

Proposed Rulemaking

Title

Promulgated by:
Division of Higher Education

Title 6. Education

Chapter IV. Division of Higher Education, Department of Education

Subchapter B. Scholarships and Grants

Part 401. Rules Governing the Arkansas Governor's Scholars Program

Subpart 1. Generally

6 CAR § 401-101. ~~Policy statement~~Purpose.

(a) A scholarship program to promote academic excellence and to encourage the state's most talented graduates to enroll in Arkansas postsecondary educational institutions is created and established which shall be cited as the Arkansas Governor's Scholars Program.

(b) This part shall be known as the Division of Higher Education's "Rules Governing the Arkansas Governor's Scholars Program".

(c) This part addresses the student eligibility criteria, method for recipient selection, and continuing eligibility requirements procedures for making payments to an approved institution of higher education and other administrative procedures necessary for operation of the program.

6 CAR § 401-102. Definitions.

As used in this part:

(1)(A) "Academic ability" means the intellectual standing of a student.

(B) In determining superior academic ability, the Division of Higher

Education shall examine the student's:

- (i) High school records;
- (ii) Competitive examination scores; and
- (iii) Demonstrated leadership capabilities;

(2) "Academic year" means a measure of academic work to be accomplished by a student through the fall, spring, and ~~first and second~~ summer semesters, or the equivalent of fall, spring, or summer semesters, in that order, ~~or as defined by the Division of Higher Education;~~

(3) "Approved institution" means a ~~public~~ state-supported institution of higher education or private college or university:

(A) Which is dedicated to educational purposes, located in Arkansas, or located out-of-state and educating Arkansas residents in ~~dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy under agreement with the Southern Regional Education Board, accredited by an accrediting agency certified and recognized by the United States Department of Education or the Division of Agency Evaluation and Institutional Accreditation, or a school giving satisfactory assurance that it has the potential for accreditation and is making progress which, if continued, will result in its achieving accreditation~~ professional programs not offered in the state under the Arkansas Health Education Grant Program;

(B) Which does not discriminate in the admission of students on the basis of:

- (i) Race;
- (ii) Color;
- (iii) Religion;
- (iv) Sex; or
- (v) National origin; and

(C) Which subscribes to the principle of academic freedom;

(4)(A) "Arkansas resident" means a natural person who provides evidence deemed sufficient by the Division of Higher Education.

(B) Such evidence includes but is not limited to:

(i) A valid Arkansas voter's registration card;
(ii) A valid Arkansas motor vehicle driver's license;
(iii) An Arkansas residence address used for federal or state tax purposes; or

(iv) Claiming Arkansas as a residence to hold public office or for judicial actions;

(5) "Competitive examination" means a standardized examination measuring achievement which is administered annually on a specified date and at a specified location and which is announced publicly;

(6) ~~(A) "Division" means the Division of Higher Education; "Diploma with distinction" means a diploma that requires a student to complete requirements as defined by the Division of Elementary and Secondary Education.~~

~~(7) (7)~~ "Eligible student" means a legal resident of the State of Arkansas as defined by the ~~Division of Higher Education~~ division who:

~~(A) Is eligible for admission as a full-time student~~ Meets the admission requirements at an approved institution of higher education;

~~(B) Declares an intent to matriculate in an approved institution in Arkansas~~ Is accepted for enrollment as an undergraduate student at an approved institution of higher education; and

~~(C) Graduates from:~~

~~(i) A high school in this state, for Arkansas Governor's Scholars; or~~

~~(ii) A high school, for Arkansas Governor's Distinguished Scholars;~~

(C) Graduates from a high school; and

(D) Meets the requirements described in § 401-202 of this part.

