

ALABAMA COMMISSION ON HIGHER EDUCATION
STUDENT ASSISTANCE
ADMINISTRATIVE CODE

CHAPTER 300-4-10
TEACHER SCHOLARSHIP PROGRAM FOR ALABAMA TEACHERS

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300-4-10-.01 Authorization and Purpose.

The Technology Scholarship Program for Alabama Teachers (TSPAT) is authorized by Act 93-636 of the 1993 Alabama Legislature. The purpose of the program is to provide for the education of certified, employed public school teachers to be trained in the use of integrating technology skills in the curriculum.

Author:

Statutory Authority: Alabama Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.02 Administration.

The Alabama Commission on Higher Education (ACHE) is designated as the state agency responsible for the administration of the Technology Scholarship Program for Alabama Teachers, and will make rules and regulations for implementing Act 93-636. Administration of the TSPAT shall be in accordance with state statutes pertaining to administrative procedures, as well as regulations applicable to the program.

Author:

Statutory Authority: Code of Ala. 1975, §§41-22, as amended; Alabama Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.03 Planning.

(1) It is the responsibility of the staff and the Alabama Commission on Higher Education to provide continuous study, analyses, evaluation, planning reporting, and recommendations as a basis for long-range planning with established priorities on a statewide basis to assure a sound, vigorous, progressive, and coordinated system of higher education for the State.

(2) It is the responsibility of the State Board of Education to designate other critical needs areas for scholarship loans when monies are available for teachers above and beyond public school teachers in the fields of English, science, mathematics, social science and history, and those who teach pupils in kindergarten to grade six, inclusive.

Author:

Statutory Authority: Alabama Acts 79-461, 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.04 Definition Of Terms.

(1) Academic Qualifications and Standing of Eligible Students. A student is considered academically qualified if he/she is an eligible teacher enrolled in an approved academic program or approved courses at an eligible institution. Each participant must maintain a "B" average on all work attempted while receiving Technology Scholarship Program for Alabama Teachers funds.

(2) Academic Year. The academic year for the Technology Scholarship Program for Alabama Teachers is from October 1 of one year to September 30 of the next year.

(3) Approved Academic Program. An approved academic program is defined as a program which

(a) is a graduate teacher education program;

(b) includes courses in the new technologies, as defined in .04(14), and which are taken sequentially, beginning with the first term of the program of studies unless the student is expressly authorized by Commission staff to take a course or courses other than the approved technology course during or after terms offered in January, 1994, because the required

technology course is not offered or otherwise available at the eligible institution during the term;

(c) is offered at an eligible institution as defined in .04(6); and

(d) is approved for teacher certification by the State Department of Education.

(4) Approved Courses. Approved courses are defined as courses which

(a) are taken for credit or non-credit;

(b) address new technologies as defined in .04(14);

(c) are offered by institutions which are accredited, or are seeking accreditation, by the National Council for the Accreditation of Teacher Education; and,

(d) are approved for certification credit by the State Department of Education.

(5) Award. An award is a scholarship loan designed to cover direct education costs (tuition and mandatory fees) charged all students in the same course(s) or program of study, but not exceeding the maximum amount charged by any Alabama public institution of higher education for similar courses and programs of study, given by the State of Alabama to a TSPAT applicant who

(a) is an eligible student, as defined in .04(7);

(b) incurs a minimum cost of at least \$100 in tuition and mandatory fee expenses, after deducting other benefits, as defined in .04(15), for which the TSPAT applicant is eligible to receive; and,

(c) takes approved courses as defined in .04(4), or, if the executive director of the Alabama commission on higher education determines sufficient funds are available, to provide coverage for approved academic programs of study as defined in .04(3).

(6) Eligible Institution. An eligible institution is a public or private Alabama postsecondary educational institution which

(a) is accredited, or is seeking accreditation, by the National Council for the Accreditation of Teacher Education;

(b) offers graduate teacher education programs approved by the State Board of Education;

(c) submits a complete memorandum of agreement with the Alabama Commission on Higher Education for institutional participation in the scholarship loan program; and,

(d) complies with all regulations of the Technology Scholarship Program for Alabama Teachers.

