

## Chapter 70. Program Regulations

### 8 VAC 40-70-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

**"Academic year"** means the enrollment period which normally extends from late August to May or early June and which is normally comprised of two semesters 15 to 16 weeks in length or three quarters 10 to 11 weeks in length.

**"Accredited"** means an institution approved to confer degrees pursuant to the provisions of § 23-265 et seq. of the Code of Virginia and requirements of the Appropriation Act, as the same are now constituted or hereafter amended. In addition, an institution must be accredited by a nationally recognized regional accrediting agency, prior to participation in the program.

**"Award"** means a grant of Tuition Assistance Grant Program funds given during fall and spring terms at semester institutions and fall, winter, and spring terms at quarter institutions.

**"Census date"** means the time during an academic year when a count of enrolled students is made for reporting purposes. For all standard terms, the census date shall be the end of the program add/drop period. For nonstandard terms, the census date shall be determined by Council staff on a program by program basis.

**"Cost of attendance"** means the sum of tuition, fees, room, board, books, supplies, and other education-related expenses, as determined by an eligible institution for purposes of calculating a student's financial need and awarding federal Title IV student aid funds.

**"Council"** means the State Council of Higher Education for Virginia.

**"Domiciliary resident"** means a student who is determined by the enrolling institution to be a domiciliary resident of Virginia, as specified by § 23-7.4 of the Code of Virginia and the Council's guidelines for domiciliary status determinations. In cases where there are disputes between students and the enrolling institutions, Council staff shall make the final determinations (see 8 VAC 40-70-40 C).

**"Eligible institution"** means a private, accredited, nonprofit, degree-granting institution of higher education that (i) is formed, chartered, or established within Virginia or (ii) was chartered by an Act of Congress and has owned and operated for a continuous period of not less than 10 years a campus with a significant presence of at least 75,000 square feet including buildings, housing office, classroom, and administrative space located in the Commonwealth, which institution's primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education.

**"Eligible program"** means a curriculum of courses at the undergraduate, graduate, or first-professional level for those institutions eligible under clause (i) in the definition of "eligible institution." For those institutions eligible under clause (ii) only a curriculum of courses at the graduate level offered at a campus located in the Commonwealth shall be eligible. Undergraduate programs are those programs that lead to an associate's or bachelor's degree and which require at least two academic years (60 semester hours or its equivalent in quarter hours) to complete. Graduate programs are those programs leading to a degree higher in level than the baccalaureate degree and which require at least one academic year (30 semester hours or its equivalent in quarter hours weeks) to complete. First-professional programs are those programs leading to a degree in dentistry, medicine, veterinary medicine, law, or pharmacy. Programs that provide religious training or theological education are not eligible courses of study under the Tuition Assistance Grant Program. Programs in the 39.xxxx series, as classified in the National Education Center for Educational Statistics' Classification of Instructional Programs (CIP), are not eligible programs.

**"First-professional student"** means a student enrolled and program placed in any of the following programs: dentistry, medicine, veterinary medicine, law, or pharmacy.

**"Fiscal year"** means the period extending from July 1 to June 30.

**"Full-time student"** means a student who is enrolled for at least 12 credit hours per semester or its equivalent in quarter hours at the undergraduate level or nine credit hours per semester or its equivalent in quarter hours at the graduate or first-professional level. For students enrolled in nontraditional or nonstandard terms, the full-time enrollment requirement will vary based on the length of the terms, the number of contact hours, or other measures of comparability with the institution's normal academic year. The total hours counted will not include courses taken for audit, but may include required developmental or remedial courses and other elective courses which normally are not counted toward a degree at the institution.

**"Graduate student"** means a student enrolled and program-placed in a master's or doctoral program.

**"Nonprofit institution"** means an educational institution operated by one or more nonprofit corporations, and said institution's earnings are applied solely to the support of said institution and its educational programs and activities.