(8) "Exemplary academic achievement" means a student that achieves exemplary performance, as determined by the division, based on one (1) or more of the following considerations:

(A) SAT, CLT, or ACT;

(B) High school grade point average;

(C) High school rank upon graduation;

(D) Associate degree upon graduation from high school; and

(E) Being a recipient of a diploma of distinction;

~~(8)(9)~~(A) "Extraordinary academic ability" means students that have earned the designation of Governor's Distinguished Scholar by demonstrating:

(i) Achievement of a superscore of thirty-two (32) or above on the American College Test (ACT) or a score of 1410 or above on the Scholastic Aptitude Test (SAT); and

(ii) ~~Achievement of a~~ A student graduating from high school with an achievement of a high school grade point average of 3.5 or above on a 4.0 scale ~~or selection as a finalist in either the National Merit Scholarship competition, the National Hispanic Recognition Program, or the National Achievement Scholarship competition conducted by the National Merit Scholarship Corporation.~~

(B) The American College Test (ACT) superscores and Scholastic Aptitude Test (SAT) scores shall be earned by ~~December 31~~February 28 prior to the application deadline in order for the scores to be considered by the ~~Division of Higher Education~~ division for a scholarship award;

~~(9)(10)~~(A) "Full-time student" means a legal resident of Arkansas who is in attendance at an approved ~~private or public~~ institution and who is enrolled in at least twelve (12) credit hours the first semester and fifteen (15) hours thereafter, or other reasonable academic equivalent as defined by the ~~Division of Higher Education~~ division.

(B) For purposes of summer semesters, "full-time student" means a resident of Arkansas who is:

(i) In attendance at an approved ~~private or public~~ institution; and

(ii) Enrolled in fifteen (15) hours;

~~(10)(11)~~(A) "Part-time student" means a resident of Arkansas who is in attendance at an approved ~~private or public~~ institution and who is enrolled in less than fifteen (15) credit hours ~~for their fourth academic year~~;

(B) For purposes of summer semesters, "part-time student" means a resident of Arkansas who is:

(i) In attendance at an approved ~~private or public~~ institution; and

(ii) Enrolled in less than fifteen (15) hours;

~~(11)(12)~~ "Scholarship" means an award to an eligible student for matriculation in an approved institution in the State of Arkansas;

~~(12)(13)~~ "Undergraduate student" means an individual who is enrolled in a postsecondary educational program, which leads to or is directly creditable toward the individual's first baccalaureate degree; and

~~(13)(14)~~ (A) "United States citizen" means the student must be either a United States citizen or a permanent resident alien.

(B) If the student is not a United States citizen but a permanent resident alien, the student must attach a copy of the permanent resident alien form ~~+151,~~ I 551, ~~or I 94, or G-641~~ to the application.

Subpart 2. Procedures

6 CAR § 401-201. Organization and structure.

(a)(1) The Division of Higher Education shall administer the Governor's Scholars Program within the policies set by the Arkansas Higher Education Coordinating Board.

(2) All formal communications shall be addressed to or signed by the Commissioner of the Division of Higher Education or his or her designee.

~~——(3) The Governor's Scholars Advisory Council shall provide advice to the division regarding the administration of the program.~~

~~(b) Governor's Scholars Program Advisory Council.~~

~~——(1) The Governor's Scholars Program Advisory Council shall consist of ten (10) members appointed by the board for staggered two-year terms and shall represent the public and private sectors of postsecondary education and secondary schools.~~

~~——(2) The Governor's Scholars Program Advisory Council shall advise the division in the determination of guidelines and rules for the administration of this program.~~

~~——(3)(A) The commissioner or his or her designee shall serve as presiding officer of the Governor's Scholars Program Advisory Council and shall ensure that staff services for the Governor's Scholars Program Advisory Council are provided.~~

~~_____ (B) The final responsibility for selecting scholarship recipients shall rest with the commissioner pursuant to the provisions of Arkansas Code § 6-82-301 et seq.~~

~~(C) When functioning under Arkansas Code § 6-82-301 et seq., the division shall follow the provisions of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.~~

6 CAR § 401-202. Eligibility criteria.

(a) The Arkansas Governor's Scholars Program scholarships are to be awarded to those students who demonstrate the highest capabilities for successful college study.

