

**RECEIVED**

**AUG 13 2024**

**BLR**

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE  
ARKANSAS FUTURE GRANT PROGRAM**

**Effective Date:**

**POLICY STATEMENT**

These rules shall be known as the ~~Arkansas~~ Division of Higher Education Rules Governing the Arkansas Future Grant Program. This policy addresses the student eligibility criteria, method for recipient selection, continuing eligibility requirements, procedures for making payments to an approved institution of higher education, and other administrative procedures necessary for operation of the program.

**APPLICABLE ARKANSAS CODE**

Ark. Code Ann. 6-82-1801 ET. Seq.

**1.00 PROGRAM DEFINITIONS**

1.01 “Approved institution of higher education” means an institution of higher education, approved by the Division of Higher Education to participate in the Arkansas Future Grant Program, ~~and~~ that is:

1.01.1 ~~(A)~~ A state-supported two-year or four-year college or university;

1.01.2 ~~(B)~~ A state-supported technical institute; ~~or~~

1.01.3 ~~(C)~~ An approved state-supported school of nursing; or

1.01.4 ~~(D)~~ A private, nonprofit two-year or four-year college or university.

1.02 “Approved state-supported school of nursing” means a state-supported school of nursing with its primary headquarters located in Arkansas that:

1.02.1 ~~(A)~~ Prepares students as registered nurses;

1.02.2 ~~(B)~~ Grants nursing diplomas;

1.02.3 ~~(C)~~ Is eligible to participate in the federal student aid programs of the Higher Education Act of 1965, 20 U.S.C. § 1070 et seq.;

1.02.4 ~~(D)~~ Is approved by the Arkansas State Board of Nursing;

1.02.5 ~~(E)~~ Has been approved by the Division of Higher Education as eligible to participate in the Arkansas Future Grant Program; and

1.02.6 ~~(F)~~ Is not a two-year or four-year college or university;

1.03 “Federal student financial assistance” means scholarships or grants awarded to a student as a result of:

1.03.1 ~~(A)~~ An approved Free Application for Federal Student Aid, including without limitation a Pell Grant; or

1.03.2 ~~(B)~~ The student's or other family member's service in the United States Armed Forces, including without limitation the Army National Guard or Air National Guard;

1.04 “Private scholarship” means a scholarship or grant awarded by a private entity or donor;

1.05 “Regional high-demand field” means any field of study identified as:

1.05.1 ~~in~~ demand by the Arkansas Division of Workforce Services as published on its annual regional Projected Employment Opportunities List; or

1.05.2 ~~any field of study identified as~~ In high demand by an approved institution of higher education and approved by the Division of Higher Education.

1.06 “State-supported student financial assistance” means a state-supported scholarship, grant, tuition waiver, or tuition reimbursement, funded with state funds or net proceeds from the state lottery, awarded by:

1.06.1 ~~(A)~~ The Division of Higher Education; or

1.06.2 ~~(B)~~ A scholarship or grant awarded by an approved institution of higher education in this state, funded, in whole or in part, by state funds, including without limitation:

1.06.2.1 ~~(i)~~ Scholarships awarded on the basis of entrance exam scores or high school academic achievement;

1.06.2.2 ~~(ii)~~ Tuition waivers based on:

1.06.2.2.1 ~~a~~Age,

1.06.2.2.2 ~~m~~Military service,

1.06.2.2.3 ~~o~~Occupation, or

1.06.2.2.4 ~~o~~Other factors;

- 1.06.2.3 ~~(iii)~~ Performance scholarships for band, musical performing groups, arts, theater, forensics, and similar activities that are not awarded on the basis of entrance exam scores or high school academic achievement; and
- 1.06.2.4 ~~(iv)~~ Any other publicly funded program under which students are not charged or are reimbursed by the approved institution of higher education for:
  - 1.06.2.4.1 ~~t~~Tuition,
  - 1.06.2.4.2 ~~f~~Fees,
  - 1.06.2.4.3 ~~b~~Books, or
  - 1.06.2.4.4 ~~o~~Other costs of attendance.