**"Non-Traditional or non-standard program"** means a degree program where the terms of the program do not conform to the standard terms of the institution's academic year. Nontraditional or nonstandard programs must be approved by Council before students enrolled in the programs can receive awards.

**"Program"** means the Tuition Assistance Grant Program (TAGP).

**"Undergraduate student"** means a student in a program leading to an associate's or bachelor's degree who has not earned a bachelor's or higher degree.

#### **8 VAC 40-70-20. Institutional Participation in the Program: Application Procedures.**

In order to participate in the Program, eligible institutions not previously approved by the Council to participate must file formal application with the Council no later than January 31 of the calendar year preceding the calendar year in which fall term grants would first be available to students.

#### **Applications shall be addressed to the Council and shall include:**

1. Estimates of the number of students who would be eligible to receive grants under the Program in the first and second years of participation;
2. A copy of the Fiscal Operations Report and Application to Participate in Federal Student Financial Aid Programs (FISAP); and
3. Certifications from the institution's chief executive officer at the institution:
  - a. Meets eligibility requirements for participation, namely, that it is an accredited, nonprofit, Virginia degree-granting institution of higher education whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education;
  - b. Will furnish whatever data the Council may request in order to verify its institutional eligibility claims;
  - c. Will promptly notify the Council within 30 days following any change in governance or mission that may affect the institution's status as an eligible institution; and
  - d. By its governing body, has authorized its adherence to the requirements of this chapter, as the same are now constituted or hereafter amended, until such time as the institution may withdraw from participation in the Program.

Applications must be approved and all documents must be on file before any funds are disbursed.

All subsequent new programs or site locations must be reported to the Council by no later than August 1 of the calendar year

preceding the calendar year in which fall term grants would first be available to students in the program or at the new site location.

## **8 VAC 40-70-30. Disbursement of Funds.**

### **A. Advancement of Funds.**

A percentage of an institution's estimated allocation of funds for a term will be forwarded to the institution at the beginning of the term. The percentage will be based on each institution's prior year's performance and will be established by the Council no later than September 1. After the census date for each term, the institution will certify that recipients are enrolled as full-time students and are meeting other eligibility requirements established for the Program. After enrollment is verified, additional funds, if needed, may be disbursed to the institution. Funds for recipients reported as not enrolled full-time or not meeting other eligibility requirements shall not be disbursed to students, and funds for these students, if already received by the institution in its capacity as the student's fiscal agent, shall be returned to the Council upon request.

### **B. Fund Usage.**

Awards shall be used only for payment of tuition at the institution in the academic year for which the award has been made. A student who has received a full tuition waiver shall not receive an award under the Program. An institution shall not declare as unused funds the funds it has previously credited to a student's account without first notifying the student of its intention to do so, in writing, at least 20 working days prior to taking such action. All unused funds shall be returned to the Council no later than the end of the fiscal year or 20 working days after receiving written request from the Council, whichever is sooner.

### **C. Notification to Students.**

The private institutions that participate in this program shall, during the spring semester previous to the commencement of a new academic year or as soon as a student is admitted for that year, whichever is later, notify their enrolled and newly admitted Virginia students about the availability of tuition assistance awards under the program. The information provided to students and their parents must include information about the eligibility requirements, the application procedures, and the fact that the amount of the award is an estimate and is not guaranteed. The number of students applying for participation and the funds appropriated for the program determine the amount of the award. Conditions for reduction of award amount and award eligibility are described in these regulations. The institutions shall certify to the Council that such notification has been completed and shall indicate the method by which it was carried out.

Further, the institutions shall make students aware that the award is state-funded. Evidence of such notification may include award letters or other formal procedures used by the institution for student notification of financial aid awards.

