

DECISION ITEM : Preliminary Approval of Amendments to the Administrative Procedures for the Police Officers and Firefighters Survivors Educational Assistance Program

Tim Vick
Director of Operations and Fiscal Services

Staff Recommendation: That the Commission preliminarily approve the proposed amendments to Chapter 300-4-7 of the administrative procedures related to the Police Officers and Firefighters Survivors Educational Assistance Program (POFSEAP).

Background: During the 2021 Legislative Session, Alabama Act 2021-425 was passed. This Act changed the eligibility criteria for natural and adopted dependents under age 21 of police officers, firefighters, volunteer firefighters and rescue squad members who are declared totally disabled.

Another change proposed by staff, creates a new rule that allows the Chairman of the Tuition Eligibly Board to approve or reject an application after the Board has held its annual meeting.

Additions are underlined, deletions are stuck through.

Code of Alabama, 1975, Title 36-21-100 et. sec authorizes the Alabama Commission on Higher Education to adopt any rules necessary for the administration of ASGP.

Supporting Documentation: 1. Proposed amendments to Chapter 300-4-7 of the Alabama Administrative Code (attached).

**POLICE OFFICERS AND FIREFIGHTERS SURVIVOR EDUCATIONAL ASSISTANCE PROGRAM
(POFSEAP)**

300-4-7-.04 Definition Of Terms.

(1) Academic Qualifications and Satisfactory Progress of Eligible Students: A student is considered academically qualified if he/she is currently enrolled and matriculated, or has been enrolled in an eligible program of an eligible institution, and is maintaining, or did maintain, satisfactory progress in a course of study he or she is or was pursuing according to the standards and practices of the institution in which the student is or was in attendance. A participating institution must check whatever elements of its satisfactory progress standards are applicable for each payment period.

(2) Board: Tuition Eligibility Board.

(3) Educational Grant: A grant is defined as a financial award by the state of Alabama to a Police Officer's and Firefighter's Survivor's Educational Assistance Program applicant who is designated to be an eligible student who was enrolled in, or is enrolled in, or accepted for enrollment, in an eligible institution, and is to be awarded to the student to defray directed educational-related expenses: tuition, and mandatory fees as stated in the institution's catalog, plus the cost of books and supplies.

(4) Cost of Education: The cost of education is defined as the cost of instruction and fees to the student, as stated in the institution's catalog, plus the cost of books and supplies.

(5) Eligible Institution: An eligible institution is a public postsecondary educational institution -- a state college, state community college, state junior college, state technical college, or state university -- in the state of Alabama and which submits a complete application to the Police Officer's and Firefighter's Survivor's Educational Assistance Program for grant assistance to its students and complies with all regulations of the Alabama Commission on Higher Education.

(6) Eligible Program: An eligible program is any program leading to a diploma, certificate, or undergraduate degree in a state college, state community college, state junior college, state technical college, or state university, in the State of Alabama.

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(7) Eligible Student: An eligible student is an applicant who completes a Police Officer's and Firefighter's Survivor's Educational Assistance Program application, and

(a) Is classified as an undergraduate student as defined in .04(15);

(b) Is enrolled or accepted for enrollment, or was enrolled, in an eligible program within an eligible institution for a minimum of 6 semester/quarter hour per academic term;

(c) Is making satisfactory academic progress as defined by the eligible institution and consistent with guidelines applicable to Title IV programs at the institution or institutions;

(d) Is the dependent child, or spouse who has not remarried of a full-time law enforcement officer or firefighter employed by the State, by any county, or by any municipality, and any volunteer firefighter, as defined, or rescue squad members, as defined and killed or totally and permanently disabled in the line of duty.

1. Volunteer Firefighter - any person who meets all requirements set forth by his or her department, as attested by the chief of that department, and who is any of the following: a member of a certified volunteer fire department as provided in Code of Ala. 1975, Section 9-3-17; a volunteer firefighter of a fire department of an incorporated municipality; a volunteer firefighter of a fire district established pursuant to state law.

2. Rescue Squad Member - A member of an organized rescue squad of a city, town, county, or other subdivision of the state or of a public corporation, organized for the purpose of providing, within the scope of his or her practice: First aid, treatment or transport of the sick or injured; rescue or recovery operations at incidents of drowning; search and rescue of individuals lost or incapable of self-rescue; or any other emergency or non-emergency incident where the services provided by the rescue squad are deemed necessary for incident stabilization. The term includes all commanders, officers, and member of organized rescue squads that are members of the Alabama Association of Rescue Squads.

(e) ~~If a dependent child, natural or adopted, the applicant must be under 21 years of age at the time of death of the law enforcement officer or firefighter; Dependent Children qualifying categories:~~

1. Natural born children of deceased

Firefighters, police officers, volunteer firefighters and rescue squad members who are under 21 at the time of death.

