



on or before the application deadline that is established annually in the application materials by the coordinating board to be considered for tuition grants.

(C) Completed tuition grant applications received after the annual deadline established by the coordinating board will be awarded provided program funds are available, based on a review by the coordinating board.

(5) Tuition Grant Program Award Limits and Criteria.

(A) The maximum tuition grant amount for each survivor per academic year shall be the least of the actual tuition charged at an approved institution where the eligible survivor is enrolled or accepted for full-time enrollment; or the average amount of tuition charged a Missouri undergraduate resident enrolled full-time in the same class level (freshman, sophomore, junior, senior) and in the same academic major of the eligible survivor at the institutions identified in section 174.020, RSMo.

(B) The total eligible survivor's tuition grant and similar program funds the survivor is eligible for and receives shall not exceed the total cost of tuition charged by the approved institution for full-time enrollment.

(C) An eligible survivor receiving a grant under the tuition grant program shall have made satisfactory academic progress as defined by the approved institution in order to be eligible for a subsequent award under the tuition grant program.

(D) The grant amount for any given academic year will be disbursed to the approved institution equally according to the number of semesters at that particular approved institution and awarded for each semester of enrollment.

(E) Tuition grants will not be awarded for periods of enrollment during the summer term(s).

(F) Within the amounts appropriated for tuition grant awards, the coordinating board shall award up to twelve (12) grants annually to eligible survivors to attend an approved institution.

(G) Eligible renewal recipients shall have priority in the awarding of tuition grants. If sufficient grant funds are unavailable to award all eligible renewal recipients, grant funds shall be awarded in the following order: fifth-, fourth-, third- and second-year students as defined by the approved institution.

(H) Eligible survivors who qualify as initial recipients under the provisions of this rule each year of the grant program shall be awarded based on the availability of grant funds.

(I) If sufficient tuition grant funds are unavailable to award to initial recipients, tuition grants will be awarded based on the earliest date the completed grant applications are received by the coordinating board until all grant funds have been expended.

(J) Eligible survivors who apply for a tuition grant but are not awarded a grant due to insufficient grant funds shall be put on an eligibility waiting list. The eligibility status of these eligible survivors will be extended to the following academic year and will be considered for a tuition grant in accordance with the criteria in subsections (5)(F)–(I) of this rule.

(K) A survivor who changes his/her approved institution choice prior to the beginning of the first day of classes or who transfers from one (1) approved institution to another must notify the board. Failure to notify the coordinating board may result in loss of the award.

(L) Award notifications will be sent to the eligible survivors by the coordinating board once the applications have been approved and the grants have been determined. Notification of grants will also be sent to the student financial aid office at the approved institution where the student plans to or has enrolled.

(M) The survivor's grant will be sent to the approved institution to be endorsed by the student in accordance with the requirements of subsection (3)(B) of this rule.

(N) Within forty (40) days from the date on which the survivor withdraws, the approved institution shall calculate and make a refund to the coordinating board based on the refund formula established by that institution in accordance with paragraph (3)(A)2. of this rule.

(O) Any eligible survivor is subject to the age limitation found in section 173.235.10., RSMo.

AUTHORITY: section 173.235, RSMo 1994. Original rule filed April 5, 1993, effective Sept. 9, 1993.

**Original authority: 173.235, RSMo 1991.*

6 CSR 10-2.140 Institutional Eligibility for Student Participation

PURPOSE: This rule sets forth policies and procedures of the Coordinating Board for Higher Education regarding the certification of public and private institutions of higher education so their full-time students may qualify for participation in any state student assistance programs.

(1) Definitions.

(A) Approved institution means any institution located in the state of Missouri that meets the requirements set forth in section 173.1102(2) or (3), RSMo; that has been approved under 6 CSR 10-2.140; and that has been approved to participate in the federal student financial assistance programs created in Title IV of the Higher Education Act of 1965, as amended.

(B) Approved private institution means an educational institution as defined in section 173.1102(2), RSMo.

(C) Approved public institution means an educational institution as defined in section 173.1102(3), RSMo.

(D) CBHE means the Coordinating Board for Higher Education created by section 173.005, RSMo.

