

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 300 Department or Agency: Alabama Commission on Higher Education

Rule No. 300-4-3-.01

Rule Title: Definition of Terms

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Timothy W. Vick
Timothy W. Vick, Interim Executive Director

Date 1-17-2017

Alabama Commission on Higher Education

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education (Commission)

RULE NO. & TITLE: 300 – 4 – 3 - .01, Definition of Terms.

INTENDED ACTION: Amendment

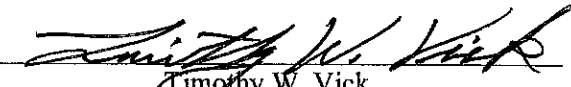
SUBSTANCE OF PROPOSED ACTION:

Changes the definition of satisfactory academic progress in the Alabama Student Grant Program in order to maintain compliance with provisions of the Title IV Higher Education Act of 1965.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Persons wishing to present views on these amended rules may contact Tim Vick, Director of Operations and Fiscal Services, Alabama Commission on Higher Education, P.O. Box 302000, Montgomery, Alabama 36130-2000, Telephone 334-353-9153 between 8 a.m. and 5 p.m. each day up to and including March 24, 2017.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 24, 2017

CONTACT PERSON AT AGENCY: Timothy W. Vick


Timothy W. Vick
Interim Executive Director

300-4-3-.01 Definition Of Terms.

(1) Academic Progress - A student must make satisfactory academic progress in an eligible program at an approved institution in order to receive an Alabama Student Grant Program payment. Satisfactory academic progress shall be defined in writing by each approved institution and must be approved by the Alabama Commission on Higher Education (ACHE). ACHE shall not approve any definition of satisfactory academic progress that permits a student to remain enrolled in an approved institution when a student's projected completion date ~~exceeds by more than twenty-five (25%) the specified period of time~~ does not comply with the Code of Federal Regulations definitions of maximum time frame for his/her program of study.

(2) Academic Qualifications of Eligible Students - A student is considered academically qualified if he/she is currently enrolled and matriculated in an eligible program of an eligible institution. It is considered that current enrollment by the institution has been based upon satisfactory demonstration to the institution of probable successful completion of the program. Satisfactory academic progress by a student shall be evaluated in terms of all course work attempted and all course hours for which ASGP payments were issued, whether or not credit hours were received by the student. Chapter 300-4-3 Higher Education Supp. 3/31/11 4-3-2

(3) Academic Year - The academic year for Alabama Student Grant Program purposes is from October 1 of one year to September 30 of the next year.

(4) Alabama Resident - A person who has been domiciled in the State of Alabama for a period of at least twelve (12) consecutive months immediately preceding application for a grant under the Alabama Student Grant Program. Any student in Alabama only for purposes of attending an Alabama postsecondary educational institution shall not be eligible for a grant. Five (5) or more of the following are required as support for the claim of Alabama residency:

- (a) Certification by the student of his/her permanent Alabama residence;
- (b) Certification by the student's parents or guardians of their permanent Alabama residence;
- (c) Certification of the student's Alabama voter registration;
- (d) Certification of the student's parents' or guardians' Alabama voter registration;
- (e) A photocopy of the student's or parent's (guardian's) valid Alabama driver's license;
- (f) Evidence of full-time employment by the student or parents (guardians) within Alabama for the preceding twelve (12) months;
- (g) Evidence of payment of income tax to the State of Alabama by the student or parents (guardians) for the preceding calendar year;
- (h) Evidence of home ownership or ownership of other real property in Alabama by the student or parents (guardians);
- (i) Evidence of graduation from an Alabama secondary school, or a copy of a State of Alabama High School Equivalency Certificate; and
- (j) Other evidence that an Alabama domicile has been established and maintained for the previous twelve (12) months.

(5) Approved Institution - An approved institution is an independent, nonprofit postsecondary institution or any independent postsecondary institution of higher learning with a permanent facility offering classroom instruction located in Higher Education Chapter 300-4-3 Supp. 3/31/11 4-3-3 Montgomery County, Alabama, which has been incorporated and in continuous

operation for over 50 years and which has been accredited for over 10 years by the Commission on Colleges of the Southern Association of Colleges and Schools, prior to the effective date of amendatory act contained in AL ACT 2010-686 which with the exception specifically cited immediately above:

