

## **Proposed Regulations for the SC National Guard College Assistance Program**

### **Disclaimer:**

Below are draft proposed regulations for the South Carolina National Guard College Assistance Program. The draft regulations will be used as temporary guidelines to administer the program during the 2007-08 academic year.

The Commission on Higher Education is in the process of promulgating the regulations through the Administrative Procedure Act requirements.

Document No. \_\_\_\_\_ (to be assigned during the administrative procedures)

COMMISSION ON HIGHER EDUCATION

CHAPTER 62

Statutory Authority: 1976 Code 59-114-75

### **62-250 South Carolina National Guard College Assistance Program**

#### **Synopsis:**

In accordance with Act 40 of 2007 that amends Chapter 114, Title 59, Code of Laws of South Carolina, 1976, CHE proposes to add in its entirety R.62-250 to provide for the college assistance program for National Guard members that is to be administered by the Commission on Higher Education. The Commission on Higher Education shall promulgate regulations to set forth the terms of the college assistance program. The regulations provide eligibility requirements to qualify for the benefits, identify limitations on tuition assistance, outline qualifications for successful program participation in relation to the National Guard and successful school matriculation, provide for the manner in which the benefits shall be disbursed and reimbursements made, if required, detail allowable administrative costs applicable to the Commission on Higher Education, and provide that these benefits are subject to funds being appropriated by the General Assembly.

#### **Regulations: Chapter 62 Article II B.**

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**62-250 Purpose of the SC National Guard College Assistance Program**

Pursuant to Act 40 of 2007, the Commission on Higher Education shall develop a college assistance program for providing incentives for enlisting or remaining for a specified time in both the South Carolina Army and Air National Guards (SCNG).

**62-251 Program Definitions**

- A. "Academic year" means a period of three hundred sixty-five days beginning with the first day of enrollment for a course of instruction by a National Guard member.
- B. "College assistance program" means the South Carolina National Guard College Assistance Program.
- C. "Commission" means the South Carolina Commission on Higher Education.
- D. "Eligible institution" means:
  - 1. a public institution of higher learning as defined in Section 59-103-5 and an independent institution of higher learning as defined in Section 59-113-50; and
  - 2. a public or independent bachelor's level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor's level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Secondary Schools. Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of "public or independent institution" for purposes of this chapter.
- E. "National Guard" means South Carolina Army or Air National Guard.
- F. "Tuition and fees" means the amount charged for registering for credit hours of instruction, costs of textbooks, and other fees and charges associated with attendance at an eligible institution as approved by the Commission.

- G. "Cost-of-attendance" is defined by Title IV Regulations and may include tuition, fees, living expenses, and other expenses such as costs related to disability or dependent care.
- H. "Degree-seeking student" is defined as any full-time student enrolled in an eligible institution which leads to the first one-year certificate, first two-year program or associate's degree, or first bachelor's, or a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree. Upon completion of the first one-year certificate, first two-year program or associate's degree, or first bachelor's, or a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, the student cannot use scholarship funds to pursue a program in the same or preceding level.
- I. "Eligible program of study" is defined as a program of study leading to:
1. at least a one-year educational program that leads to a first certificate or other recognized educational credential (e.g., diploma) as defined by the U.S. Department of Education for participation in federally funded financial aid programs and which prepares students for gainful employment in recognized occupations.
  2. the first associate's degree;
  3. at least a two-year program that is acceptable for full credit towards a bachelor's degree; or
  4. the first bachelor's degree.
- J. "Full-time student" shall mean a student who has matriculated into an eligible program of study and who enrolls full-time, usually 12 credit hours for fall and spring terms.
- K. "Part-time student" shall mean a student who has matriculated into an eligible program of study and who enrolls part-time, e.g., usually fewer than 12 credit hours, for the fall and spring terms.
- L. "Military mobilization" is defined as a situation in which the U.S. Department of Defense orders members of the United States Armed Forces to active duty away from their normal duty assignment during a time of war or national emergency.
- M. "Non-degree credit courses" shall be defined as courses that count towards graduation in a certificate or diploma program only.
- N. "Remedial/developmental coursework" shall mean sub-collegiate level preparatory courses in English, mathematics, reading and any courses classified as remedial by the institution where the course is taken.
- O. "Transfer student" shall be defined as a student who has changed enrollment from one institution to a SC public or independent institution.

- P. "Home institution" shall mean the institution where the student is currently enrolled as a degree-seeking student and may be eligible for financial aid at the same institution.

**62-252 Program Benefits and Maximum Assistance**

- A. Qualifying members of the National Guard may receive college assistance program benefits up to an amount equal to one hundred percent of college tuition and fees, provided, however, the total of all benefits received may not exceed eighteen thousands dollars.
- B. A member may not qualify for college assistance program benefits for more than one hundred thirty semester hours or related quarter hours.
- C. Students who have been awarded a bachelor's or graduate degree are not eligible for the College Assistant Program benefit. Benefits are not to be awarded for graduate degree courses.
- D. A new application must be submitted for each separate academic year.