### **D. Restriction on Use of Funds.**

An institution shall establish and maintain financial records that accurately reflect all Program transactions as they occur. The institution shall establish and maintain general ledger control accounts and related subsidiary accounts that identify each Program transaction and separate those transactions from all other institutional financial activity. Program funds shall be deposited in a non-interest bearing account established and maintained exclusively for that purpose. Funds shall be disbursed only to student accounts receivable or to the Council. The institution shall not hold Program funds in the account for more than 20 working days before transferring funds to student accounts.

Funds received by the institutions under the Program shall be used only to pay awards to students. The funds are held in trust on behalf of the Commonwealth of Virginia by the institutions for the intended student beneficiaries and shall not be used for any other purpose.

## 8 VAC 40-70-40. Student Eligibility.

### A. Eligibility Criteria.

**In order to be eligible to receive an award, the student must:**

1. Be a domiciliary resident of Virginia, as defined by § 23-7.4 of the Code of Virginia, for at least one year.
2. Enroll in the academic year for which the award is to be received as a full-time student in an eligible program at an eligible institution.
  - a. A student's enrollment status shall be determined at the census date. If a student withdraws after the census date, he shall receive a prorated award based on the tuition refund policy in effect at the institution.
  - b. A graduating student in his final year may be certified full-time and eligible to receive an award prorated based on the student's actual tuition charges and tuition charged a full-time student, if:
    - i. the student was enrolled full-time and accepted for or received an award, or both, in the immediately preceding term,
    - ii. the course credits available in the term needed to complete degree requirements total less than a full-time course load, and
    - iii. the maximum number of years of eligibility has not been exceeded.
3. Have complied with federal selective service registration requirements, unless the following apply:
  - a. the requirement to register has terminated or become inapplicable; and
  - b. the person shows by preponderance of the evidence that failure to register was not a knowing and willful failure to register.

Complete and submit by the published deadline an application for an award.

### B. Limitations on Awards.

1. If a student receives a partial payment for a semester or quarter, the student's total term of eligibility shall be reduced by one semester or quarter.
2. Preference for awards shall be given to eligible students who received the award in the previous award year provided they continue to satisfy the requirements for eligibility and notify the institution of their intent to return.
3. Awards for students pursuing associate's degrees shall initially be made for one academic year but may be renewed for no more than one additional academic year. Students pursuing associate's degrees shall be limited to a cumulative total of two academic years of eligibility for tuition assistance for each associate degree, and a cumulative total of four years of undergraduate assistance.
4. Awards for baccalaureate students shall initially be made for one academic year, but may be renewed for no more than three additional academic years of undergraduate study.
5. Baccalaureate degree-holders enrolled in undergraduate teacher certification programs may receive awards if the student has not exceeded undergraduate eligibility and if the student is enrolled full-time.
6. Students pursuing degrees at the graduate level shall be limited to a combined maximum of three years of support or the number of years of the individual degree program, whichever is shorter.
7. Students pursuing degrees at the first-professional level shall be limited to:
  - a. four years of support for medical school,
  - b. three years of support for law school,
  - c. three years of support for dental school,
  - d. three years of support for veterinary medical school, and
  - e. four years of support for pharmacy school.
8. In no case can a student's eligibility exceed four years combined for graduate or first-professional degree programs.

Students may receive TAG under a consortium agreement only if both institutions participate in TAG and a formal consortium agreement is in place that verifies combined full-time enrollment.

### **C. Appeals Process.**

Council staff shall make final decisions on eligibility disputes between students and the enrolling institutions. A student whose eligibility for an award has been denied may appeal the institution's determination by filing a written statement with the Council by May 1st of the respective award year for the appeal.

The appeal process for resolving eligibility disputes shall consist of a review of the institution's determination by a Council staff member. Further student appeals are subject to a final administrative review by a committee comprised of three Council staff members. No person who serves at one level of the appeal process shall be eligible to serve at any other level of review.

In order to provide for the orderly and timely resolution of all disputes, the appeals process shall be in writing and state time limitations for the reviews. The Council shall distribute the written appeals procedure to participating institutions, and students may request a copy of the written appeals procedure from the enrolling institution or the Council.