2. Adopted children of deceased firefighters, police officers, volunteer firefighters and rescue squad members who are under 21 at the time of death.

3. Natural born children of totally disabled firefighters, police officers, volunteer firefighters and rescue squad members who are under 21 at the time total disability is established.

4. Adopted children of totally disabled firefighters, police officers, volunteer firefighters and rescue squad members who are under 21 at the time permanent disability is established. In order to receive benefits, an adopted dependent of totally disabled firefighter police officer, volunteer firefighter and rescue squad member shall have been adopted and resided in the household for at least five years prior to enrollment in undergraduate study.

(f) If a spouse, the applicant must not have remarried and must enroll in an eligible program of an eligible institution within five years of the death or total and permanent disability of a law enforcement officer, firefighter as defined, or rescue squad member, as defined or within five years from October 1, 2000 for persons whose spouses became totally and permanently disabled in the line of duty on or after July 23, 1987.

(8) False Statement or Misrepresentation: Any person who knowingly makes or furnishes any false statement or misrepresentation knowing the same to be false, for the purpose of enabling an individual or institution to obtain monies wrongfully under this program, shall be guilty of a Class A misdemeanor, and upon conviction thereof, shall be subject to a fine or to imprisonment, or to both, as such misdemeanor is defined in Act No. 607, S.33 of the 1977 Regular Session (Acts 1977, No. 11, p. 812).

(9) Matriculated Status of Eligible Students:

(a) To be eligible for a Police Officer's and Firefighter's Survivor's Educational Assistance program grant, a student must be or have been in a "matriculated status" in an eligible program leading to a diploma, certificate, or undergraduate degree in an eligible institution. For purposes of the Police Officer's and Firefighter's Survivor's Educational

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Assistance program, a student shall be considered in "matriculated status" if he or she is enrolled, or has been enrolled, in an appropriate diploma, certificate, or degree program.

(b) A student is to be considered matriculated and eligible only if the courses pursued by the student are fully recognized as contributing toward fulfillment by the students of the requirements for completion of the program. That the student may be required, or has been required, to complete certain courses to make up deficiencies in background or training does not necessarily negate the student's status as a recognized certificate, diploma, or degree candidate, so long as acceptance and credit are not contingent upon additional and special requirements designed to establish his/her qualifications to pursue the program successfully. If credit toward the certificate, diploma, or degree is conditional upon satisfactory completion of additional special requirements, then the student must be considered not fully matriculated and ineligible for assistance during his/her present program of study.

(c) A student who meets all eligibility requirements for the Police Officer's and Firefighter's Survivor's Educational Assistance Program and who is, or has been, permitted to enroll in an eligible institution or an early admission basis is eligible to receive an educational grant provided he/she meets all other matriculated status criteria of these procedures.

(10) Public Institution of Higher Education. A public institution of higher education is an educational institution which,

(a) Is in Alabama;

(b) Admits as regular students only persons who have a high school diploma or have the recognized equivalent of a high school diploma, or are beyond the age of compulsory school attendance, and have the ability to benefit from the training offered;

(c) Is legally authorized to provide an educational program beyond secondary education;

(d) Provides an educational program for which it awards an associate or baccalaureate degree, or provides at least a two-year program which is acceptable for full credit toward a baccalaureate degree, or provides at least a one-year training program which leads to a certificate or diploma and prepares students for gainful employment in a recognized occupation;

(e) Is accredited by a nationally-recognized accrediting agency or association or, if not accredited, is an institution whose credits are determined to be accepted on transfer by at least three accredited institutions on the same basis as transfer credits from fully accredited institutions.

(11) Refund Policies and Procedures.

(a) If a student transfers, or becomes ineligible for an educational grant, prior to the delivery of program funds to the student, the institutional financial aid administrator will not disburse Police Officer's and Firefighter's Survivor's Educational Assistance Program funds to the student.

(b) If a student withdraws from school or reduces his/her course load after receiving Police Officer's and Firefighter's Survivor's Educational Assistance program funds, but before the end of the academic term or terms, and is not entitled to a refund in accordance with the institution's refund policy, the Police and Firefighter's Survivor's Educational Assistance Program will not require a refund of any portion of the educational grant which was utilized by the student toward payment of the institution's net charges to the student for the period of actual attendance. However, if an educational grant award payment to the student exceeds the amount of the educational costs of the student, the institution must return to the Police Officer's and Firefighter's Survivor's Educational Assistance Program the refund amount and the institution must maintain with the student's records documentation listing (a) the date the student withdrew, (b) the net institutional charges to the student for the period of the student's attendance, (c) the amount of the student's educational grant award, and (d) the amount of refund due the Police Officer's and Firefighter's Survivor's Educational Assistance Program.