## **Procedures**

### **2.00 ELIGIBILITY REQUIREMENTS**

- 2.01 ~~(a)~~ A student is eligible for an Arkansas Future Grant if the student is an Arkansas resident who: ~~(1)~~ Mmeets one ~~(1)~~ of the following requirements:
  - 2.01.1 ~~(A)~~ Has either:
    - 2.01.1.1 ~~(i)~~ Graduated from an Arkansas:
      - 2.01.1.1.1 ~~(a)~~ Public high school;
      - 2.01.1.1.2 ~~(b)~~ Private high school; or
      - 2.01.1.1.3 ~~(c)~~ Home school under § 6-15-501 et seq.; or
    - 2.01.1.2 ~~(ii)~~ Received a high school equivalency diploma approved by the Division of Workforce Services; or
  - 2.01.2 ~~(B)~~ Verifies that he or she has resided in Arkansas for the three (3) years immediately preceding application for the grant, and has either:
    - 2.01.2.1 ~~(i)~~ Graduated from an out-of-state:
      - 2.01.2.1.1 ~~(a)~~ Public high school;
      - 2.01.2.1.2 ~~(b)~~ Private high school; or

2.01.2.1.3 ~~(e)~~ Home school recognized by another state; or

2.01.2.2 ~~(ii)~~ Received a high school equivalency diploma approved by another state;

2.01.3 ~~(2)~~ Is enrolled part-time or full-time at an approved institution of higher education, in a program of study that leads to an associate degree or a certification in a:

2.01.3.1 ~~(A)~~ Science, technology, engineering, accounting, finance, nursing, education, or mathematics field, including without limitation;

2.01.3.1.1 ~~e~~ Computer science; or

2.01.3.1.2 ~~i~~ Information technology; or

2.01.3.1.3 ~~d~~ Data analysis; or

2.01.3.1.4 ~~g~~ Graphic design;

2.01.3.2 ~~(B)~~ Regional high-demand field; or

2.01.3.3 ~~(C)~~ State high-demand field; and

2.01.4 ~~(3)~~ Has completed and submitted to the United States Department of Education a Free Application for Federal Student Aid or a subsequent application required by the United States Department of Education for federal financial aid.

### **3.00 CONTINUED ELIGIBILITY REQUIREMENTS**

3.01 ~~(a)~~ A student may continue to be eligible until the student has:

3.01.1 ~~(1)~~ Received the grant for five (5) academic semesters;

3.01.2 ~~(2)~~ Obtained an associate degree;

3.01.3 ~~(3)~~ Failed to maintain satisfactory academic progress, as determined by the approved institution of higher education in which the student is enrolled; or

3.01.4 ~~(4)~~ Failed to complete the mentoring or community service requirements under the Grant Recipient Responsibilities section of this rule.

## **4.00 GRANT AWARD AMOUNTS**

4.01 ~~(a)(1)~~ An Arkansas Future Grant shall be in an amount equal to the tuition, fees, and other charges incurred by a student who meets the requirements under the Eligibility Requirements and Continuing Eligibility Requirements sections of this rule to attend an approved institution of higher education, less the amount the student receives in:

4.01.1 ~~(A)~~ State-supported student financial assistance;

4.01.2 ~~(B)~~ Federal student financial assistance; and

4.01.3 ~~(C)~~ Private scholarships.

4.02 ~~(2)~~ If the approved institution of higher education in which the student is enrolled is a state supported four-year institution of higher education, or a private, nonprofit four-year institution of higher education, the total amount of tuition, fees, and other charges under subdivision ~~(a)(1)~~ 4.01 of this section shall be calculated as the average cost of tuition, fees, and other charges, at approved institutions of higher education that are state-supported two-year institutions of higher education, or private, nonprofit two-year institutions of higher education.

4.03 ~~(b)~~ The Division of Higher Education shall disburse the grant directly to the approved institution of higher education.