(7) Eligible Student. An eligible student is an applicant who completes a TSPAT application form and

(a) is enrolled in an approved academic program of study as defined in .04(3) or approved course(s) as defined in .04(4);

(b) is a regularly certified public school teacher in Alabama as defined in .04(8) and classified as a permanent resident of the State of Alabama;

(c) teaches in the fields of English, science, mathematics, social science, history, or pupils in kindergarten to grade six, inclusive;

(d) is a citizen of the United States, or is in the United States for other than a temporary purpose and intends to become a permanent resident of the State of Alabama;

(e) has a "B" average on all work attempted while receiving TSPAT funds;

(f) signs a letter of commitment to the Alabama Commission on Higher Education agreeing to teach three full years in an Alabama public school system after receiving a Master's Degree financed wholly with TSPAT funds;

(g) signs a binding contract which specifies that failure to complete the courses for which the scholarship loan is received will obligate the TSPAT recipient to repay the Alabama Commission on Higher Education the amount of the TSPAT award issued to the student for the term with interest assessed from the date the TSPAT award is received at the prevailing rate charged recipients of non-need-based federal guaranteed student loans;

(h) does not owe a refund on any Federal or State student grant previously received at any institution; and,

(i) is not in default on any Federal student loan, and/or has not borrowed in excess of the Federal student loan limits, under the Federal student aid programs, at any institution.

(8) Eligible Teacher. An eligible teacher is defined as a person who

(a) is regularly certified by the State Department of Education in the fields of English, science, mathematics, social science, history, early childhood education, elementary education, or middle school education, or other critical field identified by the State Board of Education when funds are available for teachers outside the first priority group as defined in .04(10);

(b) teaches English, science, mathematics, social science, history, or pupils in kindergarten through grade six, inclusive, or other critical field identified by the State Board of Education when funds are available for teachers outside the first priority group as defined in .04(10); and,

(c) is employed by an Alabama public school system as a full-time teacher.

(9) 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).

(10) First Priority Group. The first priority group includes those certified, full-time public school teachers in the fields of English, science, mathematics, social science, history, and those who teach pupils in kindergarten to grade six, inclusive.

(11) Graduate Courses. Graduate courses are defined as those courses offered at the post-baccalaureate level and offered by eligible institutions as defined in .04(6).

(12) Grandfather Category of Students. Students awarded Emergency Secondary Education Scholarship Program funds prior to October 1, 1993 and who continue to meet student eligibility criteria as defined in Chapter 300-4-5 of the student assistance regulations shall be considered as a grandfather category of students eligible to receive awards as specified in Chapter 300-4-5.

(13) Integrating Technology Skills in the Curriculum. For the purposes of the Technology Scholarship Program for Alabama Teachers, integrating technology skills in the curriculum is defined as the use of various technologies to restructure and enhance the day-to-day teaching and learning process. Restructuring the teaching and learning process encompasses multi-media instruction, computer-based instruction, video-based teaching, and distance learning.

(14) New Technologies. For the purposes of the Technology Scholarship Program for Alabama Teachers, new technologies are

defined as multi-media instruction, computer-based instruction, video-based teaching, and distance learning.

(15) Other Benefits. For the purposes of the Technology Scholarship Program for Alabama Teachers, other benefits include all federal, state, institutional, local, and private grants, scholarships, fellowships, stipends, gifts, discounts, remissions, rebates, and other non-repayable resources available to the teacher and applicable toward the payment of a TSPAT applicant's tuition and fees during the period of enrollment at the institution.

(16) Refund Policies and Procedures:

(a) If a student transfers, or becomes ineligible for a TSPAT award during the academic term of the award and prior to the receipt of funds by the institution, the institutional aid administrator will return to the Commission any TSPAT funds received on behalf of the student for that term.