**62-253 National Guard College Assistance Terms of Eligibility (Student Eligibility)**

- A. Members of the National Guard enrolled or planning to enroll in an eligible institution may apply to the South Carolina National Guard for a college assistance program benefit. The Commission in coordination with the National Guard will continue to develop an application process.
- B. The South Carolina National Guard College Assistance Program benefits may be applied by giving priority to service members in areas of critical need. The SC National Guard will determine areas of critical need.
- C. To qualify, an applicant must:
- (1) be in good standing with the active National Guard at the beginning of each academic year and remain a member in good standing with the active National Guard throughout the entire academic year for which benefits are payable;
  - (2) have valid tuition and fee expenses from an eligible institution;
  - (3) maintain a cumulative grade point average that the institution requires to remain as a student;
  - (4) satisfy additional eligibility requirements as may be promulgated by the Commission;
  - (5) be a U.S. citizen or a legal permanent resident who meets the definition of an eligible non-citizen under State Residency Statutes;
  - (6) be admitted, enrolled and classified as a degree-seeking full-time or part-time student at a eligible institution in South Carolina;

- (7) certify that he/she has not defaulted and does not owe a refund or repayment on any federal or state financial aid. If a student has an Institutional Student Information Record (ISIR) or its equivalent on file, the ISIR information will be used to verify default status or refund/repayment owed on any Federal or State financial aid. Students who have not completed a Free Application for Federal Student Aid (FAFSA) must have an affidavit on file to verify that he/she is not in default and does not owe a refund or repayment on any Federal or State financial aid, including state benefits/scholarships, Federal Pell Grant, Supplemental Educational Opportunity Grant, Perkins Loan and Federal Stafford Loan.
- D. Individuals joining the National Guard become eligible for college assistance program benefits on the day of enlistment. Enlisted personnel shall continue their service in the National Guard during the term of the courses covered by the benefit received. Officers shall continue their service with the National Guard for at least four years after completion of the most recent benefit awarded or degree completion.
- E. National Guard members receiving a full Reserve Officer's Training Corps (ROTC) scholarship are not eligible for college assistance program benefits.
- F. National Guard College Assistance scholarship funds may not be applied to the cost of continuing education.
- G. Remedial/developmental or non-degree credit hours shall be used towards the National Guard member credit hour limit.
- H. Students who have already been awarded their first bachelor's degree or graduate degree or who have already completed a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree are not eligible to participate in the National Guard College Assistance Program.
- I. All documents required for determining the National Guard College Assistance Program eligibility must be submitted to the institution by their established deadline(s).

**62-254 Continued Eligibility and Transfer Students**

- A. Students must meet the following criteria to renew eligibility for the South Carolina National Guard College Assistance Program Benefit:
- (1) Continue to meet all eligibility requirements as stated in the "Student Eligibility" Section;
  - (2) Students who initially enroll in college mid-year (spring term) may be eligible to receive the tuition assistance the same academic year

- B. Transfer students who receive/participate in the National Guard College Assistance Program and transfer mid-year to another institution may be eligible to receive the assistance for the spring term if they met the eligibility requirements at the end of the previous academic year.
- C. The institution where the student is transferring will determine the classification of the entering transferring student based on initial college enrollment and will use this classification to determine the remaining terms of eligibility in compliance with the "Maximum Assistance" Section.
- D. The home institution will be responsible for obtaining official certification of the student's grade point average, credit hours earned, and satisfactory academic progress for the purposes of determining eligibility for scholarship renewal for the next academic year.

**62-255      Military Mobilization**

- A. Service members who are enrolled in college and during which affected by military mobilizations will not be penalized for the term they are required to withdraw after the full refund period based on institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization. The service member must re-enroll in an eligible institution within twelve months upon demobilization and provide official documentation to verify military deployment to the institutional Financial Aid Office upon re-enrollment. Reinstatement will be based upon the service member's eligibility at the time he/she was mobilized. If the student re-enrolls after the twelve month period, the service member must submit an Appeal Application to the Commission on Higher Education and the South Carolina National Guard by the established deadline in order to be considered for reinstatement.
- B. Service members who are enrolled in college and are mobilized for an entire academic year may renew the scholarship for the next academic year, if they met the eligibility requirements at the end of the prior academic year. Service members who did not use the college assistance program funds/terms of eligibility during this period due to military mobilization shall be allowed to receive the college assistance funds during the succeeding summer.
- C. The home institution will be responsible for receiving verification of military mobilization status, from the South Carolina National Guard, credit hours earned, and eligibility for Benefit renewal for the next academic year.
- D. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on military mobilization. The credit

hours earned will be used toward the maximum credit hour requirement for the college assistance program.

**62-256 Appeals Procedures**

- A. Students may appeal an adverse determination as to the awarding or continuation of the College Assistance Program benefit to the Office of the Adjutant General.
- B. The Adjutant General shall devise procedures addressing student appeals to provide students an opportunity to submit documentation for a second review and determination of award.