(b) A student is eligible for this scholarship if he or she:

(1) Meets the admission requirements and is accepted for enrollment as ~~a full-time~~ an undergraduate student in an ~~eligible public or private college or university in Arkansas~~ approved institution of higher education;

(2) Is ~~a bona fide resident of the state, as defined by the Division of Higher Education,~~ an Arkansas resident and ~~is~~ either:

(A) A citizen of the United States or a permanent resident alien;

(B) The holder, or the child of a holder, of a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a work permit; or

(C) A person who is a migrant from the Compact of Free Association Islands;

(3) Graduates from a high school;

(4) Completes and submits to the United States Department of Education a Free Application for Federal Student Aid (FAFSA) or a subsequent application required by the United States Department of Education for federal financial aid;

(5)(A) Satisfies the qualifications of ~~superior~~ extraordinary academic ability ~~or exemplary academic achievement~~ as established by the division, with criteria consisting of value points for academic achievement and leadership, including without limitation:

(i) American College Test (ACT), Classical Learning Test (CLT) or Scholastic Aptitude Test (SAT) score, National Merit Finalist, or National Achievement

Finalist;

- (ii) High school grade point average;
- (iii) Rank in high school class; and
- (iv) Leadership in school, community, and employment.

(B)(i)(a) The division may alter the weight assigned to the individual criterion to more appropriately meet the needs of the state as determined by the Arkansas Higher Education Coordinating Board.

(b) Value points assigned to each selection criterion are weighted as follows:

American College Test (ACT), Classical Learning Test (CLT), or Scholastic Aptitude Test (SAT) score, National Merit Finalist, or

National Achievement Finalist	forty-five percent (45%)
High school grade point average	thirty-five percent (35%)
Rank in high school class	ten percent (10%)
Leadership in school, community, and employment	ten percent (10%)

(ii) The division shall ensure that the weight assigned to each individual criterion under this subdivision (b)(5)(B) does not place a home-schooled, public school, or private school student at a disadvantage.

(iii)(a) After determining qualified recipients based on the qualifications under subdivision (b)(5)(A) of this section, the division shall ensure that at least one (1) recipient is selected from each of the seventy-five (75) counties in Arkansas.

(b) If any of the seventy-five (75) counties is not represented for either extraordinary academic ability or exemplary academic achievement, then the division shall select a student from each nonrepresented county with the highest qualifications under subdivision (b)(5)(B)(iii)(b) of this section who was not initially qualified.

(c) The scholarship shall be weighed on the factors of:

- (1) Achievement;
- (2) Ability; and
- (3) Demonstrated leadership capabilities.

(d) Students who are selected as Arkansas Governor's Scholars who also exhibit extraordinary academic ability as defined in the definitions section of this part shall be designated as Arkansas Governor's Distinguished Scholars.

(e) Preference will be given to students who plan to enter college at the beginning of the academic year directly following their last year of high school attendance.

6 CAR § 401-203. Continued eligibility.

(a) An Arkansas Governor's Scholarship or Arkansas Governor's Distinguished Scholarship may be awarded annually for a period not to exceed an academic year.

(b)(1) A scholarship shall correspond to fall, spring, and summer academic terms, semesters, quarters, or equivalent time periods at the eligibleapproved institutions.

(2) In no instance may the entire amount of the grant for an educational year be paid to or on behalf of students in advance.

(c)(1) Provided sufficient funds are available, a scholarship shall be awarded for one (1) academic year, to include summer terms, and renewed annually for three (3) additional academic years if the following conditions for renewal are met:

(A) The student maintains not less than a 3.0 grade point average on a 4.0 scholastic grading scale;

(B) A student receiving a scholarship under 6 CAR § 401-207(a) maintains not less than a 3.25 grade point average on a 4.0 scholastic grading scale;

(C)(i) The recipient has successfully completed a minimum of twelve (12) hours if a part-time student, or a total of at least twenty-seven (27) hours during the first full academic year and, if applicable, a total of at least thirty (30) hours per academic year thereafter; and

(ii) The scholarship amount for each semester in which a student who is the recipient of a scholarship under this part as a part-time student shall be

prorated by the number of credit hours in which the student is enrolled

(D) The recipient has met any other continuing eligibility criteria established by the Division of Higher Education.