- (a) Has its principal base of operation located within the State of Alabama;
 - (b) Is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or, if not so accredited,
 - 1. Is classified in an exemption status and is licensed to operate in the State of Alabama by the State Approving agency of the State Department of Education or its successor agency; and
 - 2. Is in the formal process of attaining accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools, or is an institution where credits are currently accepted, on transfer, by at least three (3) institutions within Alabama and which are accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.
 - (c) Files a signed agreement with ACHE to comply with all regulations and procedures of the Alabama Student Grant Program;
 - (d) Has an academic curriculum which is not comprised principally of sectarian instruction or preparation of students for a sectarian vocation;
 - (e) Does not award primarily theological or religious degrees;
 - (f) Performs essentially secular educational functions which are distinct and separable from religious activity;
 - (g) Does not discriminate in its admissions practices on the basis of religious or denominational preference; and
 - (h) Does not, during the applicable fiscal year, receive a direct institutional appropriation from the State of Alabama. Chapter 300-4-3 Higher Education Supp. 3/31/11 4-3-4
- (6) Eligible Program - An eligible program is a nonsectarian, secular educational program of at least six (6) months duration, and whose contents have been approved by ACHE.
- (7) Eligible Student - An eligible student is an applicant for a grant under the Alabama Student Grant Program who:
- (a) Has obtained a certificate of graduation from a secondary school or the recognized equivalent of such graduation;
 - (b) Is classified as an undergraduate student;
 - (c) Is an Alabama resident;
 - (d) Is a citizen of the United States or in the process of becoming a citizen of the United States;
 - (e) Is enrolled as a full-time student or part-time student in an eligible program in an approved institution;
 - (f) Is making satisfactory academic progress; and

(g) Is not enrolled, and does not intend to enroll, in a course of study leading to an undergraduate degree in theology, divinity, or other field of preparation for a religious vocation.

(8) False Statement of Misrepresentation - Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such false statement or misrepresentation knowing the same to be false, for the purpose of enabling an individual or institution to obtain monies wrongfully under this program, shall be guilty of a Class A misdemeanor, and upon conviction thereof, shall be subject to a fine or to imprisonment, or to both, as such misdemeanor is defined in Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. 11, p. 812).

(9) Full-Time Student - A full-time student is defined as an eligible student who is carrying a full-time academic workload, other than by correspondence, measured in terms of course work or other required activities, including courses, work experience, research or special studies which the institution requires of the student to be considered as being engaged in full-time study, and which amount to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term; or the student is charged the tuition and fees for full-time study by the institution. For purposes of this program, no more than one course [with a maximum of four (4) credit hours] per academic term for courses in religion or Higher Education Chapter 300-4-3 Supp. 3/31/11 4-3-5 theology shall be considered when calculating a student's full-time status.

(10) Grant - A grant is a monetary award of a maximum of \$1200 per academic year for full-time recipients, and a maximum of \$600 per academic year for half-time recipients, under the Alabama Student Grant Program, to an approved institution on behalf of and to the credit of eligible students enrolled in eligible programs commencing after August 1, 1989.

(11) Half-time Student - A half-time student is defined as an eligible student who is carrying a half-time academic workload, other than by correspondence, measured in terms of course work or other required activities, including courses, work experience, research, or special studies which the institution requires of the student to be considered as being engaged in half-time study, and which amounts to the equivalent of a minimum of six (6) semester hours or six (6) quarter hours per academic term; or the student is charged the tuition and fees for half-time study by the institution. Any student enrolled for less than the equivalent of six (6) semester hours or six (6) quarter hours is ineligible for an Alabama Student Grant Program payment. For purposes of this program, no more than one course (with a maximum of four (4) credit hours per academic term for courses in religion and theology) shall be considered when calculating a student's half-time status.

(12) Institutional-Related Expenses – Institutional related expenses are nonsectarian, secular educational expenses, including tuition, mandatory fees, room and board, transportation, books and supplies, and routine miscellaneous expenses incurred by an eligible student.

(13) Matriculated Status - To be eligible for an Alabama Student Grant Program payment, a student must have completed all the required steps in the enrollment procedure and be considered registered by the institution in an eligible program leading to a degree, diploma, or certificate.

(14) Proration of Funds - Should funds appropriated to the Alabama Student Grant Program be insufficient to provide such eligible student with a full grant payment for any term(s) during an academic year, each eligible student shall receive a pro rata grant share of the available funds.

(15) Renewal of Grants - Each grant shall be renewable annually for the number of hours normally required by the institution for the course of study in which the individual student is enrolled. Total hours attempted shall not exceed by more than twenty-five percent (25%) the number of hours required Chapter 300-4-3 Higher Education Supp. 3/31/11 4-3-6 for the individual student's course of study or until such time as the student receives a baccalaureate

degree. ACHE shall grant a renewal only upon the student's annual application as defined in these regulations.

(16) Transfer Student - Each Alabama Student Grant Program award is made on the basis of the student applicant attending the postsecondary educational institution listed on his/her student application form. A student grant recipient who elects to transfer to another educational institution may apply for a new grant in accordance with the student application procedures. The original grant will automatically be cancelled. An Alabama Student Grant Program award is not transferable from one educational institution to another.

(17) Undergraduate Student - An undergraduate student is an eligible student who is in attendance at an approved institution and has not earned a baccalaureate or professional degree. Students who have previously earned a baccalaureate or professional degree, even though they may be enrolled in an undergraduate course of study, are not eligible for an Alabama Student Grant Program grant.

Authors: Joseph T. Sutton, Henry J. Hector, Tim Vick. Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq. History: Filed September 30, 1982. Amended: Filed March 9, 1992. Amended: February 10, 2011. Amended: Filed March 27, 2017.