**62-257 Institutional Policies and Procedures for Awarding**

- A. Each institution is responsible for reviewing all students based on the "Eligibility Requirements" to determine eligibility for college assistance.
- B. College Assistance awards are to be used only for payment toward the cost-of-attendance as established by Title IV Regulations. Eligible four-year public and independent institutions shall identify award amounts up to the cost-of-tuition for thirty credit hours, not to exceed eighteen thousand dollars. Eligible two-year public or technical institutions shall identify award amounts, which cannot exceed the cost-of-tuition for thirty credit hours per academic year. The South Carolina National Guard College Assistance Program in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of attendance as defined in Title IV regulations for any academic year.
- C. The South Carolina National Guard College Assistance Program funds are to be applied prior to any other financial aid being received by the student, including Federal Aid.
- D. Institutions will notify students of any adjustments in benefits funds that may result from an over award, change in eligibility, change in the student's residency or change in financial status or other matters.
- E. The institution must retain annual paper or electronic documentation for each award to include at a minimum:
  - 1. Award notification
  - 2. Institutional disbursement to student
  - 3. Student's residency status
  - 4. Refunds and repayments (if appropriate)
  - 5. Enrollment and curriculum requirements
  - 6. Verification of a required number of annual credit hours based on initial college enrollment

7. Institutional Student Information Record (ISIR) or affidavit documenting that the student is not in default or does not owe a refund or repayment on any state or federal financial aid
8. Military mobilization orders (if appropriate)

**62-258 Benefits Disbursement and Reimbursements**

- A. The Commission shall disburse benefits awarded pursuant to this chapter to the eligible institutions to be placed in an account established for each eligible student.
  1. In the event that a student who has received a benefit withdraws, is suspended, or otherwise becomes ineligible, the institution must reimburse the College Assistance Program for the amount of the benefit for the applicable term pursuant to the refund policies of the institution.
  2. The institution is responsible for collecting any amount due to the institution from the student.
  3. In the event a student withdraws or drops below eligibility requirements after the institution's refund period and therefore must pay tuition and fees for full-time or part-time enrollment, the benefits may be retained pursuant to the refund policies of the institution.
- B. The institution is responsible for College Assistance funds according to the "Policies and Procedures for Awarding" Section.

**62-259 Institutional Disbursements**

- A. Eligible four-year institutions shall award amounts, which cannot exceed the cost-of-tuition for thirty credit hours a year, not to exceed eighteen thousand dollars. Eligible two-year institutions shall award amounts, which cannot exceed the cost-of-tuition for thirty credit hours per academic year.
- B. After the last day to register for each term of the academic year, the institution will verify enrollment of each recipient
- C. The institution must submit a request for funds and/or return of funds by the established deadline each term. In addition, a listing of all eligible recipients by identification numbers with award amounts for the term must be sent to the Commission on Higher Education. At this time any funds must be returned to the Commission on Higher Education immediately.
- D. The Commission will disburse awards to the eligible institutions to be placed in each eligible student's account.
- E. The student must be enrolled at the time of disbursement as a student at the home institution.



**Program Administration and Audits**

- A. The South Carolina Commission on Higher Education, in conjunction with the South Carolina National Guard, shall be responsible for the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this program with participating institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of guidelines and regulations governing the South Carolina National Guard College Assistance Program, and any audits or other oversight as may be deemed necessary to monitor the expenditures of scholarship funds.
- B. According to the "Audit Policies and Procedures for Benefit and Grant Programs Manual," all eligible institutions that participate in the program must abide by program policies, rules or regulations. Institutions also agree to maintain and provide all pertinent information, records, reports or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the program.
- C. The Chief Executive Officer at each participating institution shall identify to the Commission on Higher Education a South Carolina National Guard College Assistant Program institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person. The institutional representative will act as the student's fiscal agent to receive and deliver funds for use under the program.

**Suspension or Termination of Institutional Participation**

- A. The Commission may review institutional administrative practices to determine institutional compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with program statutes, guidelines, rules or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the program and require reimbursement to the South Carolina National Guard College Assistance program for any funds lost or improperly awarded.
- B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.
- C. If an audit indicates that a violation or violations may have occurred or are occurring at any eligible public or independent institution, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

**62-262      Funding**

- A.    Benefits provided through the National Guard College Assistance Program are subject to the availability of funds appropriated by the General Assembly.
- B.    Up to five percent of the amount appropriated to the college assistance program may be used to defray administrative costs incurred by the Commission associated with the implementation of this chapter.
- C.    Any funds remaining in the South Carolina National Guard Student Loan Repayment Program shall be transferred to the College Assistance Program in accordance with regulations prescribed by the Commission.

**Recommendation:**

The Committee on Access & Equity and Student Services recommends approval of the proposed regulations for the SC National Guard College Assistance Program as presented above.