4.04 ~~(c)~~The division shall award grants under this rule in the order in which the division receives applications from eligible students and based on availability of funds, to include summer terms, semesters, quarters, or their equivalent, at the postsecondary institution in which the student is enrolled.

## **5.00 GRANT HOLD**

5.01 ~~(a)(1)~~ The Division of Higher Education may approve a grant hold for a period of twenty-four (24) months or less.

5.01.1 ~~(2)~~ The reasons for a grant hold may include without limitation:

5.01.1.1 ~~(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 the student or the student's immediate family member, to be hospitalized or receive outpatient or home-based medical care, or to recuperate until released by the attending physician;

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

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

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

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

5.01.1.4 ~~(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.

5.01.1.4.1 ~~(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.

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

## **6.00 GRANT RECIPIENT RESPONSIBILITIES**

6.01 ~~(a)~~ A student who receives an Arkansas Future Grant shall enter into a written agreement with the Division of Higher Education to:

6.01.1 ~~(1)(A)~~ Receive monthly mentoring from a mentor from an organization determined by the division ~~Division of Higher Education~~;

6.01.2 ~~(B)~~ A mentor under subdivision ~~(a)(1)(A)~~ 6.01.1 of this section shall:

6.01.2.1 ~~(i)~~ Receive annual mentoring training:

6.01.2.1.1 ~~(a)~~ Developed by the division ~~Division of Higher Education~~; and

6.01.2.1.2 ~~(b)~~ Provided by a local volunteer group approved by the division ~~Division of Higher Education~~; and

6.01.2.2 ~~(ii)~~ Certify to the division ~~Division of Higher Education~~ that at least one (1) time each semester the mentor has provided mentoring services by telephone, email, or in person to each student he or she is mentoring;

6.01.3 ~~(2)(A)~~ Complete at least ten (10) hours of community service each semester the student receives a grant;

6.01.3.1 ~~(B)(i)~~ A student may select a community service project that meets requirements developed by the division ~~Division of Higher Education~~.

6.01.3.1.1 ~~(ii)~~ An approved institution of higher education may provide community services opportunities designed to benefit the approved institution of higher education community or the broader local community.

6.01.3.2 ~~(C)~~ A student shall certify his or her community service to the approved institution of higher education by the last regular day of the semester the student received the grant; and

6.01.4 ~~(3)(A)~~ Reside in this state for three consecutive (3) years and be employed beginning within six (6) months after receiving an associate degree or a certification.

6.01.4.1 ~~(B)~~ The division ~~Division of Higher Education~~ may defer the requirement under subdivision ~~(a)(3)(A)~~ 6.01.4 of this section if:

6.01.4.1.1 ~~(i)~~ The Division of Higher Education, in consultation with the Division of Workforce Services, determines that there was no employment position available that would reasonably enable the student to meet this requirement; or

6.01.4.1.2 ~~(ii)~~ Special circumstances as determined by the Division of Higher Education exist.

6.01.4.2 ~~(C)~~ After the period of deferral, the student shall begin or resume working in this state or become subject to repayment under ~~subsection (b)~~ 6.02 of this section.

6.02 ~~(b)~~ The written agreement under ~~subsection (a)~~ 6.01 of this section shall provide that the grant converts into a loan and the student shall repay the grant amount:

6.02.1 ~~(4)~~ On a pro rata basis at an interest rate and on a schedule as determined by the division, ~~Division of Higher Education~~ for each year the student does not reside in this state for three (3) consecutive years, and become employed beginning within six (6) months after receiving an associate degree or a certification; or

6.02.2 ~~(2)~~In its entirety, at an interest rate and on a schedule as determined by the division, ~~Division of Higher Education~~ if the recipient does not comply with the written agreement under ~~subsection (a) 6.01~~ of this section.

6.03 ~~(e)~~It is the recipient's responsibility to notify the division ~~Arkansas Division of Higher Education~~ of any change in status within twenty-one (21) days.

6.03.1 Failure to notify the division ~~Arkansas Division of Higher Education~~ of a change of status may affect future eligibility.

