

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

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OFFICE OF THE SECRETARY OF STATE

Form #7

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: Trustees University System of West Virginia TITLE NUMBER: 128

CITE AUTHORITY: WV Code §18C-5-7

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: Series 66

TITLE OF RULE BEING FILED AS AN EMERGENCY: Higher Education Adult

Part-Time Student Grant Program (HEAPS)

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Use Additional Sheets If Necessary.

David R. Lee  
Signature 9/3/99

\$3.40

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

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AMENDMENT TO AN EXISTING RULE: YES  NO

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TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING FILED PROPOSED: Series 66


TITLE OF RULE BEING PROPOSED: Higher Education Adult Part-Time Student Grant Program (HEAPS)

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35<sup>TH</sup> DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Through House Bill 2482, the Legislature declared that an emergency situation existed, and therefore, the governing boards were to jointly establish by emergency rule, legislative rules to implement the Higher Education Adult Part-time Student (HEAPS) Grant Program.

The Legislature has appropriated funds for student awards for FY 1999-2000. We believe awards cannot be made until the emergency rule is filed.

  
\_\_\_\_\_  
10/7/99

Signature

12-1-130

SEP 3 12 03 PM '99

OFFICE OF THE SECRETARY OF STATE

**TITLE 128**  
**EMERGENCY RULE**  
**UNIVERSITY SYSTEM OF WEST VIRGINIA BOARD OF TRUSTEES**

**SERIES 66**

**TITLE: HIGHER EDUCATION ADULT PART-TIME STUDENT GRANT PROGRAM (HEAPS)**

**SECTION 1: GENERAL**

- 1.1. Scope - This rule establishes guidelines and procedures which will direct the operation of the Higher Education Adult Part-time Student Grant Program, hereinafter referred to as HEAPS.
- 1.2. Authority - West Virginia Code §18C-5-7
- 1.3. Filing Date - \_\_\_\_\_
- 1.4. Effective Date \_\_\_\_\_

**SECTION 2: PURPOSE**

- 2.1. The intent of the legislation creating HEAPS is to encourage and enable needy West Virginia students, who have been out of high school for at least two years and who desire to continue their education on a part-time basis at the post-secondary level, to pursue their educational goals and thereby improve the work force of West Virginia.

**SECTION 3: FUNDING**

- 3.1. A special revenue fund known as the Higher Education Adult Part-time Student Grant Program Fund will be created in the State Treasury to be administered by the Senior Administrator of the State College and University Systems Central Office.
- 3.2. Funding received from legislative appropriations and moneys received for this program from all other sources, if any, will be deposited into this account.
- 3.3. Any moneys remaining in the fund at the close of a fiscal year shall be carried forward to use in the next fiscal year.

- 3.4. Fund balances may be invested in the state's consolidated investment fund.
- 3.5. Available funds shall be allocated to participating institutions based on prior year, part-time enrollment at said institutions. The pro-rated share of funds shall be distributed directly to the individual institution.
  - 3.5.1. Pro-rated funds may be distributed directly to the community college components of four-year institutions where deemed appropriate by the Senior Administrator.
  - 3.5.2. The Senior Administrator may redistribute uncommitted funds within an award year.
  - 3.5.3. Any funds not expended by the institution at the end of each fiscal year will be returned to the Senior Administrator for awarding in subsequent years.

#### **SECTION 4: ADMINISTRATION**

- 4.1. The HEAPS Program shall be administered by the Senior Administrator with support as appropriate from the staff of the State College and University Systems Central Office.
- 4.2. Each participating institution shall determine whether a HEAPS applicant, who enrolls part-time at that institution, meets the eligibility criteria.
  - 4.2.1. Each institution shall make awards according to criteria set forth in these rules and deliver the grant amount to the student awarded.
  - 4.2.2. Participating institutions shall retain such records as the Senior Administrator may deem necessary to administer this program and track recipients.

#### **SECTION 5: ELIGIBILITY CRITERIA**

- 5.1. A person is eligible for consideration for a HEAPS grant if the person:
  - 5.1.1. Demonstrates that he or she has applied for, accepted, or both, other student financial assistance in compliance with federal financial aid rules, including the federal Pell Grant;
    - 5.1.1.1. Applicant must submit the federally approved application for student aid.