(b) If a student withdraws from the school or reduces his/her courseload after TSPAT funds are processed at an institution, but before the end of the academic term, and is not entitled to a refund in accordance with the institution's refund policy, the Commission will not require of the institution a refund of the TSPAT award used for payment of the institution's net charges to the student for the period of actual attendance. However, if the TSPAT award exceeds the amount of the tuition and fees charged to the student, the institution must return to the Commission the refund amount and maintain with the student's records documentation listing (1) the date the student withdrew, (2) the net institutional charges to the student for the period of the student's attendance, (3) the amount of the student's TSPAT award, and (4) the amount of refund due the Technology Scholarship Program for Alabama Teachers.

(17) Renewal of Awards. Awards may be renewed if the student continues to meet the eligibility requirements specified in .04(6) and submits a TSPAT application to the Alabama Commission on Higher Education.

(18) Repayment of Scholarship-Loan Awards. A teacher must repay a TSPAT scholarship-loan award if he or she fails to complete a course or courses paid for in full or in part with TSPAT funds. Repayment in full on all scholarship-loans received must be completed within ten years, unless a shorter period of time is appropriate when minimum monthly payments of \$100 per month plus interest would result in an earlier payoff. A teacher shall not be considered in violation of the repayment agreement entered into during any period in which he or she is serving, not in excess of 3 years, on active duty as a member of the armed services of the United States, or is temporarily totally disabled for a period not

to exceed 3 years, as established by the sworn affidavit of a qualified physician. A teacher shall be excused from repayment of any assistance received under this program if the recipient dies, as established by a certified death certificate, or if the recipient becomes permanently totally disabled, as established by the sworn affidavit of a qualified physician.

(19) Scholarship-Loan. A scholarship-loan is an award of at least \$100 issued by the State of Alabama to a TSPAT applicant who is an eligible student, as defined in .04(7).

(20) Student Application Procedure. Each applicant for a TSPAT award must submit to the Alabama Commission on Higher Education a Technology Scholarship Program for Alabama Teachers student application form. Priority consideration will be given to applicants who submit completed applications to the Alabama Commission on Higher Education by January 1, 1994, for the 1993-94 academic year and June 1 thereafter for subsequent academic years.

(21) Transfer Student. Each Technology Scholarship Program for Alabama Teachers award is made on the basis of the student applicant's attending the postsecondary educational institution listed on his/her student application form. A TSPAT applicant who elects to transfer to another educational institution may apply for a TSPAT award in accordance with the student application procedure. A TSPAT award is not transferable from one educational institution to another.

(22) Tuition and Fees. Tuition and fees are defined as the direct educational charges and mandatory fees charged all students for enrollment in the program or courses as stated in the institution's catalog.

Author:

Statutory Authority: Act 93-636; Act No. 607, S.33 of the 1977 Regular Session (Acts 1977, No. 11, p. 812).

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.05 Audit.

Each approved institution receiving funds on behalf of, and to the credit of, any student shall be subject to examination at any time by ACHE, the Examiner of Public Accounts, or the State Auditor, for the purpose of determining whether such institution has complied with the rules, regulations, and procedures of the Technology Scholarship Program for Alabama Teachers. If an institution certifies an ineligible student for a TSPAT award, the amount of the award paid pursuant to such certification shall be refunded by the institution to the Technology Scholarship Program for Alabama Teachers.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.06 Application Processing Procedures.

The following procedures shall be the method used by the Alabama Commission on Higher Education for making available Technology Scholarship Program for Alabama Teachers awards to eligible students at eligible institutions:

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

(b) All information requested on the TSPAT application must be completed and the form mailed or delivered to the Alabama Commission on Higher Education. Priority consideration will be given to complete applications received by January 1, 1994, for the 1993-94 academic year. The priority date for academic years thereafter is July 1. Consideration given to complete TSPAT applications received after the priority date will be based on the availability of funds. If all items and information requested on the application form are not complete, the application will be considered invalid and the applicant will be ineligible to receive a TSPAT payment.