(12) Student Application Procedure: Each applicant for a Police Officer's and Firefighter's Survivor's Educational Assistance Program grant must submit to the Alabama Commission on Higher Education a Police Officer's and Firefighter's Survivor's Educational Assistance Program student application. Completed applications will be forwarded to the Tuition Eligibility Board for review and certification of eligibility.

(13) Transfer Student: Each Police Officer's and Firefighter's Survivor's Educational Assistance Program award is made on the basis of the student applicant's attending the postsecondary educational institution listed on his/her student application form. An award recipient who elects to transfer to

another educational institution may apply for a new award in accordance with the student application procedure. The original application will be cancelled automatically, unless the student has met the student eligibility requirements for receipt of funds for attendance at that institution. A Police Officer's and Firefighter's Survivor's Educational Assistance Program award is not transferable from one institution to another.

(14) Tuition: Tuition is defined as the cost of instruction and fees to the student as stated in the institution's catalog, plus the cost of books and supplies.

(15) Undergraduate Student: An undergraduate student is defined as a person who is or was enrolled in an eligible program at an eligible institution and has not earned a baccalaureate or professional degree. Students who have previously earned a baccalaureate or professional degree, even though they may be enrolled in an undergraduate course of study, are not eligible for a Police Officer's and Firefighter's Survivor's Educational Assistance Program grant.

(16) Full-time Student: A full-time student is an enrolled student who is carrying a full-time academic workload which amounts to the equivalent of a minimum of 12 semester hours or 12 quarter hours per academic term.

(17) Half-time Student: A half-time student is an enrolled student who is carrying a half-time academic workload which amounts to the equivalent of a minimum of 6 semester hours or 6 quarter hours per academic term.

Author: Dr. William H. Wall

Statutory Authority: Code of Ala. 1975, Act 87-609.

History: Filed April 6, 1988. **Amended:** Filed December 20, 1999; effective January 24, 2000. **Amended:** Filed January 12, 2001; effective February 16, 2001. **Amended:** Filed August 19, 2016; effective October 3, 2016.

300-4-7-.06 **Application Processing Procedures**. The following procedures shall be the method used by the Alabama Commission on Higher Education for making available Police Officer's and Firefighter's Survivor's Educational Assistance Program awards to eligible students at eligible institutions:

(a) Applications may be obtained from the Alabama Commission on Higher Education.

(b) The applicant shall be required to complete the application form and attach documentation to substantiate eligibility. Such documentation must include a copy of a natural child's birth certificate, adoption papers for an

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adopted child, or marriage certification by a spouse, and a death certificate for the police officer, firefighter, as defined, or rescue squad member, as defined, killed in the line of duty, or the certification by a qualified physician of the police officer's, firefighter's, as defined, or rescue squad member's, as defined total and permanent disability as a result of service in the line of duty.

(c) The applicant shall forward the completed application form, with attached documentation, to the Alabama Commission on Higher Education.

(d) Each application shall have a preliminary review by the Alabama Commission on Higher Education staff to determine if the application is complete and contains all required documentation. Each student applicant shall be notified by the Alabama Commission on Higher Education when an application is incomplete and additional information is needed. The Alabama Commission on Higher Education shall notify any student who does not meet student eligibility criteria and is, therefore, ineligible for a Police Officer's and Firefighter's Survivor's Educational Assistance Program award.

(e) Complete applications of applicants who appear to meet the eligibility criteria for participation in the Police Officer's and Firefighter's Survivor's Educational Assistance Program shall be forwarded by the Commission on Higher Education to the Chairman of the Tuition Eligibility Board.

(f) The Chairman of the Tuition Eligibility Board shall review the application, in consultation with other members of the Board, as directed by Board policy, and determine if the applicant meets the eligibility requirements for participation in the program. Upon signature of the Board Chairman, the application shall be returned to the Alabama Commission on Higher Education for processing.

1. If an application is received after the Tuition Eligibility Board has held its annual meeting, the Chairman has the authority to approve or reject an application.

(g) Upon receipt of the approved application, the Alabama Commission on Higher Education shall request the eligible institution to submit an invoice for reimbursement of tuition, fees, books, and supplies for each term the applicant is eligible to receive benefits through the Police Officer's and Firefighter's Survivor's Educational Assistance Program.

Original receipts must accompany institutional invoices submitted to the Commission.

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(h) Payments for eligible students shall be forwarded to the financial aid office of the eligible institution.

Author: Dr. William H. Wall

Statutory Authority: Code of Ala. 1975, Alabama Act 87-609, as amended by Alabama Acts 99-448 and 2000-808.

History: Filed April 6, 1988. **Amended:** Filed December 20, 1999; effective January 24, 2000. **Amended (updated**

Statutory Authority only): Filed January 12, 2001; effective February 16, 2001. **Amended:** Filed August 19, 2016; effective October 3, 2016.