(2) If a student who has continuously been a recipient of the scholarship for at least three (3) consecutive years is enrolled as a part-time student in the student's fourth academic year, the student shall be eligible to continue to receive the scholarship if the student has completed, by his or her fourth academic year, or is enrolled in, for his or her fourth academic year, the requisite number of credit hours to complete the student's degree program.

6 CAR § 401-204. Application.

(a) Students must submit an online application available at the Division of Higher Education website, <http://scholarships.adhe.edu/> <http://sams.adhe.edu>.

(b) The application deadline shall be established by the division of the calendar year in which a student graduates from high school.

(c) At its discretion, the division may extend the deadline, provided sufficient notice is provided to the public.

(d) The applicant is responsible for submitting the application and all supporting documentation in a timely manner.

6 CAR § 401-205. Number of scholarships.

(a) If sufficient funds are available, ~~effective for students receiving their initial awards beginning in fall 2007,~~ the number of initial scholarship awards to eligible high achievers shall not exceed three hundred seventy-five (375) each year.

(b) If there are more eligible applicants than available scholarships, the Division of Higher Education may determine a procedure for awarding additional scholarships while not exceeding available funds.

6 CAR § 401-206. Use of scholarship.

(a) No student may utilize scholarship funds for educational purposes beyond the

baccalaureate degree.

(b)(1) There shall be an exception to the requirement of subsection (a) of this section for any student who receives a baccalaureate degree in ~~three (3)~~ four (4) years or less.

(2) The student may receive an award of the scholarship for a fourth academic year to be used as a full-time student enrolled in a postgraduate program at an approved institution.

6 CAR § 401-207. Scholarship amounts.

(a) An ~~Arkansas Governor's Scholarship or~~ Arkansas Governor's Distinguished Scholarship awarded to a new recipient who enrolls in an approved institution as a first-time entering freshman shall be in an amount that equals the lesser of:

(1) Ten thousand dollars (\$10,000); or

(2) Tuition, room and board, and mandatory fees charged for a regular full-time course load by the approved institution in which the recipient is enrolled.

(b) A student selected as a recipient of an Arkansas Governor's Scholar Award under 6 CAR § 401-202(b)(5)(B)(iii) *(b)* who enrolls in an approved institution as a first-time entering freshman ~~after July 1, 2017,~~ shall be awarded ~~in~~ an amount that equals the lesser of:

(1) Five thousand dollars (\$5,000); or

(2) Tuition, room and board, and mandatory fees charged for a regular full-time course load by the approved institution in which the recipient is enrolled.

(c) The scholarship amount for each semester in which a student who is the recipient of a scholarship is enrolled as a part-time student ~~during their fourth academic year~~ shall be prorated by the number of credit hours in which the student is enrolled.

6 CAR § 401-208. Notification of application and award status.

(a) An Arkansas Governor's Scholarship or Arkansas Governor's Distinguished Scholarship recipient shall receive an award notice and information sheet explaining disbursement procedures and conditions of the Arkansas Governor's Scholars Award.

~~—(b)(1) The Division of Higher Education shall notify applicants who are determined to be ineligible and provide the reason for ineligibility.~~

~~—(2) They will also be given instructions on how to correct any information on the application they believe to be incorrect.~~

~~—(c)(1) Applicants who fail to submit complete applications, or who fail to supply the required documentation to process the application, will be classified as incomplete.~~

~~—(2) The division shall notify these students of their status.~~

~~—(3) The incomplete notice provides a list of the incomplete items and the actions necessary for completion.~~

6 CAR § 401-209. Scholarship payment policies.

(a) Payment of scholarships.

(1) Funds will be disbursed to the approved institution of the Governor's Scholars choice by state warrant.