(c) Each application shall have a preliminary review by the Alabama Commission to determine if the application is complete and if the applicant meets the eligibility criteria for a TSPAT award. Each TSPAT applicant shall be notified by the Alabama Commission on Higher Education when an application is incomplete and additional information is needed. The Alabama Commission shall notify each teacher who does not meet all eligibility criteria for a TSPAT award.

(d) All applications which pass the preliminary review for eligibility shall be compared to other appropriate departmental records. Such records shall be used to verify that each student applicant is an eligible student as defined in .04(6).

(e) Information received on applications shall be evaluated by the Grants and Scholarships Department of the Commission.

(1) Complete applications received from eligible applicants by the application priority date shall be compared with monies available.

(2) Awards will be determined in accordance with the selection consideration schedule specified in Section .08.

(f) All awards made by the Alabama Commission on Higher Education shall be made to eligible institutions as defined in .04(5), on behalf of eligible students as defined in .04(6), enrolled in eligible academic programs as defined in .04(3) or eligible courses as defined in .04(4).

(g) Disbursement of all TSPAT awards shall be made by check to eligible institutions in the State of Alabama. The Alabama Commission on Higher Education shall have checks prepared for eligible institutions.

(1) The Alabama Commission on Higher Education shall prepare vouchers for institutions enrolling students for whom TSPAT funds are available.

(2) The Alabama Commission on Higher Education shall verify that each check is properly prepared.

(3) Checks shall be mailed along with a certification roster to the institutional financial aid officer for credit to the accounts of eligible students.

(4) The eligible institution shall credit the accounts of all students awarded TSPAT funds for attendance at the institution.

(5) All TSPAT funds which are undeliverable by the institution due to nonenrollment, withdrawal, or other causes, shall be returned to the Alabama Commission on Higher Education along with the reason(s) for returning the funds, no later than thirty (30) calendar days after receipt of the check.

Author:**Statutory Authority:** Act 93-636.**History: New Rule:** Filed November 7, 1997; effective December 12, 1997.**300-4-10-.07 Awarding Procedures.**

(1) An applicant for a TSPAT award must submit to the Alabama Commission on Higher Education each year an application for each term assistance is requested during the academic year.

(2) An applicant may receive consideration for a TSPAT award at more than one institution per academic term. A separate application is required for each eligible institution the applicant plans to attend. A renewal application must include certification a B average was received for courses paid for in full or in part with TSPAT funds.

(3) All awards made by the Alabama Commission on Higher Education shall be made to eligible institutions on behalf of eligible students.

(4) All eligible institutions shall follow the record keeping procedures set forth by the Alabama Commission on Higher Education.

(a) Eligible institutions shall complete all requested accounting reports and return them to the Alabama Commission on Higher Education on or before August 31 each year.

(b) A summary of fiscal reports pertaining to the Technology Scholarship Program for Alabama Teachers shall be furnished upon request to the Alabama Commission on Higher Education.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.08 Selection Procedures.

(1) The Alabama Commission on Higher Education shall determine from the completed applications of eligible applicants the sufficiency of available funds. Consideration for awards within the first priority group will be granted according to the following order:

(a) First consideration: Applicants who are recipients of previous TSPAT funds, submit an application by the application priority date, and who continue to meet the eligibility criteria specified in .04(6).

(b) Second consideration: Initial TSPAT applicants who are included in the first priority group as defined in .04(9), submit an application by the application priority date, and meet the eligibility criteria specified in .04(6). Twenty-five percent (25%) of available funds will be targeted for applicants who are members of a racial or ethnic minority.

(c) Third consideration: Initial TSPAT applicants who are not included in the first priority group as defined in .04(9), but submit an application by the application priority date, and meet the eligibility criteria specified in .04(6).

(2) Awards will be made to all eligible first-consideration applicants before any awards are made to any second-consideration applicants; awards will be made to all second-consideration applicants before awards are made to any third-consideration application.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.09 Disbursement Of Funds.

(1) The Alabama Commission on Higher Education shall determine the dollar amount for each award and shall prepare vouchers each term requesting that the State Comptroller disburse scholarship funds for eligible students. As Special Education Trust Funds become available, the order in which institutions will be issued checks shall be determined by the order in which institutional academic terms begin with the first-to-begin/first paid to last-to-begin/last paid.