- 5.1.2. Qualifies as an independent student according to current federal financial aid criteria;
  - 5.1.2.1. Number of dependents may be a consideration
- 5.1.3. Demonstrates financial need for funds, as herein defined.
  - 5.1.3.1. Need shall be defined as cost of education as determined by the institution less expected family contribution (EFC).
  - 5.1.3.2. EFC as calculated by the U. S. Department of Education for Title IV awarding will be used in determining need.
  - 5.1.3.3. Institutional aid officers, in consultation with the Senior Administrator, may determine whether the applicant has any personal hardship that should be taken into consideration in determining the applicant's eligibility.
- 5.1.4. Has not been enrolled in a high school diploma program, other than general education development (GED), for at least the two preceding years;
- 5.1.5. Is a state resident and may not be considered a resident of any other state;
  - 5.1.5.1. State resident means a student who has lived in West Virginia continuously for a minimum of twelve months immediately preceding the date of application for a HEAPS grant or renewal of a grant.
- 5.1.6. Is a United States citizen or a permanent resident thereof;
- 5.1.7. Is not incarcerated in a correctional facility;
- 5.1.8. Is not in default on a higher education loan;
- 5.1.9. Is enrolled or accepted for enrollment in a program of study with a goal of attaining a certificate, an associate degree or a bachelor's degree as an undergraduate on a part-time basis at an eligible institution of higher education.
- 5.1.10. Is making satisfactory progress at the time of application.

- 5.1.10.1. Satisfactory progress for a first time award means being accepted for enrollment by the institution the applicant plans to attend.
- 5.1.10.2. Thereafter, a student must maintain a cumulative grade point average of at least 2.0 on a 4.0 scale.
- 5.2. Part-time means enrollment for not less than six nor more than eleven semester or term hours or its equivalent as determined by the Senior Administrator; *Provided*, that for no more than two semesters during the recipient's ten years of eligibility, the recipient may be considered to be enrolled part-time if he or she is enrolled for three or more semester or term hours or its equivalent.
- 5.3. Eligible institution of higher education means any:
  - 5.3.1. community college;
  - 5.3.2. community or technical college;
  - 5.3.3. adult technical preparatory education program or training, as that term is defined in section one-b, article three-a, chapter eighteen-b of the Code of West Virginia
  - 5.3.4. state college or university;
  - 5.3.5. approved institution of higher education as defined in section two, article 5, chapter eighteen-c of the Code of West Virginia
  - 5.3.6. any approved distance education, including world wide web based courses.
    - 5.3.6.1. Approved distance education is defined as a course of study offered via electronic access that has been approved for inclusion in the applicant's program of study by the eligible institution at which the applicant is enrolled or accepted for enrollment.
    - 5.3.6.2. Approved distance education classes must be authorized by an eligible institution with course credits transferred back to that institution. The Senior Administrator shall establish appropriate disbursement procedures for distance education classes.

- 5.4. Each HEAPS grant is eligible for renewal until the program of study is completed but not to exceed an additional nine years beyond the first year of the award.

## **SECTION 6: AMOUNT OF AWARD**

- 6.1. The award for a student enrolled in a public institution under the jurisdiction of the State College and University Systems Governing Boards shall be based upon the actual per credit hour tuition and fees charges.
- 6.2. Students enrolled in other eligible institutions shall receive an award based upon the average per credit or term hour tuition and fee charges assessed by all public undergraduate institutions of higher education under the jurisdiction of the State College and University Systems Governing Boards during the previous year.
- 6.3. Total aid, including the HEAPS award, may not exceed the recipient's total cost of education as defined by the institution being attended.

## **SECTION 7: AGREEMENT TO PARTICIPATE AND REPORTS**

- 7.1. In order for an institution to participate in the HEAPS Program, the president or the chief executive officer and the financial aid officer must sign an agreement to participate. This agreement will outline duties of the institution, including:
  - 7.1.1. Developing policies and procedures for the operation of the HEAPS Program, covering at a minimum:
    - 7.1.1.1. Methods to determine if students meet the eligibility criteria for a HEAPS award;
    - 7.1.1.2. Delivering awards to eligible students;
    - 7.1.1.3. Reporting the number of part-time students enrolled for 6-11 hours or its equivalent (for determining fund distribution for the coming year) This information will be reported on a form and within a deadline designated by the Senior Administrator.
    - 7.1.1.4. Reporting annually the number of HEAPS awards made and the total amount of dollars awarded. This information will be made on a form and within a deadline designated by the Senior Administrator.

- 7.2. The Senior Administrator shall prepare an annual report on the status of the HEAPS grant program. This report shall be presented to LOCEA no later than December 1 of each year.

## **SECTION 8: AUDITS**

- 8.1. Participating institutions shall be subject to such audits and program reviews as may be required by the Senior Administrator.