) under Chapter 39, Penal Code;

1-54 (ii) under Section 38.11 or 38.114, Penal  
1-55 Code;

1-56 (iii) under any other provision of the  
1-57 Penal Code in which the victim was a person in the custody of the  
1-58 Texas Department of Criminal Justice at the time the offense  
1-59 occurred; or

1-60 (iv) the elements of which are equivalent  
1-61 to a criminal offense under the law of another state, federal law,  
1-62 or the law of a foreign government;

1-63 (3) complete at least two full years of employment as a  
1-64 full-time correctional officer in this state not later than the

2-1 second anniversary of the date of the person's graduation from the  
 2-2 institution; and

2-3 (4) comply with any other requirements adopted by  
 2-4 board rule under this subchapter.

2-5 Sec. 61.9784. ELIGIBLE LOANS. (a) The board may provide  
 2-6 repayment assistance for the repayment of any student loan received  
 2-7 by an eligible correctional officer through any lender for the cost  
 2-8 of attendance for enrollment at Sam Houston State University or at  
 2-9 another general academic teaching institution that is selected by  
 2-10 the board to participate in the program under Section 61.9789(b).

2-11 (b) The board may withhold repayment assistance for a  
 2-12 student loan that is in default at the time of the correctional  
 2-13 officer's application.

2-14 (c) Subject to Sections 61.9785 and 61.9788, in each state  
 2-15 fiscal biennium the board shall attempt to allocate all funds  
 2-16 available in the trust fund for the purpose of providing repayment  
 2-17 assistance under this subchapter.

2-18 Sec. 61.9785. REPAYMENT. (a) The board shall deliver any  
 2-19 repayment under this subchapter in a lump sum:

2-20 (1) payable to both the lender or other holder of the  
 2-21 loan and the correctional officer; or

2-22 (2) on the correctional officer's behalf directly to  
 2-23 the lender or other holder of the loan.

2-24 (b) A repayment under this subchapter may be applied to any  
 2-25 amount due in connection with the loan.

2-26 (c) The board may grant prior conditional approval to a  
 2-27 correctional officer who completes each eligibility requirement  
 2-28 under Section 61.9783 other than the requirement under Section  
 2-29 61.9783(3) and may reserve money in the trust fund for disbursement  
 2-30 under this subchapter on the officer's completion of that  
 2-31 requirement.

2-32 Sec. 61.9786. RULES. (a) The board shall adopt rules  
 2-33 necessary to administer this subchapter. The board may consult  
 2-34 with the Texas Department of Criminal Justice to assist the board in  
 2-35 establishing priorities among eligible correctional officers for  
 2-36 repayment assistance.

2-37 (b) The board shall distribute to Sam Houston State  
 2-38 University, any other general academic teaching institution that is  
 2-39 selected by the board to participate in the program under Section  
 2-40 61.9789(b), each public junior college, and appropriate state  
 2-41 agencies and professional associations copies of the rules adopted  
 2-42 under this section and other pertinent information relating to this  
 2-43 subchapter.

2-44 Sec. 61.9787. AMOUNT OF REPAYMENT ASSISTANCE. (a) The loan  
 2-45 repayment amount for one year of full-time employment as a  
 2-46 correctional officer beginning two years after graduation from Sam  
 2-47 Houston State University or from another general academic teaching  
 2-48 institution that is selected by the board to participate in the  
 2-49 program under Section 61.9789(b) may not exceed the cost of  
 2-50 attendance for the officer to enroll in 30 semester credit hours of  
 2-51 junior-level or senior-level course work at the institution, as  
 2-52 applicable.

2-53 (b) The total amount of repayment assistance distributed by  
 2-54 the board under this subchapter may not exceed the total amount of  
 2-55 gifts and grants accepted by the board for repayment assistance,  
 2-56 legislative appropriations for repayment assistance, and other  
 2-57 funds available to the board for purposes of this subchapter.