(2) After verification of ~~full-time~~ enrollment, the institution shall disburse the Governor's Scholars Award to the student according to the individual institution's disbursement procedures.

(3) Disbursement of the Governor's Scholars Award shall correspond with the institution's fall, spring, and summer academic terms ~~(semesters, trimesters, quarters, or equivalent time periods).~~

(4) In no instance may the entire amount of the award for an educational year be paid to or on behalf of the student in advance.

(b) Transfer to another institution of higher education.

(1) A student who receives a Governor's Scholars Award may transfer to another ~~eligible~~approved Arkansas institution of higher education, provided the recipient notifies the Division of Higher Education, in writing on a student's scholarship account, of the change of institution by October 1 for the fall term, by February 1 for the winter and spring terms, and by June 1 for summer terms.

(2) Failure to notify the division by the specified deadlines shall result in the loss of the Governor's Scholars Award for the term in question.

(c) Scholarship hold.

(1) The division may approve a scholarship hold for a student for a period of twenty-four (24) months or less for the following reasons without limitation:

(A) A medical condition of the student or a member of the student's immediate family that, on the basis of a physician's good-faith judgment, necessitates that the student or the student's immediate family member be hospitalized or receive outpatient or home-based medical care or recuperate until released by the attending physician;

(B) A personal or family emergency that requires the student to:

(i) Attend the funeral of an immediate family member; or

(ii) Visit a relative of the student if the relative has a medical condition in which death is possible or imminent;

(C) Military service under Arkansas Code § 6-61-112; or

(D)(i) A commitment of twelve (12) to twenty-four (24) months for service in a national or international humanitarian project sponsored by a nonprofit corporation organized with a charitable or educational purpose.

(ii) The student's commitment shall be expressed in a written agreement with the nonprofit organization, including the terms of completion for the student's service on the related project.

(iii) The division shall release a scholarship hold if the division determines that the student did not complete the commitment under the written agreement.

(2)(A) The recipient must submit a ~~written~~ request for a scholarship hold.

(B) The petition shall give the reason for withdrawal and be supported by documentation.

(C) In the absence of extraordinary circumstances, the award will be revoked if the recipient fails to enroll ~~full-time~~ in an ~~eligible~~approved institution in Arkansas, and the division receives neither notification of transfer of the scholarship to another ~~eligible~~approved institution, nor a petition for withdrawal by the recipient by October 1 for the fall term, February 1 for the winter and ~~for~~ spring terms, and by June

1 for summer terms.

(D) At the discretion of the division, the award will not be revoked if it is determined by the division that extraordinary circumstances prevented the student from notifying the division by the required dates.

(d) Cancellation of Governor's Distinguished Scholar Award.

(1) The Governor's Scholars Award and the Governor's Distinguished Scholar Award shall be terminated for any one (1) of the following reasons:

(A) Failure to maintain a minimum 3.0 cumulative college grade point average (Governor's Scholars Award) or a minimum 3.25 cumulative college grade point average (Governor's Distinguished Scholars) on a 4.0 scale and successfully complete and pass a minimum of at least:

(i) Twelve (12) hours if a part-time student; or

(ii) Twenty-seven (27) credit hours the first academic year; and

(iii) Thirty (30) hours each academic year thereafter;

~~(B) Failure to complete a baccalaureate degree within five (5) years from initial college entrance;~~

~~—————(C) Failure to petition the division for a temporary withdrawal for two (2) consecutive academic terms; or~~

~~(D) Failure to enroll as a full-time student in an eligible Arkansas college or university-approved institution after a two-year temporary withdrawal.~~

(2) Failure by the Governor's Scholar to provide ~~written~~ notification to the division of a change in status, such as a transfer to another eligible approved institution, change in address, change in name, etc., before appropriate deadline dates shall result in cancellation of the Governor's Scholars Award for the term in question.

(e) Refunds and overpayments.

(1) If a Governor's Scholar withdraws from an eligible approved institution, and under the refund policy of that institution the student is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the refund amount in question to the division.