(2) The State Comptroller shall prepare checks payable to all eligible institutions for all eligible TSPAT recipients included on the scholarship certification and transmittal rosters. Such checks and certification and transmittal rosters indicating the amount of TSPAT funds awarded for each eligible student shall be forwarded to the institution for credit to individual student accounts. No later than thirty (30) calendar days after receipt of the TSPAT funds, the eligible institution shall credit the accounts of the eligible students listed on the roster and return the completed roster to ACHE.

(3) If a student whose eligibility for a TSPAT award has been certified by an eligible institution becomes ineligible for a TSPAT award before the expiration of the institutional tuition refund period, the TSPAT funds shall not be credited to the student's account, but shall be returned to the Alabama Commission on Higher Education.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.10 Refund Procedures.

(1) Payment of institutional refunds to the Technology Scholarship Program for Alabama Teachers.

(a) An institution shall return to the Technology Scholarship Program for Alabama Teachers a portion of any refund owed to a student if

1. The student officially withdraws, drops out, or is expelled from the institution on or after his or her first day of class of a payment period; and

2. The student received assistance through the Technology Scholarship Program for Alabama Teachers.

(b) For purposes of this section, an institutional refund means the amount paid for institutional charges for a payment period by cash payments and/or other benefits minus the amount retained by the institution for the portion of the payment period that the student was actually enrolled at the institution. The amount retained by the institution for the student's actual period of enrollment is calculated according to the institution's refund policy.

(c) The portion of the refund that the institution shall return to the Technology Scholarship Program for Alabama Teachers is the lesser of

1. The amount of assistance received under the Technology Scholarship Program for Alabama Teachers for the payment period; or,

2. The amount obtained by multiplying the institutional refund by the following fraction:

Total amount of Technology Scholarship Program for Alabama Teachers stipend awarded for the payment period /
Total amount of assistance awarded for the payment period.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.11 Repayment Procedures.

(1) Each Technology Scholarship Program for Alabama Teachers award recipient shall enter into an agreement with the Alabama Commission on Higher Education whereby the recipient shall agree to repay to the Alabama Commission on Higher Education any TSPAT funds used to pay for courses the TSPAT recipient fails to complete.

(a) Any breach of contract on the part of the recipient makes him/her immediately liable for repayment of amount due the State of Alabama as determined by the Alabama Commission on Higher Education.

(b) Repayments due shall be paid to the Technology Scholarship Program for Alabama Teachers with interest calculated from the date of withdrawal from the courses or courses at the prevailing rate charged recipients of non-need-based guaranteed student loans.

(c) The Executive Director of the Alabama Commission on Higher Education shall require Alabama institutions of higher education to withhold the release of any records of a recipient who fails to satisfy his/her agreement with the Alabama Commission on Higher Education.

(d) The Executive Director of the Alabama Commission on Higher Education shall request the State Superintendent of Education to revoke the teaching certificate of any recipient who fails to satisfy his/her agreement with the Alabama Commission on Higher Education.

(2) Each Technology Scholarship Program for Alabama Teachers award recipient who is pursuing a master's degree shall enter into an agreement with the Alabama Commission on Higher Education whereby the recipient agrees to teach three years in an Alabama public school system following the completion of a master's degree financed wholly or in part with TSPAT funds.

(3) A teacher shall not be considered in violation of the repayment agreement entered into during any period in which he or she is serving, not in excess of 3 years, on active duty as a member of the armed services of the United State, or is temporarily totally disabled for a period not to exceed 3 years, as established by the sworn affidavit of a qualified physician.

(4) A teacher shall be excused from repayment of any assistance received under this program if the recipient dies, as established a certified death certificate, or if the recipient becomes permanently totally disabled, as established by the sworn affidavit of a qualified physician.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.12 Scholarship/Loan Servicing.

