



**Alabama Commission on Higher Education**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Commission on Higher Education (Commission)

RULE NO. & TITLE: 300 – 4 – 7 - .01, Goal.  
300 – 4 – 7 - .04, Definition of Terms.  
300 – 4 – 7 - .06, Application Processing Procedures.

INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION:

Addition of Rescue Squad Members - During the 2016 Session of the Alabama Legislature, Act 2016-385 was passed. This act added rescue squad workers (as defined) who are either killed or permanently disabled in the line of duty to the program.

Addition of Volunteer Firefighters - There is also additional language recommended for inclusion that was included in 2009 legislation, but which currently is not reflected in the Administrative Code, related to the volunteer firefighters (as defined).

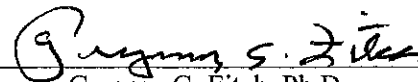
The proposed amendments described above are related to the rescue squad members and voluntary firefighters are related to language that is in statute. They are not policies, rules or procedures being promulgated by the Commission under its rule-making authority.

Definitions of Full-time and Half-time Students – these definitions are being added for the sake of clarity. These are standard definitions for both. These two definitions are being promulgated by the Commission under its rule-making authority.

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 August 18, 2016.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 18, 2016

CONTACT PERSON AT AGENCY: Tim Vick



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Gregory G. Fitch, Ph.D.  
Executive Director

**300-4-7-.04 Definition Of Terms.**

(1) Academic Qualifications and Satisfactory Progress of Eligible Students: A student is considered academically qualified if he/she is currently enrolled and matriculated, or has been enrolled in an eligible program of an eligible institution, and is maintaining, or did maintain, satisfactory progress in a course of study he or she is or was pursuing according to the standards and practices of the institution in which the student is or was in attendance. A participating institution must check whatever elements of its satisfactory progress standards are applicable for each payment period.

(2) Board: Tuition Eligibility Board.

(3) Educational Grant: A grant is defined as a financial award by the state of Alabama to a Police Officer's and Firefighter's Survivor's Educational Assistance Program applicant who is designated to be an eligible student who was enrolled in, or is enrolled in, or accepted for enrollment, in an eligible institution, and is to be awarded to the student to defray direct educational-related expenses: tuition, and mandatory fees as stated in the institution's catalog, plus the cost of books and supplies.

(4) Cost of Education: The cost of education is defined as the cost of instruction and fees to the student, as stated in the institution's catalog, plus the cost of books and supplies.

(5) Eligible Institution: An eligible institution is a public postsecondary educational institution -- a state college, state community college, state junior college, state technical college, or state university -- in the state of Alabama and which submits a complete application to the Police Officer's and Firefighter's Survivor's Educational Assistance Program for grant assistance to its students and complies with all regulations of the Alabama Commission on Higher Education.

(6) Eligible Program: An eligible program is any program leading to a diploma, certificate, or undergraduate degree in a state college, state community college, state junior college, state technical college, or state university, in the State of Alabama.

(7) Eligible Student: An eligible student is an applicant who completes a Police Officer's and Firefighter's Survivor's Educational Assistance Program application, and

(a) Is classified as an undergraduate student as defined in .04(15);

(b) Is enrolled or accepted for enrollment, or was enrolled, in an eligible program within an eligible institution for a minimum of 6 semester/quarter hours per academic term;

(c) Is making satisfactory academic progress as defined by the eligible institution and consistent with guidelines applicable to Title IV programs at the institution or institutions;

(d) Is the dependent child, or spouse who has not remarried of a full-time law enforcement officer or firefighter employed by the State, by any county, or by any municipality, and any volunteer firefighter, as defined, or rescue squad members, as defined and killed or totally and permanently disabled in the line of duty.

1. Volunteer Firefighter – any person who meets all requirements set forth by his or her department, as attested by the chief of that department, and who is any of the following: a member of a certified volunteer fire department as provided in Code of Alabama (1975), Section 9-3-17; a volunteer firefighter of a fire department of an incorporated municipality; a volunteer firefighter of a fire district established pursuant to state law.

2. Rescue Squad Member - A member of an organized rescue squad of a city, town, county, or other subdivision of the state or of a public corporation, organized for the

purpose of providing, within the scope of his or her practice: First aid, treatment or transport of the sick or injured; rescue or recovery operations at incidents of drowning; search and rescue of individuals lost or incapable of self-rescue; or any other emergency or non-emergency incident where the services provided by the rescue squad are deemed necessary for incident stabilization. The term includes all commanders, officers, and member of organized rescue squads that are members of the Alabama Association of Rescue Squads.

4. a. If a dependent child, natural or adopted, the applicant must be under 21 years of age at the time of death of the law enforcement officer or firefighter;

2. b. If a spouse, the applicant must not have remarried and must enroll in an eligible program of an eligible institution within five years of the death or total and permanent disability of a law enforcement officer, or firefighter as defined, or rescue squad member, as defined or within five years from October 1, 2000 for persons whose spouses became totally and permanently disabled in the line of duty on or after July 23, 1987.

(8) False Statement or Misrepresentation: Any person who knowingly makes or furnishes any 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, No. 11, p. 812).