(E) Department means the Department of Higher Education created by section 173.005, RSMo.

(F) Expenses shall mean any charges the student owes to the institution that can be paid with state student assistance program funds as defined by each state student assistance program.

(G) His, him, or he shall apply equally to the female as well as the male sex.

(H) Standard admission policies shall mean policies approved and published by the approved institution to admit students to the institution.

(I) State student assistance program shall be any financial aid program created by Missouri statute that charges the CBHE with program administration and that establishes institutional eligibility through criteria consistent with section 173.1102, RSMo, as determined by the CBHE.

(2) Policy. In establishing this rule of institutional eligibility, the CBHE is guided principally by the *Constitution of Missouri*; the provisions of section 173.1102, RSMo; and the decisions of the Missouri Supreme Court construing the laws of the state.

(3) Institutional Eligibility.

(A) Only institutions certified by the CBHE as approved public or private institutions may participate in any state student assistance program.

(B) Public and private institutions are eligible to participate in state student assistance programs only if they permit faculty members to select textbooks without influence or pressure from any source in order to be approved institutions. This requirement is in addition to requirements set forth in sections 173.1102(2) and (3), RSMo, and elsewhere in this rule. Selection of textbooks within individual departments or schools by faculty



curriculum committees shall not be considered inconsistent with this requirement.

(C) To be an approved private institution, an institution must be a nonprofit educational institution operating privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision. This requirement is in addition to requirements set forth in section 173.1102(2), RSMo, and elsewhere in this rule. For the purposes of this rule, an independent board is one that meets the following minimum criteria:

1. The governing instrument of the institution gives the governing board final decision making authority for the institution;
2. The governing board is composed of a number of members as fixed or provided for in the governing instrument of the institution, who serve for terms of definite duration;
3. Each member of the governing board is free to exercise judgment independently in the interest of the institution without being controlled by any person or authority; and
4. The members of the governing board may not be removed by any authority during their respective terms, except for cause. For purposes of this criterion, "cause" shall not include any reason based upon religious affiliation, including failure to follow the directives of any purported superior authority, religious or otherwise.

(D) No institution offering a course of study leading only to a degree in theology or divinity shall be eligible for certification as an approved institution under this rule.

(4) The CBHE shall assign institutions to appropriate institutional groups based on length of program, institutional structure, and other criteria it considers applicable to such assignment.

(5) Institutional Responsibilities.

(A) Approved institutions shall:

1. Admit students based on the institution's standard admission policies;
2. Submit a copy of the institution's policy on satisfactory academic progress for the records of the CBHE;
3. Establish fair and equitable refund policies covering tuition, fees, and, where applicable, room and board charges. The refund policy shall be the same policy used by the institution for refunding all federal Title IV financial aid included in the Higher Education Act of 1965;
4. Systematically organize all student records (student financial aid, registrar, business office) pertaining to students who receive state student assistance program awards to be made readily available for

review upon request by the CBHE. The retention period for these records shall be the same period used by the institution to comply with federal Title IV program requirements included in the Higher Education Act of 1965; and

5. Verify each state student assistance program award recipient's eligibility by transmitting the student's record to the department by the deadline published by the department. Funds must be delivered not more than ten (10) business days after this verification or eligibility must be reconfirmed by the institution before delivery.

(B) Before the approved institution delivers the state student assistance program funds to an applicant, the approved institution must require the applicant to provide affirmative proof that the applicant is a United States (U.S.) citizen, permanent resident of the U.S., or lawfully present in the U.S., in accordance with the rules of the state student assistance program. Students who are U.S. citizens or permanent residents of the U.S. need only provide this proof before the first time they receive an award and shall not be required to provide it before they receive subsequent awards. Students who are not U.S. citizens or permanent residents of the U.S. must present affirmative proof annually.