2-58 Sec. 61.9788. TRUST FUND. (a) The board shall award  
 2-59 repayment assistance under this subchapter from the amount  
 2-60 available in the trust fund. The trust fund is established outside  
 2-61 the treasury but is held in trust by the comptroller. Money in the  
 2-62 trust fund may be spent without appropriation and only to fund the  
 2-63 pilot program. Interest and income from the assets of the trust  
 2-64 fund shall be credited to and deposited in the trust fund. In each  
 2-65 state fiscal year the board may spend from the trust fund to cover  
 2-66 the costs of administering this subchapter an amount not to exceed  
 2-67 2.5 percent of the total amount of money deposited into the trust  
 2-68 fund in that fiscal year.

2-69 (b) The board may solicit and accept gifts and grants from

3-1 any public or private source for the purposes of this subchapter and  
 3-2 shall deposit a gift or grant to the credit of the trust fund.

3-3 (c) The legislature may appropriate money to the trust fund.  
 3-4 Sec. 61.9789. EVALUATION OF PILOT PROGRAM. (a) The board  
 3-5 shall evaluate the effectiveness of the pilot program established  
 3-6 under this subchapter and report the results of the evaluation to  
 3-7 the legislature not later than December 31 of each even-numbered  
 3-8 year.

3-9 (b) If the board determines that expansion of the program  
 3-10 would enhance the effectiveness of the program or improve the  
 3-11 board's ability to evaluate the program, the board by rule may  
 3-12 expand the program to include as eligible to receive repayment  
 3-13 assistance under Section 61.9783 a correctional officer who:

3-14 (1) received a baccalaureate degree from a general  
 3-15 academic teaching institution other than Sam Houston State  
 3-16 University that is located near a confinement facility operated by  
 3-17 the Texas Department of Criminal Justice and that is selected by the  
 3-18 board to participate in the program; and

3-19 (2) meets all other eligibility requirements  
 3-20 prescribed by or adopted under Section 61.9783.

3-21 (c) If the board by rule expands the program under  
 3-22 Subsection (b) to include graduates of one or more other general  
 3-23 academic teaching institutions, the board shall include in the  
 3-24 report under Subsection (a) information regarding the  
 3-25 effectiveness of the expansion and the name of each additional  
 3-26 general academic teaching institution selected to participate in  
 3-27 the program.

3-28 Sec. 61.9790. TERMINATION OF PILOT PROGRAM. The board may  
 3-29 not award repayment assistance under this subchapter to pay the  
 3-30 costs of enrollment in an academic year after the 2015-2016  
 3-31 academic year. On January 1, 2019, the trust fund is abolished and  
 3-32 any amount remaining in the trust fund shall be transferred to the  
 3-33 general revenue fund.

3-34 SECTION 2. Chapter 61, Education Code, is amended by adding  
 3-35 Subchapter GG to read as follows:

3-36 SUBCHAPTER GG. REPAYMENT OF CERTAIN SPEECH-LANGUAGE PATHOLOGIST  
 3-37 AND AUDIOLOGIST EDUCATION LOANS

3-38 Sec. 61.9801. DEFINITIONS. In this subchapter:

3-39 (1) "Audiologist" means a person licensed as an  
 3-40 audiologist under Chapter 401, Occupations Code.

3-41 (2) "Communicative disorders program" means a  
 3-42 graduate degree program in audiology or speech-language pathology  
 3-43 accredited by the Council on Academic Accreditation in Audiology  
 3-44 and Speech-Language Pathology.

3-45 (3) "Public school" means a public preschool or  
 3-46 primary or secondary school in this state.

3-47 (4) "Speech-language pathologist" means a person  
 3-48 licensed as a speech-language pathologist under Chapter 401,  
 3-49 Occupations Code.

3-50 Sec. 61.9802. REPAYMENT ASSISTANCE AUTHORIZED. The board  
 3-51 shall provide, in accordance with this subchapter and board rules,  
 3-52 assistance in the repayment of student loans for speech-language  
 3-53 pathologists and audiologists who apply and qualify for assistance.