(1) In-school servicing consists primarily of maintaining changes in a TSPAT recipient's name, home address, school address, and graduation date, if applicable. It is the TSPAT recipient's responsibility to notify the Alabama Commission on Higher Education, within thirty (30) calendar days, of any change of address, name change, or graduation date, if applicable.

(2) Scholarship/loan repayment begins not later than ninety (90) calendar days after the TSPAT recipient withdraws from his/her approved course(s) or program of study.

(3) Repayments due shall include interest assessed at the rate charged recipients of non-need-based federal guaranteed student loans.

(4) The terms of repayment may provide for substantially equal installment payments. Repayment in full on all scholarship loans received must be completed within ten (10) years, unless a shorter period of time would occur when minimum payments of \$100 per month plus interest result in an earlier payoff.

(a) A TSPAT scholarship/loan recipient may make a prepayment of the whole or any part of a TSPAT scholarship/loan at any time without penalty.

(b) The amount of repayment each year shall be a minimum of \$1200 or the unpaid balance of all outstanding scholarship/loans, including interest, whichever is less.

1. If the TSPAT scholarship/loan recipient and the Commission agree, the amount paid may be less.

2. A repayment schedule shall require a TSPAT scholarship/loan recipient to repay fully a TSPAT scholarship/loan within ten (10) years, except for periods of deferment.

3. Within thirty (30) days after a TSPAT scholarship/loan has been repaid in full, the Alabama Commission on Higher Education shall verify to the scholarship/loan recipient the scholarship loan obligation has been paid.

(5) Authorized deferments permit the postponement of principal payment during the specific period and under specific conditions after the repayment period has begun.

(a) It is the responsibility of the TSPAT scholarship/loan recipient to provide to the Alabama Commission on Higher Education all documentation required to establish eligibility for a specific type of deferment.

(b) Deferment is authorized during period when a TSPAT scholarship/loan recipient is engaged in one of the following activities:

1. Not in excess of three (3) years during which the TSPAT scholarship/loan recipient is temporarily totally disabled, as established by a sworn affidavit of a qualified physician.

2. Not in excess of three (3) years during which the TSPAT scholarship/loan recipient is serving on active duty as a member of the armed services of the United States.

(6) If a TSPAT scholarship-loan recipient dies, or becomes permanently and totally disabled, the recipient's obligation to make any further payments of principal and interest on a TSPAT scholarship/loan is cancelled.

(a) The Alabama Commission on Higher Education will not attempt to collect on a TSPAT scholarship-loan from the scholarship/loan recipient's estate.

(b) The Alabama Commission on Higher Education may make a determination that the TSPAT scholarship-loan recipient has died on the basis of a certified death certificate or other proof of death which is acceptable under applicable State law.

(c) The Alabama Commission on Higher Education may make a determination that the scholarship-loan recipient is permanently and totally disabled on the basis of a sworn affidavit of a qualified physician.

(d) The Alabama Commission on Higher Education shall return to the sender any repayments received from the estate of the TSPAT scholarship-loan recipient or paid on behalf of the TSPAT scholarship-loan recipient after the date of death.

(e) The Alabama Commission on Higher Education shall return to the sender any repayments received by or on behalf of a TSPAT scholarship-loan recipient after the date on which the recipient is designated as permanently and totally disabled.

(7) If a TSPAT scholarship-loan recipient has been adjudicated a bankrupt, the Commission shall file proof of claim with the bankruptcy court. The Alabama Commission on Higher Education may determine that a recipient has been adjudicated a bankrupt upon the receipt of notice of the first meeting of the creditors from the bankruptcy court.

(8) Upon the request of the Alabama Commission on Higher Education, the Attorney General or any District Attorney shall institute proceeding in the name of the State for the purpose of recovering any amount due the State under the provisions of the Technology Scholarship Program for Alabama Teachers.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.13 Review Procedures.

(1) The Alabama Commission on Higher Education reserves the right to review the administrative controls and compliance aspects of

the Technology Scholarship Program for Alabama Teachers at the eligible institution.