(C) When the approved institution receives the state student assistance program funds for the awards made by the CBHE, the approved institution must:

1. Deliver the state student assistance program funds to the award recipient in the amount determined by the CBHE using the institution's standard award delivery procedures, obtain the applicant's endorsement when necessary, retain the portion of the state student assistance award that the applicant owes to that institution for expenses, and promptly give the applicant any remaining funds;
2. Return the applicant's award to the CBHE within thirty (30) days of learning he is no longer eligible to receive an award, if this is determined prior to the delivery of funds to the applicant;
3. Be responsible for the repayment of any funds sent to it by the CBHE within thirty (30) days of learning any of the following:
 - A. The institution delivered funds to an ineligible applicant if the award was based on erroneous, improper, or misleading information provided by the institution to the CBHE; or
 - B. The institution delivered the funds to a person other than the one to whom the CBHE has directed the funds be delivered; or

C. The award amount for an eligible student exceeded the maximum amount for which the student was eligible; and

4. Determine and calculate the amount of refunds to the CBHE based on the institution's refund formula for applicants who withdraw. The funds must be returned to the CBHE within thirty (30) days of the determination a withdrawal has occurred.

(D) The CBHE may refuse to make state student assistance awards to applicants who attend institutions that fail to make timely refunds to the CBHE as provided above.

(6) Procedures.

(A) All institutions currently holding an approved institution status shall retain said status for a period of three (3) years from the effective date of this rule, unless that status is terminated in accordance with 6 CSR 10-2.140(3) or 6 CSR 10-2.140(6)(C).

(B) Any institution not designated an approved institution on the effective date of this rule shall make application to the CBHE to be certified as an approved institution and shall sign participation agreements for all state student assistance programs in which the institution will participate in order for students attending the institution to be eligible to receive state student assistance awards. Applications for approved institution status shall be made on forms provided therefore by the CBHE. Upon certification of an institution as an approved institution by the CBHE, the status of an approved institution shall continue for a period of no more than three (3) years from the date of certification unless earlier terminated for changes in operation specified in 6 CSR 10-2.140(3) or 6 CSR 10-2.140(6)(C).

(C) During a period in which an institution is certified as an approved institution, if a substantial change occurs in the institution's governing structure; in the institution's hiring policies pertaining to administration, faculty, and staff; in the institution's admissions policies; in the institution's textbook selection procedures; in the level of programs or degrees offered by the institution; in the institution's qualification for accreditation by the Higher Learning Commission or other United States Department of Education-recognized accrediting agency; in the institution's record of compliance with lawfully promulgated CBHE policies and procedures; or in any other matter affecting the criteria set forth in sections 173.1102(2) or (3), RSMo, the CBHE may consider whether to terminate the institution's approved status because of such change. Institutions shall notify the CBHE in writing within thirty (30) days after any such change occurs. Before



the CBHE makes a decision regarding the status of an approved institution, the CBHE may, at its own discretion, hold one (1) or more public hearing(s) under the procedures set forth in subsection (6)(G) of this rule.

(D) If any institution's approved institution status is terminated before the expiration of the three (3)-year term, the institution may thereafter apply to the CBHE for recertification on forms provided by the CBHE.

(E) If an approved institution desires to continue its status as an approved institution, it may apply for renewal of its approved institution status by filing an application for recertification as an approved institution and signing participation agreements for all state student assistance programs in which the institution will participate at least sixty (60) days before the date its certification would normally expire. An application for recertification as an approved institution shall be made to the CBHE on forms provided by the CBHE.

(F) Upon receipt of a completed institutional application form, the CBHE may certify or recertify the institution as an approved institution or deny certification as an approved institution. The CBHE may base its decision on the information submitted by the institution, on the institution's record of compliance with CBHE policies and procedures, and on any other information that the CBHE deems reliable. The CBHE, at its own discretion, may hold one (1) or more public hearing(s) regarding the merits of the application.

(G) In the event the CBHE requires a hearing, the CBHE shall so advise the institution within a reasonable amount of time. The advice to the institution shall state the time and place of the hearing and the issues of concern to the CBHE. The institution shall publish conspicuous notices of such hearing in its buildings and on its grounds, in areas accessible to staff, faculty, and students, and the notices shall set forth the fact that the hearing is to be held; its date, time, location, and purpose; the telephone number and mailing address of the commissioner of higher education at the department, and advice that comments concerning the issues identified by the CBHE may be communicated to the commissioner of higher education.