3-54 Sec. 61.9803. ELIGIBILITY. (a) To be eligible to receive  
 3-55 repayment assistance, a speech-language pathologist or an  
 3-56 audiologist must:

3-57 (1) apply to the board; and

3-58 (2) at the time the speech-language pathologist or  
 3-59 audiologist applies for the assistance:

3-60 (A) have been employed as a speech-language  
 3-61 pathologist or as an audiologist, as applicable, for at least one  
 3-62 year by, and be currently employed full-time in that capacity by, a  
 3-63 public school; or

3-64 (B) have been employed as a faculty member of a  
 3-65 communicative disorders program at an institution of higher  
 3-66 education for at least one year, and be currently employed  
 3-67 full-time in that capacity at such an institution.

3-68 (b) The board by rule may provide for repayment assistance  
 3-69 on a pro rata basis for speech-language pathologists and

4-1 audiologists employed part-time by a public school or institution  
 4-2 of higher education.

4-3 Sec. 61.9804. LIMITATION. (a) On qualifying for the  
 4-4 assistance, a speech-language pathologist or an audiologist may  
 4-5 receive repayment assistance grants for each year of employment,  
 4-6 not to exceed five years, by:

- 4-7 (1) a public school; or
- 4-8 (2) a communicative disorders program at an  
 4-9 institution of higher education.

4-10 (b) The amount of repayment assistance grants that a  
 4-11 speech-language pathologist or an audiologist may receive for each  
 4-12 year of employment by a public school or a communicative disorders  
 4-13 program at an institution of higher education may not exceed 20  
 4-14 percent of the speech-language pathologist's or audiologist's total  
 4-15 principal amount of student loans.

4-16 (c) The total amount of repayment assistance grants  
 4-17 received by a speech-language pathologist or an audiologist under  
 4-18 this subchapter may not exceed \$30,000 for an eligible recipient  
 4-19 who holds a master's degree but not a doctoral degree, or \$45,000  
 4-20 for an eligible recipient who holds a doctoral degree.

4-21 Sec. 61.9805. ELIGIBLE LOANS. (a) The board may provide  
 4-22 repayment assistance for the repayment of any student loan for  
 4-23 education at an institution of higher education, including loans  
 4-24 for undergraduate education, received by a speech-language  
 4-25 pathologist or an audiologist through any lender.

4-26 (b) The board may not provide repayment assistance for a  
 4-27 student loan that is in default at the time of the speech-language  
 4-28 pathologist's or audiologist's application.

4-29 (c) Each state fiscal biennium, the board shall attempt to  
 4-30 provide repayment assistance in amounts sufficient to use all the  
 4-31 money appropriated to the board for that biennium for the purpose of  
 4-32 providing repayment assistance under this subchapter.

4-33 Sec. 61.9806. REPAYMENT. (a) The board shall deliver any  
 4-34 repayment made under this subchapter in a lump sum payable to the  
 4-35 lender and the speech-language pathologist or audiologist, in  
 4-36 accordance with any applicable federal law.

4-37 (b) A repayment made under this subchapter may be applied  
 4-38 only to the principal amount of the loan.

4-39 Sec. 61.9807. ADVISORY COMMITTEES. The board may appoint  
 4-40 advisory committees to assist the board in administering this  
 4-41 subchapter.

4-42 Sec. 61.9808. ACCEPTANCE OF GIFTS. The board may accept  
 4-43 gifts, grants, and donations for the purposes of this subchapter.

4-44 Sec. 61.9809. RULES. (a) The board shall adopt rules  
 4-45 necessary for the administration of this subchapter.

4-46 (b) The board shall distribute a copy of the rules adopted  
 4-47 under this section and pertinent information regarding this  
 4-48 subchapter to:

- 4-49 (1) each institution of higher education;
- 4-50 (2) any appropriate state agency; and
- 4-51 (3) any appropriate professional association.

4-52 SECTION 3. The Texas Higher Education Coordinating Board  
 4-53 shall adopt the rules for repayment assistance under Subchapter FF,  
 4-54 Chapter 61, Education Code, as added by this Act, not later than  
 4-55 December 1, 2009.

4-56 SECTION 4. This Act takes effect immediately if it receives  
 4-57 a vote of two-thirds of all the members elected to each house, as  
 4-58 provided by Section 39, Article III, Texas Constitution. If this  
 4-59 Act does not receive the vote necessary for immediate effect, this  
 4-60 Act takes effect September 1, 2009.

4-61 \* \* \* \* \*