

act. 111



**Proposed Regulations for the
SC National Guard College Assistance Program**
(Revisions per Student Financial Aid Advisory Committee in "RED")

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. The "Academic Year" shall be defined as that twelve month period as defined by the institution for the awarding of financial aid to a student and which includes regular terms (Fall, Spring, or trimester) or other terms (Summer and other) in any combination.
- B. "College assistance program" mean any awards made under 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. **"Cost of Attendance"** is defined as "tuition and fees" charged for registering for credit hours of instruction, costs of textbooks, and other fees and costs associated with attendance at an eligible institution in accordance with Title IV Regulations.
- G. **"Degree-seeking student"** is defined as any 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 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.
- H. **"Eligible program of study"** is defined as a program of study leading to:
1. at least a one-year educational program that leads to the 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 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 the first bachelor's degree; or
 4. the first bachelor's degree.
- I. **"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.
- J. **"Less-than full-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.
- K. **"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, or as determined by the South Carolina Military Department.
- L. **"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.

- M. "Transfer student" shall be defined as a student who has changed enrollment from one institution to an eligible SC public or independent institution.
- N. "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.
- O. "Satisfactory academic progress" shall be defined as the academic progress as required by the institution in which the student is enrolled as a degree-seeking student for financial aid eligibility. The student must meet all requirements for satisfactory academic progress towards the degree/program completion as established by the institution. Should the student's enrollment status not be covered in the institutional policies, completion of all courses with a passing grade is required.

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 cost of attendance, provided, however, these college assistance program benefits in combination with all other grants and scholarships shall not exceed the cost of attendance at the particular institutions referenced in section 62-251 subsection (F) in any given award year; and the cumulative total of all college assistance program benefits received may not exceed eighteen thousands dollars.
 - 1. These SC National Guard College Assistance Program benefits cover the cost of attendance as defined by Title IV regulation up to a maximum of four thousand five hundred dollars each award year; however, the benefit maximum per award year may be reduced if, in combination with other financial aid, the cumulative total of all aid received would exceed the cost of attendance. Disbursements of this grant will typically be paid in two (Fall semester, Spring semester, or its equivalent) equal disbursements. Any remaining funds can be used in any sequential terms prior to annual expiration date. If the recipient is in his/her final semester of enrollment as required for degree completion, the recipient may receive up to the full annual benefit in the final semester.
- 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. Less than full - time Students:

The SC National Guard College Assistance Program benefits cannot exceed the cost of attendance as defined by Title IV regulation and up to a

maximum of four thousand five hundred dollars an academic year to eligible Guard members attending a public or independent institution as defined in section 62-251 subsection (D). Half shall be awarded during the fall term and half during the spring term (or its equivalent). Benefit funds will be awarded, prorated, to students not enrolled full time. The prorated method (based on semester calculation) will be based on the Pell Grant model (\$1,687.50 for 3/4 time; \$1,125 for 1/2 time; \$562.50 for less than 1/2 time (to include 1/4 and less than 1/4 time).

- E. A new application must be submitted by the Guard Member for each separate academic year to the South Carolina National Guard identifying his/her home institution and his/her intent to enroll at that institution.

62-253 National Guard College Assistance Program 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.
- 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 satisfactory academic progress as defined by the institution;
 - (4) be a U.S. citizen or a legal permanent resident who meets the definition of an eligible non-citizen under State Residency Statutes;
 - (5) be admitted, enrolled and classified as a degree-seeking full-time or part-time student at a eligible institution in South Carolina; and
 - (6) satisfy additional eligibility requirements as may be promulgated by the Commission.
- D. Individuals joining the National Guard become eligible for college assistance program benefits on the day of enlistment for sequential regular terms (fall, spring, or trimester) or other terms (summer and other). Enlisted personnel must continue their service in the National Guard during all terms of 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 award 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 or graduate coursework.
- G. Remedial/developmental or non-degree credit hours shall be used toward the National Guard member's 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 initiated and submitted by the student to the institution by the institution's established deadline(s).
 - 1. Currently enrolled members should contact their college's financial aid office to initiate benefit award for the current academic year. The financial aid office will coordinate with the Commission on Higher Education to verify student eligibility and coordinate payment to the college or university on behalf of the student member.