(H) The decision to certify, recertify, decertify, or reject initial certification of an institution as an approved institution shall rest solely within the discretion of the CBHE.

AUTHORITY: sections 173.236, 173.254, 173.260, and 173.262, RSMo 2000, and sections 173.234, 173.250, and 173.1103, RSMo Supp. 2008. Emergency rule filed Aug. 28,*

2007, effective Sept. 7, 2007, expired March 4, 2008. Original rule filed Oct. 12, 2007, effective March 30, 2008. Amended: Filed Dec. 15, 2008, effective June 30, 2009.

**Original authority: 173.234, RSMo 2008; 173.236, RSMo 1991; 173.254, RSMo 1998; 173.260, RSMo 1987, amended 1998; 173.262, RSMo 1988, amended 1992; 173.250, RSMo 1986, amended 1988, 1990, 1990, 1991, 2007; and 176.1103, RSMo 2007.*

6 CSR 10-2.150 Access Missouri Financial Assistance Program

PURPOSE: This rule sets forth the policies of the Coordinating Board for Higher Education regarding student eligibility and application procedures for student financial assistance under the Access Missouri Financial Assistance Program.

(1) Definitions.

(A) Academic year shall be from July 1 of any year through June 30 of the following year.

(B) Access Missouri shall mean the Access Missouri Financial Assistance Program set forth in sections 173.1101–173.1107, RSMo.

(C) Access Missouri award means an amount of money paid by the state of Missouri to a qualified applicant under the Access Missouri program.

(D) Applicant means a student who has filed a complete and accurate application to receive an Access Missouri award as prescribed by the CBHE and who qualifies to receive such award under section 173.1104, RSMo.

(E) Approved institution means any institution located in the state of Missouri that meets the requirements set forth in sections 173.1102(2) or (3), RSMo, that has been approved under 6 CSR 10-2.140, and that has been approved to participate in the federal student financial assistance programs created in Title IV of the Higher Education Act of 1965, as amended.

(F) Award year shall be from July 1 of any year through June 30 of the following year, excluding summer terms.

(G) CBHE means the Coordinating Board for Higher Education created by section 173.005, RSMo.

(H) Consortium Agreement means a written agreement between two (2) or more approved institutions that allows students to take courses at a school other than the home school and have those courses count toward the degree or certificate at the home school and that complies with United States Department of Education requirements for federal student financial assistance.

(I) Department means the Department of Higher Education created by section 173.005, RSMo.

(J) EFC means Expected Family Contribution, the amount of money a student and family should pay toward the cost of post-secondary education as calculated annually by the United States Department of Education as a result of an official federal need analysis based on the student's federal need-based aid application form.

(K) Expenses mean any educational-related expenses including, but not limited to, tuition, fees, and room and board.

(L) Full-time student means a student who is enrolled in at least twelve (12) semester hours, eight (8) quarter hours, or the equivalent in another measurement system, but not less than the respective number sufficient to secure the certificate or degree toward which the student is working in no more than the number of semesters, or their equivalent, normally required by the institution for the program in which the student is enrolled. Provided, however, that an otherwise eligible student having a disability as defined by Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213) who, because of his or her disability, is unable to satisfy the statutory minimum requirements for full-time status under Title IV student aid programs shall be considered by the approved institution to be a full-time student and shall be considered to be making satisfactory academic progress, as defined in subsection (1)(R) of this rule, while carrying a minimum of six (6) credit hours or their equivalent at the approved institution.

(M) His, him, or he shall apply equally to the female as well as the male sex where applicable in this rule.

(N) Initial recipient means a student who qualifies under section 173.1104, RSMo, has filed an accurate and complete application by the deadline established by the CBHE for the Access Missouri program, and has not received an Access Missouri award in any prior academic year.

(O) Increment group shall mean a group organized by EFC in five hundred dollar (\$500) increments into which all eligible applicants are placed.

(P) Renewal recipient means a student who received an Access Missouri award, who meets the requirements set forth in section 173.1104, RSMo, and who has filed an accurate and complete application by the deadline established by the CBHE for the Access Missouri program.

(Q) Residency, for the purpose of this rule, shall be determined by reference to the