

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

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**FILED**

JUN 12 2 22 PM '00

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: UNIVERSITY SYSTEM OF WEST VIRGINIA (Trustees) TITLE NUMBER: 128

AMENDMENT TO AN EXISTING RULE: YES  NO

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

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

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 66

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

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB520

SECTION 18B-17-2(k), PASSED ON March 9, 2000

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: June 12, 2000

Hechler

Authorized Signature

**APPROVED**

Dept. of Education & the Arts

BY: David R. Steyer 6/7/00

FILED

TITLE 128

JUN 12 2 22 PM '00

LEGISLATIVE RULE

UNIVERSITY SYSTEM OF WEST VIRGINIA BOARD OF TRUSTEES  
OFFICE OF THE SECRETARY OF STATE

SERIES 66

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

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 revolving 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 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 of West Virginia residents at said institutions. For the initial

year of program operation, allocation of funds will be based upon the total number of West Virginia residents enrolled on a part-time basis. Thereafter, only West Virginia residents enrolled part-time in a course of study leading to a certificate or degree will be considered in making an allocation. 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.
- 3.5.4. The Senior Administrator shall place in reserve ten percent of available funds at the outset of each award year. These reserve funds may be allocated to institutions which apply for additional funds based upon increases in part-time enrollment since prior year enrollment was reported. Special consideration in the allocation of reserve funds shall be given to students who meet all applicable eligibility standards and who enroll in courses that begin after the official start date of a regular semester or academic term.

#### **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 federal student aid 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 and meets the standards of West Virginia domicile as defined by the residency policies of the governing boards for public colleges and universities.
- 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 in compliance with the Military Selective Service Act;
- 5.1.10. 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; and

5.1.11. Is making satisfactory progress at the time of application.

5.1.11.1. Satisfactory progress for a first time award means being accepted for enrollment by the institution the applicant plans to attend.

5.1.11.2. Thereafter, a recipient must maintain a cumulative grade point average of at least 2.0 on a 4.0 scale and meet the academic progress requirements at the institution he or she is attending.

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 an institution of a type listed in this section that is eligible to participate in the Federal Pell Grant Program. This eligibility requirement may be waived by the senior administrator if, after thorough investigation and proper documentation, he or she determines that an institution has the staff and capability to properly administer HEAPS. Types of eligible institutions of higher education include:

5.3.1. community college as defined in section two, article one, chapter eighteen-b of the Code of West Virginia;

5.3.2. community and technical college as defined in section two, article one, chapter eighteen-b of the Code of West Virginia;

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 as defined in section two, article one, chapter eighteen-b of the Code of West Virginia;

5.3.5. approved institution of higher education as defined in section two, article five, 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 GRANT**

- 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 fee 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. Guidelines for student awarding when funds are insufficient to award all eligible applicants;
    - 7.1.1.3. Delivering awards to eligible students;
    - 7.1.1.4. Reporting the number of part-time students in a course of study leading to the certificate or degree program and 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;

7.1.1.5. 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.

**DEPARTMENT OF EDUCATION AND  
THE ARTS**

**Office of the Secretary**

State Capitol Bldg. 5, Room 205  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305  
Telephone: (304) 558-2440  
Fax No.: (304) 558-1311



**Cecil H. Underwood**  
Governor

**David R. Ice**  
Cabinet Secretary

June 7, 2000

The Honorable Ken Hechler  
Secretary of State  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Secretary Hechler:

I am hereby approving for filing with your office, the following legislative rule of the University System Board of Trustees for final filing:

**Title 128, Series 66: Higher Education Adult Part-time Student Grant Program (HEAPS).**

The rule is attached.

Sincerely,

A handwritten signature in cursive script that reads "David R. Ice".

David R. Ice  
Cabinet Secretary

cc Interim Chancellor Weston

Enclosure

# The University System of West Virginia

1018 Kanawha Boulevard, East • Suite 700  
Charleston, West Virginia 25301-2827  
Telephone 304-558-2736 Facsimile 304-558-3264

W. Donald Weston, MD  
Interim Chancellor

Cathy M. Armstrong  
Chairman, Board of Trustees



June 5, 2000

Mr. David Ice  
Secretary, Education and the Arts  
Building 5, Room 205  
Capitol Complex  
Charleston, West Virginia 25305

Dear Mr. Ice:

On behalf of the University System Board of Trustees, I am forwarding the final filing of the legislative rules:

✓ **Title 128, Series 66: Higher Education Adult Part-Time Grant Program (HEAPS)**

**Title 128, Series 68: WV Engineering Science & Technology Scholarship Program**

As you know, these rules have gone through the review and comment periods, were approved by LOCEA, and approved by the legislature in Senate Bill 520 to become effective June 6, 2000.

Could you please review the attached and, if you approve, forward to the Secretary of State for filing. Thank you for your assistance.

Sincerely,

W. Donald Weston, MD  
Interim Chancellor

Enclosure  
/jd