6.03.1.1 Change of status will include:

6.03.1.1.1 ~~(1)~~Change in name;

6.03.1.1.2 ~~(2)~~Change in address; and

6.03.1.1.3 ~~(3)~~Change in institution.

## 7.00 COLLECTION OF LOAN

7.01 ~~(a)~~Accounts will be retained by the Division of Higher Education's ~~in the~~ Financial Aid Division until the individual is no longer eligible for deferment, at which point ~~the~~ account will be turned over to a vendor for repayment.

7.01.1 The student will be notified by mail that their account is being placed with a vendor for collections and ~~they will be sent~~ receive a loan amortization schedule ~~along with the letter~~.

7.01.2 The account will remain with the vendor until repaid or 120 days past due.

7.01.2.1 Loan recipients who are determined by the division ~~Division of Higher Education~~ to be one hundred twenty (120) days delinquent will be mailed their first letter of notification ten (10) days after the installment payment is due.

7.01.2.2 If payment is not forthcoming within sixty (60) days from the original payment due date, a second letter of notification will be sent to the loan recipient declaring their account is delinquent and requesting that the account be immediately brought up to date.

7.01.2.3 If the loan recipient has not responded within ninety (90) days from the original payment due date, the third and final letter of notification will be sent to the recipient informing them that the

account will officially be in default if outstanding payments are not made within thirty (30) days.

7.02 ~~(b)~~ Skip Tracing Mechanisms

7.02.1 ~~(1)ADHE~~ The division will use these ~~following~~ steps to locate recipients if communications are returned as undelivered:

- 7.02.1.1 ~~(A)~~ Contact the Motor Vehicle Division of the Arkansas Department of Finance and Administration;
- 7.02.1.2 ~~(B)~~ Contact references listed on the recipient's application;
- 7.02.1.3 ~~(C)~~ Utilize telephone directory or check with directory assistance in the area of the recipient's last known address;
- 7.02.1.4 ~~(D)~~ Contact institutional offices (alumni office, admissions office, registrar's office, fraternity or sorority, and the department that the recipient majored in) at the campus where the recipient last attended;
- 7.02.1.5 ~~(E)~~ Contact creditors, such as credit card companies, credit bureaus, or GSL lender;
- 7.02.1.6 ~~(F)~~ Contact recipient's:
  - 7.02.1.6.1 ~~f~~Field of study;
  - 7.02.1.6.2 ~~p~~Professional organization;
  - 7.02.1.6.3 ~~u~~Union; or
  - 7.02.1.6.4 ~~l~~Licensing board;
- 7.02.1.7 ~~(G)~~ Contact post office;
- 7.02.1.8 ~~(H)~~ Contact utility companies; and,
- 7.02.1.9 ~~(I)~~ Contact Chamber of Commerce.

7.03 ~~(e)~~ Credit Reporting Agencies

7.03.1 ~~(1)~~ Defaulted recipients will be reported to the following ~~C~~credit ~~R~~eporting ~~A~~gencies:

- 7.03.1.1 ~~(A)~~ CSC Credit Reporting Services, Inc.;

7.03.1.2 ~~(B)~~ TRW Credit Data; and

7.03.1.3 ~~(C)~~ Trans Union Credit Reporting.

7.03.2 ~~(2)~~ Forms for reporting defaulted loan recipients are located in the collections file.

7.03.2.1 The ~~division~~ Division of Higher Education will also respond promptly to any inquiries it receives from credit reporting agencies concerning delinquent or defaulted loan recipients.

7.04 ~~(d)~~ State Income Tax Set Off

7.04.1 ~~(4)~~ By the authority of Acts 345 of 1993, No. 345, the ~~division~~ Division of Higher Education has been included as a claimant agency for the setoff of debts against state tax refunds.

7.05 ~~(e)~~ Litigation

7.05.1 No sooner than thirty (30) days after sending the third letter of notification, the ~~division~~ Division of Higher Education shall institute a civil suit against the recipient for repayment of the loan.

