

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Do Not Mark In This Box  
Filing Date

SEP 3 12 07 PM '99

OFFICE OF THE SECRETARY OF STATE  
STATE OF WEST VIRGINIA  
MARTINSBURG, WV 26031

NOTICE OF AN EMERGENCY RULE

AGENCY: State College System of WV Directors TITLE NUMBER: 131

CITE AUTHORITY: WV Code § 18C-5-7

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 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:

  
Signature 9/3/99

w:\secstate\forms\emergencyrule

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

Do Not Mark In This Box  
Filing Date

**NOTICE OF AN EMERGENCY RULE**

AGENCY: State College System of WV TITLE NUMBER: 131

CITE AUTHORITY: WV Code § 18C-5-7

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 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.

David R. Ice  
10/7/99

Signature

**TITLE 131  
EMERGENCY RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS  
SERIES 66**

RECEIVED  
SEP 3 12 07 PM '99  
OFFICE OF THE SECRETARY  
STATE COLLEGE SYSTEM OF WEST VIRGINIA

**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 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.

#### **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 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. 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.