(2) The primary objectives identified for the reviewer conducting institutional reviews are:

- (a) To determine if the institution's reports present information accurately and in conformity with the Technology Scholarship for Alabama Teachers Regulations, and whether all reports are prepared on a consistent basis from one period to the next;

- (b) To determine whether the institution has implemented, and is utilizing, reasonable procedures and internal controls for effectively discharging management responsibilities and for adequately protecting the State's interest;

- (c) To review institutional records and report on areas of noncompliance; and,

- (d) Based upon the review, to provide constructive recommendations to the institution.

(3) The institution shall make all records and information relative to the Technology Scholarship Program for Alabama Teachers available to the reviewer.

(4) A written report shall be provided by the reviewer to the institution and shall include:

- (a) Any finding of inaccuracies in institutional reports;

- (b) Any inconsistencies in institutional reports;

- (c) Conclusions regarding the adequacy of administrative controls;

- (d) Any areas of noncompliance; and,

- (e) Recommendations for improvement.

(5) If the eligible institution does not concur with all items in the written report, a written appeal should be submitted to the Executive Director of the Alabama Commission on Higher Education.

(6) When an institutional review reveals sufficient problems pertaining to the Technology Scholarship Program for Alabama Teachers at an institution, the Executive Director of the Alabama Commission on Higher Education may:

- (a) Impose a temporary suspension of TSPAT payments to the institution;

(b) Suspend the institution from participation in the Technology Scholarship Program for Alabama Teachers for an indefinite period of time;

(c) Demand payment credit of TSPAT funds to an eligible student or repayment of TSPAT funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or,

(d) Refer any problems to the Attorney General of the State of Alabama, or any District Attorney of the State of Alabama, for appropriate legal action.

(7) A suspended institution may request a hearing by the Alabama Commission on Higher Education. The institution shall be notified in writing of the time and place of such Commission hearing.

(8) After such hearing, the Alabama Commission on Higher Education shall determine, at an official meeting of the Commission, whether to:

(a) Continue the suspension pending the receipt of any additional information the Commission may require;

(b) Continue the Executive Director's suspension subject to limitation or exceptions;

(c) Revoke or lift the suspension and restore the institution to full participation as authorized under the Regulations;

(d) Terminate the institution's eligibility for an indefinite period of time;

(e) Demand payment credit of TSPAT funds to an eligible student or repayment of TSPAT funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or,

(f) Take any other action the Commission deems necessary, including referral to the Attorney General of the State of Alabama, or any District Attorney of the State of Alabama, for appropriate action.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.14 Maintenance Of Records.

(1) Each eligible institution shall establish and maintain on a current basis adequate records which reflect all transactions with

respect to program and fiscal activity as they relate to the administration of the Technology Scholarship Program for Alabama Teachers.

(2) The academic records for any award period shall be retained for a period of five (5) years following the date of certification on an application, unless a longer retention period is necessitated because of program review or audit resolution problems. In the event an eligible institution closes or otherwise ceases operation and fails to matriculate students, institutional TSPAT records of the eligible institution shall be forwarded to the Alabama Commission on Higher Education.

(3) Forms must be used to gather data in a uniform manner from each applicant; such forms shall contain information relative to all eligibility criteria for a Technology Scholarship Program for Alabama Teachers award.

(4) The Executive Director of the Alabama Commission on Higher Education, or any of the Director's duly authorized representatives, shall have access, for the purposes of review and examination, to TSPAT records and supporting documents maintained by the institution.

(5) The records involved in any claim or expenditure which has been questioned by a program review or by a State audit must be retained until resolution of any such review or audit questions.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.15 Appeals.

The Alabama Commission on Higher Education shall provide TSPAT recipients with terms of repayment before their repayment periods begin. If a TSPAT recipient qualifies for any of the exceptions described in the TSPAT terms of agreement, the Commission shall accept claims for exceptions as specified in the TSPAT terms of agreement. TSPAT recipients may appeal determinations they believe are not in compliance with program regulations by requesting in writing a hearing by the Student Assistance Committee of the Alabama Commission on Higher Education. The decision of this committee shall be final.

Author: William H. Wall

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.