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 National Guard College Assistance Program Terms of Eligibility (Student Eligibility) Section 62-253 (C); and
 - (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 "Program Benefits and Maximum Assistance" Section 62-252.

- 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 Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs

- A. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit are eligible to receive the South Carolina National Guard College Assistance Program benefit funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

62-256 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 term.
- 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.

62-257 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.

62-258 Institutional Policies and Procedures for Awarding

- A. Each institution is responsible for reviewing all students based on the "Eligibility Requirements/Satisfactory Academic Progress" to determine eligibility for college assistance.
- B. SC National Guard College Assistance awards are to be used only for payment toward the cost-of-attendance as established by Title IV Regulations. 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. Institutions will notify students of any adjustments in the SC National Guard College Assistance Program benefit funds that may result from an over award, change in eligibility, or change in financial status or other matters.
- D. 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. Refunds and repayments (if appropriate)
 - 4. Enrollment and curriculum requirements
 - 5. Verification of required number of annual credit hours based on initial college enrollment and that (s)he is within the eligible 130 credit hours.
 - 6. Military mobilization orders (if appropriate)
- E. The South Carolina National Guard shall be responsible for providing a list of all eligible Guard members to the Commission on Higher Education, which in turn shall provide this list to all the eligible institutions. Only Guard Members who are on the list shall be awarded the College Assistance Program benefits.

- F. Eligible participant lists will be accessed through the CHE portal (via log-on/password); eligibility will reflect assurance that the student is eligible for the annual maximum unless otherwise noted.
- G. The South Carolina National Guard College Assistance Program awards are to be used to meet unmet need or to replace any loans or work-study up to the student's cost-of-attendance.

62-259 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.

62-260 Institutional Disbursements

- A. Eligible institutions shall award amounts which, when combined with other financial aid, cannot exceed the student's cost-of-attendance or defined program award maximums.
- B. After the last day to register for each term of the eligible academic year, the institution will verify enrollment of each recipient and award amount based upon enrollment status.
- 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. At the time of disbursement, the student must be enrolled at the institution indicated as the home institution (on the SC National Guard application form) as a degree-seeking student at the home institution.

62-261 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.
1. 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.
 2. The South Carolina National Guard shall be responsible for Officers continuing their service with the National Guard for at least four years after completion of the most recent benefit awarded or degree completion.
 3. The South Carolina National Guard shall be responsible for any and all student appeals.
 4. The South Carolina National Guard shall be responsible for providing a list of all eligible Guard members to the Commission on Higher Education, which in turn shall provide this list to all the eligible institutions. Only Guard Members who are on the list shall be awarded the College Assistance Program benefits.
- 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.

62-262 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.

62-263 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.

SOUTH CAROLINA NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM FUND DISBURSEMENT ACTION STEPS FOR INSTITUTIONS

- Memo will be submitted to institutions by July 31st and November 30th requesting an Invoice/IDT (for public institutions) and an Invoice (for technical colleges and private institutions).
- Submit an Invoice/IDT (for public institutions) and an Invoice (for technical colleges and private institutions) to the Commission on Higher Education's Internal Operations Division (contact person: Jeff Richards (803) 737-2263) by August 15th and December 15th.
- The Commission on Higher Education will process the payment.
- Awards related to previous terms (post-awards) and/or any adjustments will be included in the current term's disbursement data.
- Submit College Assistance Program disbursement data to the Commission on Higher Education's MIS Division by October 31st, March 31st and June 15th (final).
- The Commission on Higher Education will determine the amount appropriated to the institutions and make any adjustments (to include any mid year adjustments) and will notify the institutions of the amount of adjustment or changes

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