(9) Matriculated Status of Eligible Students:

(a) To be eligible for a Police Officer's and Firefighter's Survivor's Educational Assistance program grant, a student must be or have been in a "matriculated status" in an eligible program leading to a diploma, certificate, or undergraduate degree in an eligible institution. For purposes of the Police Officer's and Firefighter's Survivor's Educational Assistance program, a student shall be considered in "matriculated status" if he or she is enrolled, or has been enrolled, in an appropriate diploma, certificate, or degree program.

(b) A student is to be considered matriculated and eligible only if the courses pursued by the student are fully recognized as contributing toward fulfillment by the students of the requirements for completion of the program. That the student may be required, or has been required, to complete certain courses to make up deficiencies in background or training does not necessarily negate the student's status as a recognized certificate, diploma, or degree candidate, so long as acceptance and credit are not contingent upon additional and special requirements designed to establish his/her qualifications to pursue the program successfully. If credit toward the certificate, diploma, or degree is conditional upon satisfactory completion of additional special requirements, then the student must be considered not fully matriculated and ineligible for assistance during his/her present program of study.

(c) A student who meets all eligibility requirements for the Police Officer's and Firefighter's Survivor's Educational Assistance Program and who is, or has been, permitted to enroll in an eligible institution or an early admission basis is eligible to receive an educational grant provided he/she meets all other matriculated status criteria of these procedures.

(10) Public Institution of Higher Education. A public institution of higher education is an educational institution which,

(a) Is in Alabama;

(b) Admits as regular students only persons who have a high school diploma or have the recognized equivalent of a high school diploma, or are beyond the age of compulsory school attendance, and have the ability to benefit from the training offered;

(c) Is legally authorized to provide an educational program beyond secondary education;

(d) Provides an educational program for which it awards an associate or baccalaureate degree, or provides at least a two-year program which is acceptable for full credit toward a baccalaureate degree, or provides at least a one-year training program which leads to a certificate or diploma and prepares students for gainful employment in a recognized occupation;

(e) Is accredited by a nationally-recognized accrediting agency or association or, if not accredited, is an institution whose credits are determined to be accepted on transfer by at least three accredited institutions on the same basis as transfer credits from fully accredited institutions.

(11) Refund Policies and Procedures.

(a) If a student transfers, or becomes ineligible for an educational grant, prior to the delivery of program funds to the student, the institutional financial aid administrator will not disburse Police Officer's and Firefighter's Survivor's Educational Assistance Program funds to the student.

(b) If a student withdraws from school or reduces his/her course load after receiving Police Officer's and Firefighter's Survivor's Educational Assistance program funds, but before the end of the academic term or terms, and is not entitled to a refund in accordance with the institution's refund policy, the Police and Firefighter's Survivor's Educational Assistance Program will not require a refund of any portion of the educational grant which was utilized by the student toward payment of the institution's net charges to the student for the period of actual attendance. However, if an educational grant award payment to the student exceeds the amount of the educational costs of the student, the institution must return to the Police Officer's and Firefighter's Survivor's Educational Assistance Program the refund amount and the institution must maintain with the student's records documentation listing (a) the date the student withdrew, (b) the net institutional charges to the student for the period of the student's attendance, (c) the amount of the student's educational grant award, and (d) the amount of refund due the Police Officer's and Firefighter's Survivor's Educational Assistance Program.

(12) Student Application Procedure: Each applicant for a Police Officer's and Firefighter's Survivor's Educational Assistance Program grant must submit to the Alabama Commission on Higher Education a Police Officer's and Firefighter's Survivor's Educational Assistance Program student application. Completed applications will be forwarded to the Tuition Eligibility Board for review and certification of eligibility.

(13) Transfer Student: Each Police Officer's and Firefighter's Survivor's Educational Assistance Program award is made on the basis of the student applicant's attending the postsecondary educational institution listed on his/her student application form. An award recipient who elects to transfer to another educational institution may apply for a new award in accordance with the student application procedure. The original application will be cancelled automatically, unless the student has met the student eligibility requirements for receipt of funds for attendance at that institution. A Police Officer's and Firefighter's Survivor's Educational Assistance Program award is not transferable from one institution to another.

(14) Tuition: Tuition is defined as the cost of instruction and fees to the student as stated in the institution's catalog, plus the cost of books and supplies. Higher Education Chapter 300-4-7 Supp. 3/31/01 4-7-7 (15) Undergraduate Student: An undergraduate student is defined as a person who is or was enrolled in an eligible program at an eligible 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 a Police Officer's and Firefighter's Survivor's Educational Assistance Program grant.

(15) Full-time Student: A full-time student is an enrolled student who is carrying a full-time academic workload which amounts to the equivalent of a minimum of 12 semester hours or 12 quarter hours per academic term.

(16) Half-time Student: A half-time student is an enrolled student who is carrying a half-time academic workload which amounts to the equivalent of a minimum of 6 semester hours or 6 quarter hours per academic term.

**Author:** Dr. William H. Wall

**Statutory Authority:** Code of Ala. 1975, Alabama Act 87-609, as amended by Alabama Acts 99-448, and 2000-808, 2009-631 and 2016-385.

**History:** Filed April 6, 1988. **Amended:** Filed December 20, 1999; effective January 24, 2000. **Amended:** Filed January 12, 2001; effective February 16, 2001. **Amended:** Filed June 14, 2016; effective