7.05.1.1 Small ~~C~~laims ~~C~~courts will be used to satisfy debts of accounts up to three thousand dollars (\$3,000.00).

7.05.1.2 If the account is over three thousand dollars and one cent (\$3,000.01), the ~~division~~ Division of Higher Education must use circuit court.

7.05.1.3 If the account is three thousand dollars and one cent (\$3,000.01) or above, the ~~division~~ Division of Higher Education may choose to use ~~S~~small ~~C~~laims ~~C~~courts and waive the difference because of the expense involved in going to Circuit Court.

7.05.1.4 If the ~~division~~ Division of Higher Education chooses to waive the difference, it cannot later try to collect the difference.

7.05.1.5 Forms to take the recipient to ~~S~~small ~~C~~laims ~~C~~courts are requested from the recipient's county of residence. ~~(1)~~

7.06 (f) Write-Offs

7.06.1 (1) Arkansas Future Grants that convert to loans may be written off as uncollectible if the ~~division~~ Division of Higher Education shows due diligence to satisfy the collection of the debt, and documents in the recipient's file that:

7.06.1.1 (A) The cost of litigation would exceed the likely recovery if litigation were commenced; or

7.06.1.2 (B) The recipient does not have the means to satisfy a judgment on the debt, or a substantial portion thereof.

7.06.2 (2) Proof of due diligence collection activities must be submitted to the Administrator of the Department of Finance and Administration and approval from the Administrator must be received before Arkansas Future Grant loan accounts may be written off.

7.07 (g) Nonpayment Penalties

7.07.1 Loan recipients who fail to meet their repayment obligations may have added to their total obligation any costs for collection of the debt.

**8.00 INSTITUTIONAL RESPONSIBILITIES—COLLEGE AND UNIVERSITY RESPONSIBILITIES**

~~(a) College/University Responsibilities~~

8.01 (1) Administrative Agreement

8.01.1 The chief executive officer of the eligible institution is responsible for appointing one representative from the financial aid office to act as administrator of the Arkansas Future Grant Program and to receive all communications, forms, etc.

8.01.1.1 This representative is responsible for verification, data and compliance with all program rules ~~and regulations~~.

8.01.2 The institution must comply with all rules and regulations in order to maintain continued eligibility status.

8.02 (2) Disbursement Records

8.02.1 The institution shall maintain information on the student indicating disbursement of scholarship funds.

8.03 (3) Institutional Verification

8.03.1 The institution shall provide certification of enrollment in an eligible program of study, and enrollment in courses that will meet satisfactory academic progress standards, as of the eleventh day of classes, by completing a Verification Roster each semester after registration.

8.03.1.1 The Verification Roster is an alphabetical listing by institution of all persons receiving the award for a given academic term.

8.03.1.2 The certifying official is responsible for completing the verification rosters each semester or trimester.

8.03.1.3 The ~~Arkansas~~ Division of Higher Education shall provide electronic Verification Rosters to the Financial Aid Administrator for each semester or trimester as needed.

8.03.2 The electronic Verification Roster shall be returned to the ~~Arkansas Division of Higher Education~~ division by November 1 for the fall term and by March 15 for the spring term.

8.03.3 The ~~Arkansas Division of Higher Education~~ division shall also provide electronic continuing eligibility rosters to the ~~F~~inancial ~~A~~id Aadministrator before the end of the fall and spring term.

8.03.3.1 The ~~continuing eligibility~~ rosters shall be returned to the ~~Arkansas Division of Higher Education~~ division no later than January 15 based on the ~~F~~all semester and June 1 based on the ~~S~~pring semester to ensure that adequate time is provided to notify students of their status in the program.

8.04 (4) Deadlines for Disbursement of Funds

8.04.1 The deadline for disbursement of funds is no later than ten (10) days after receipt of funds.

8.04.1.1 Any outstanding funds not disbursed by these dates must be returned to the division ~~Arkansas Division of Higher Education~~.