### **8 VAC 40-70-50. Award Amount.**

Section 23-38.14 of the Code of Virginia specifies that no award shall exceed the annual average appropriation per full-time equivalent student for the previous year from the general fund for operating costs at two- and four-year public institutions of collegiate education in Virginia. The amount of the award shall be determined by the number of eligible students and funds available. In no event shall the award amount exceed the limit set forth in the Appropriations Act.

- A. An award received by a student under the Program is applied to the student's tuition and shall not be reduced unless the award, when combined with all other financial assistance, exceeds the estimated cost of attendance at the institution the student attends. In such circumstances, the student may receive a reduced award.
- B. In addition, an award received by a student under the Program shall not be reduced by the student's receipt of other tuition-only assistance such as: tuition waiver, scholarship, employer reimbursement, or grant unless the sum of the assistance and the award exceeds total tuition charges. In such circumstances, the student may receive a reduced award.

### **8 VAC 40-70-60. Administration.**

#### **A. The Council.**

1. The Council shall periodically review institutional administrative practices to determine compliance with these regulations. If the Council determines that an institution has failed to rectify substantial compliance errors after an opportunity to do so is provided by the Council, the Council may, after a written notice of pending action to the institution, suspend or terminate its future participation in the Program. In all instances, the Council will require the institution to recover and refund to the Council any state funds that were expended improperly. An institution that is suspended or terminated from the Program may ask for reconsideration by submitting a written appeal within 30 days of the Council's decision.
2. The Council shall provide assistance, interpretation of policy and regulations, and guidance to the institutions in their handling of administrative matters. The assistance may be in the form of information about the Program and preparation of the student application. If an institution wishes to do so, it may prepare its own application, so long as it is approved by the Council

#### **B. Participating Institutions.**

##### **Institutions shall:**

1. Certify student eligibility in all respects;

2. Notify, in writing, students whose applications are rejected that they are not eligible for awards, the reason they are not eligible, and the deadline date for submitting appeals to the Council;
3. Secure and provide to the Council such information regarding student applicants and award recipients as the Council deems necessary for the proper administration of the Program;
4. Act, with the student's authorization, as the student's agent to receive and hold Program funds for the student's use as tuition assistance;
5. Furnish periodic reports and other pertinent information as may be required by the Council. The reports shall include but not be limited to copies of institutional financial aid audit reports and audited financial statements;
6. Ensure that each application bears a stamp indicating the date the application was received by the institution. Applications received after the annually established closing dates for on-time or late applications may be treated as on-time or late applications, respectively, if proof of submission on or before the closing date accompanies the application. Acceptable proof of submission on or before the closing date may be a completed Certificate of Mailing obtained from the U.S. Post Office by the applicant, the postmarked envelope showing that the application was mailed on or before the closing date, or similar documentation from another service. An application bearing a stamped date of receipt later than the closing date for late applications shall normally not be considered; and
7. Withdraw from the Program only upon a 60-day written notice to both its student body and the Council. Withdrawal shall be effective at the conclusion of the academic year designated by the withdrawing participant.

The institution's chief executive officer shall designate one individual at the institution to act as the primary representative of the institution in all matters pertaining to the administration of the Program. The chief executive officer shall, in addition, indicate whether the primary institutional representative may designate a single subordinate who may act as an alternate representative for routine administrative operational matters at the campus. At multi-campus institutions, an alternate representative may be designated for each branch campus if the chief executive officer authorizes the appointment of alternate representatives. If there is a change in the primary representative, the chief executive officer shall designate another individual and notify the Council within 30 days, in writing, of the change. It is the responsibility of the primary representative to advise the Council in a similar fashion of changes in alternate representatives, if any.

### **C. Responsibility of Recipients.**

A recipient of an award under the Program shall notify the institution, in writing, of any name or permanent address changes.