

Academic Component Institutions:
The University of Texas at Arlington
The University of Texas at Austin
The University of Texas at Brownsville
The University of Texas at Dallas
The University of Texas at El Paso
The University of Texas-Pan American
The University of Texas of the Permian Basin
The University of Texas at San Antonio
The University of Texas Institute of Texan Cultures at San Antonio
The University of Texas at Tyler



Health Component Institutions:
The University of Texas Southwestern Medical Center at Dallas
The University of Texas Medical Branch at Galveston
The University of Texas Health Science Center at Houston
The University of Texas Health Science Center at San Antonio
The University of Texas M.D. Anderson Cancer Center
The University of Texas Health Center at Tyler

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THE UNIVERSITY OF TEXAS SYSTEM

Office of General Counsel

201 WEST SEVENTH STREET AUSTIN, TEXAS 78701-2981

TELEPHONE (512) 499-4462

FAX (512) 499-4523

Opinion Committee

W. O. Shultz II
General Attorney and
Associate General Counsel

SJS

December 2, 1994

Honorable Dan Morales
Attorney General of Texas
8th Floor, Price Daniel Sr. Building
209 W. 14th Street
Austin, Texas 78711

ML-30670-94
I.D.A. 30670

RO-769

Re: **AUTHORITY OF THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM TO WAIVE STUDENT FEES**

Dear General Morales:

The legislature has given the Board of Regents of The University of Texas System broad and general power to govern, operate, maintain, and support the component institutions of The University of Texas System. See Texas Education Code Sections 65.11, 65.16 and 65.31. In addition, various sections of the Texas Education Code give the Board of Regents the authority to require persons who enroll at component institutions of The University of Texas System to pay certain fees and charges. A reference to and brief summary of the provisions of the Texas Education Code that authorize such student fees and charges is enclosed as Exhibit A.

Requests are frequently received for the Board of Regents to consider the waiver of certain student fees and charges because of special circumstances. A review of the sections of the Texas Education Code referenced in Exhibit A shows that only Section 55.16 (relating to building use fees), Section 54.503 (providing for student services fees), and Section 54.513 (authorizing student services fees at U.T. Austin) expressly give the Board of Regents the discretion to waive the fee. In each instance the only criterion for waiver

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is economic hardship and the waiver may be extended only to a specified percentage of the total enrollment of a component institution.

Your opinion is requested as to whether the statutory authority of the Board of Regents to govern, operate, maintain, and support The University of Texas System includes the authority to:

1. Determine that adequate justification exists for waiving all or part of a student fee or charge imposed under a section of the Texas Education Code referenced in Exhibit A for an individual student or a group of students when the section under which the fee or charge is imposed (a) contains no specific language providing for a waiver, or (b) provides for a waiver only on the basis of economic hardship?
2. Adopt a policy that includes a waiver of all or part of certain of the fees and charges imposed under those sections of the Texas Education Code referenced in Exhibit A as a part of the compensation and benefits of faculty and staff who enroll at the component institution at which they are employed? If the answer is yes, may the spouse and dependent children of faculty and staff also be included.
3. If your answer to Question 2 is negative, do the sections of the Texas Education Code cited above authorize the Board to waive all or part of certain of the fees and charges referenced in Exhibit A if it determines that the ability of individual faculty or staff to perform their duties will be enhanced by knowledge or skills available through courses offered by the component institution that employs the faculty or staff member?

If you require further information for your consideration of this request, please let me know.

Very truly yours,



W. O. Shultz II

WOS:cf

xc: Chancellor William H. Cunningham
Executive Vice Chancellor for Business Affairs R. D. Burck
Executive Vice Chancellor for Academic Affairs James P. Duncan
Executive Vice Chancellor for Health Affairs Charles B. Mullins
Vice Chancellor and General Counsel Ray Farabee