8.04.1.2 For those students whose applications are received by ~~ADHE~~ the division too late to allow disbursement by these dates, disbursement will be made within ten (10) working days of receipt of the verification roster and electronic transfer of funds.

8.05 (5) Due Diligence

8.05.1 The institution will exercise due diligence in providing complete, accurate, and timely information as requested by the division ~~Arkansas Division of Higher Education~~ on any Arkansas Future Grant recipient or former recipient.

8.05.2 In addition, the institution will exercise due diligence in complying with all the rules and regulations of the Arkansas Future Grant Program.

8.05.3 The division ~~Arkansas Division of Higher Education~~ shall periodically review the institution's records concerning this program in an effort to exercise its due diligence requirements as a steward of state funds.

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H2/14/23

# A Bill

HOUSE BILL 1412

5 By: Representative J. Mayberry  
6 By: Senator J. English  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING RULES PROMULGATED BY THE DIVISION  
10 OF HIGHER EDUCATION; TO REQUIRE THE DIVISION OF  
11 HIGHER EDUCATION TO PROMULGATE CERTAIN RULES  
12 CONCERNING THE ADMINISTRATION OF SCHOLARSHIPS FUNDED  
13 WITH STATE FUNDS AND LOTTERY PROCEEDS; TO DECLARE AN  
14 EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

15  
16  
17  
18 TO REQUIRE THE DIVISION OF HIGHER  
19 EDUCATION TO PROMULGATE CERTAIN RULES  
20 CONCERNING THE ADMINISTRATION OF  
21 SCHOLARSHIPS FUNDED WITH STATE FUNDS AND  
22 LOTTERY PROCEEDS; AND TO DECLARE AN  
23 EMERGENCY.  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code Title 6, Chapter 80, Subchapter 1, is amended  
29 to add an additional section to read as follows:

30 6-80-109. Division of Higher Education – Rules.

31 (a) The Division of Higher Education shall promulgate or update  
32 existing division rules to allow a student who is a recipient of a  
33 scholarship to utilize scholarship funds to enroll in and attend courses  
34 offered during a summer term at the postsecondary institution in which the  
35 student is enrolled.

36 (b) Rules promulgated under this section shall include without



1 limitation requirements concerning:

2 (1) Student eligibility; and

3 (2) The disbursement and administration of scholarship funds  
4 utilized by a student to enroll in and attend courses offered during a summer  
5 term.

6 (c) As used in this section, "scholarship" shall include a scholarship  
7 program that is:

8 (1) Funded with state funds or lottery proceeds; and

9 (2) Administered by the division.

10  
11 SECTION 2. Arkansas Code § 6-85-204(14), concerning the definition of  
12 "semester" under the Arkansas Academic Challenge Scholarship Program, is  
13 amended to read as follows:

14 (14)(A) "Semester" means one-half ( $\frac{1}{2}$ ) of a traditional academic  
15 year at an institution of higher education, or an equivalent approved by the  
16 division, in which a student enrolls for not less than:

17 ~~(A)(i)~~ Fifteen (15) credit hours as a full-time student,  
18 except that in the first semester as a first-time full-time freshman, a  
19 traditional student shall enroll in not less than twelve (12) credit hours;  
20 or

21 ~~(B)(ii)~~ Six (6) credit hours as a part-time student.

22 (B) For purposes of summer courses at an institution of  
23 higher education, a "semester" shall mean the same as is defined by the  
24 division, as required by § 6-80-109;

25  
26 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
27 General Assembly of the State of Arkansas that the Division of Higher  
28 Education must make certain arrangements to facilitate the use of Arkansas  
29 Academic Challenge Scholarship funds for upcoming summer courses; and that  
30 many of these arrangements must occur in time for the 2023-2024 school year.  
31 Therefore, an emergency is declared to exist, and this act being necessary  
32 for the preservation of the public peace, health, and safety shall become  
33 effective on July 1, 2023.

34  
35 /s/J. Mayberry

36 **APPROVED: 3/30/23**