~~(2) Acts 1999, No. 1180, states that students who receive scholarships from~~

~~public funds may not use those funds in a financial aid package to~~ Scholarship awards under this part shall not exceed the recognized cost of attendance at the institution where the student enrolls.

(3) The institution must follow division policy in repaying public funds in the amount exceeding the total cost of attendance for any student who receives public funds in a financial aid package above the cost of attendance.

6 CAR § 401-210. Higher education institution responsibilities.

(a) Administrative agreement.

(1) The chief executive officer of the ~~eligible~~approved institution is responsible for appointing one (1) representative from the financial aid office to act as administrator of the Arkansas Governor's Scholars Program and to receive all communications, forms, etc.

(2) This representative is responsible for Governor's Scholars disbursement, completion of all forms and rosters, verification of data, and compliance with all Governor's Scholars Program rules.

(3) The institution must comply with the following responsibilities in order to maintain continued eligibility status.

(b) **Disbursement records.** The institution shall maintain information on the student indicating disbursement of Governor's Scholars funds.

(c) **Institutional information sheet.** The administrator is responsible for designating a certifying official responsible for certifying ~~full-time~~ enrollment and a disbursing official responsible for the disbursement of Governor's Scholars Program funds.

(d) Institutional verification.

(1) The institution shall provide certification to the Division of Higher Education each semester after registration, giving the names of the Governor's Scholars who are officially enrolled ~~as full-time students~~ as of the end of the eleventh class day of enrollment.

(2) This information is reported on a verification roster.

~~(3) The person responsible for verification of full-time enrollment is the registrar or a member of the registrar's staff.~~

~~(4) The certifying official is responsible for completing the verification roster twice a year for those schools on the semester system and three (3) times a year for those schools on the quarter system.~~

~~(5)~~(3) The verification roster shall be ~~mailed~~ sent to the financial aid administrator prior to registration for the semester or quarter.

~~(6)~~(4) The completed and signed Governor's Scholars Program verification roster shall be returned to the division by the dates specified on the roster.

~~(7)~~(5) The verification roster is an alphabetical listing by institution of all persons receiving a Governor's Scholars Program Award for a given academic term.

~~(8)~~(6) Students who are not enrolled full-time or are under-enrolled in the current term shall not receive Governor's Scholars Program funds for that term.

(e) Deadlines for disbursement of funds.

(1) All funds must be disbursed within ten (10) days of written receipt of funds.

(2) Any outstanding funds not disbursed by these dates must be returned within ten (10) days to the division.

(f) Refund policy.

(1) It is the institution's responsibility to notify the division of the:

(A) Name of the person who withdrew;

(B) Date of the withdrawal; and

(C) Refund amount.

(2) This information shall be placed on the institution's verification roster before the roster is returned to the division.

(3) The institution shall be responsible for the refund amount and shall pay that amount to the division.

(g) Continuing eligibility.

(1) It is the responsibility of each institution to complete annually the continuing eligibility roster.

(2) This roster shall be ~~mailed~~ sent to all institutions that have a governor's scholar enrolled.

(3) The continuing eligibility roster shall be returned to the division by the date specified on the roster.

(4) The person responsible for completing the continuing eligibility roster is the financial aid administrator or his or her designee.

(5) The continuing eligibility roster is an alphabetical listing by institution of all persons receiving a Governor's Scholars Award that attended that institution for the academic year immediately preceding receipt of the continuing eligibility roster.

(6) The certifying official must complete the roster by providing the number of hours completed for the previous academic year and the cumulative grade point average achieved for each student listed.

(h) **Due diligence.**

(1) The institution shall exercise due diligence in providing complete, accurate, and timely information as requested by the division for any governor's scholar or former governor's scholar.

(2) In addition, the institution shall exercise due diligence in complying with all the rules of the Arkansas Governor's Scholars Program.

(3) The division shall periodically review the institution's records concerning the Governor's Scholars Program in an effort to exercise its due diligence requirements as a steward of State of Arkansas funds.