

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 300
Department or Agency: Alabama Commission on Higher Education Grants and Scholarships
Rule No.: Chapter 300-4-13
Rule Title: (RE)ENGAGE ALABAMA GRANT PROGRAM
Intended Action: New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certificate of Authority: The proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jim Purcell
Jim Purcell

Date

Tuesday, September 19, 2023

REC'D & FILED
SEP 19, 2023
LEGISLATIVE SVC AGENCY

ALABAMA COMMISSION ON HIGHER EDUCATION
GRANTS AND SCHOLARSHIPS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education

RULE NO. & TITLE: Chapter 300-4-13 (RE)ENGAGE ALABAMA GRANT PROGRAM

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The (Re)Engage Alabama Grant Program was created through the Alabama Act 2023-539 to increase the number of Alabama adults with college degrees, to encourage adults who have earned some college credit hours to return to college and complete a college degree program connected with the workforce development needs aligned with Alabama's high demand occupation list, and to establish a grant program that will provide financial assistance to adult learners for postsecondary education in the state of Alabama. The proposed chapter provides definitions, processes, and information for the program.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Interested persons may present views on these amended rules by contacting Dr. Stephanie C. Dolan, Assistant Director of General Services, Alabama Commission on Higher Education, P.O. Box 302000, Montgomery, Alabama 36130-2000, stephanie.dolan@ache.edu, (334) 353-9153, between 8:00 a.m. and 5:00 p.m. CT each business day up to and including November 3, 2023.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, November 3, 2023

CONTACT PERSON AT AGENCY:

Stephanie C. Dolan, Director
(334) 353-9153

Jim Purcell

Jim Purcell

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ALABAMA COMMISSION ON HIGHER EDUCATION
GRANTS AND SCHOLARSHIPS
ADMINISTRATIVE CODE

CHAPTER 300-4-13
(RE) ENGAGE ALABAMA GRANT PROGRAM

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300-4-13-.01 Purpose of Grant Program.

(1) The purpose of the (Re)Engage Alabama Grant Program is to increase the number of Alabama adults with college degrees; to encourage adults who have earned some college credit hours to return to college, enroll, and complete a college degree program that is connected with workforce development needs and aligned with Alabama's high demand occupations list; and to provide financial assistance to adult learners of the State of Alabama for postsecondary education in the State of Alabama. This scholarship was established in 2023 during the legislative session as Act 2023-539.

Author: Artcola Pettway and Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter

300-4-13-.02 Organization.

(1) It is the responsibility of the Alabama Commission on Higher Education (ACHE) to establish and oversee the policies and procedures for the administration and implementation of the (Re)Engage Alabama Grant Program.

(2) ACHE shall appoint staff as needed to ensure efficient operation of the program and is the final authority in determining eligible program applicants.

(3) ACHE shall submit an annual report to the Governor and to the Chairs of the Senate Committee on Finance and Taxation-Education and the House Ways and Means Education Committee and the Deputy Director of the Legislative Services Agency - Fiscal Division within 30 days after September 30th of any given year including updates on all aspects of the program.

Author: Artcola Pettway and Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter

300-4-13-.03 Definition of Terms.

(1) **ACADEMIC TERM.** A portion of an academic year, such as a semester or quarter, during which an educational institution holds classes (i.e., Fall, Winter, Spring, or Summer).

(2) **ADULT LEARNER.** A person who is 25 years or older returning to college.

(3) **ALABAMA RESIDENT.** A person who has been classified as an in-state resident by an authorized institution and has established residency within the state of Alabama for at least a 12-month period prior to the beginning of the term for which financial assistance is requested and is in the State of Alabama for other than a temporary purpose.

(4) **APPROVED INSTITUTION.** A state-supported institution of higher education or a private, nonprofit institution of higher education that satisfies all of the following:

(a) Is accredited by the Southern Association of Colleges and Schools Commission on Colleges or the Council on Occupational Education,

(b) Is eligible to receive Title IV federal student aid program funds, and

(c) Maintains its primary headquarters in Alabama.

(5) AUTHORIZED INSTITUTION. An approved institution that files a signed and dated (Re)Engage Alabama Grant Program Institutional Agreement with the Commission to comply with all rules, regulations, policies, and procedures of the (Re)Engage Alabama Grant Program set forth by the Commission.

(6) COMMISSION. The Alabama Commission on Higher Education (ACHE).

(7) CONTINUOUS ENROLLMENT. When an adult learner is making academic progress toward degree completion without a stop-out in enrollment of more than one consecutive semester or quarter (i.e., Fall/Winter to Spring, Spring to Summer/Fall, or Summer to Fall).

(8) CREDITS (SEMESTER CREDIT AND QUARTER CREDIT). A semester credit is 1.5 times that of a quarter credit.

(9) ELIGIBLE PROGRAM. An eligible program that is a nonsectarian, secular educational program aligned with Alabama's high demand workforce needs promulgated by the Alabama Committee on Credentialing and Career Pathways.

(10) ELIGIBLE STUDENT. A person who completed the Free Application for Federal Student Aid (FAFSA), is in pursuit of one's first associate or baccalaureate degree, satisfies the criteria set out in the Act 2023-539, and is found to be eligible by rules adopted by the Commission.

(11) FULL-TIME STUDENT. A full-time student is defined as an eligible student who is carrying a full-time academic workload measured in terms of course work or other required activities, including courses, work experience, research, or special studies which the institution requires of the student to be considered as being engaged in full-time study, which amounts to the equivalent of a minimum of twelve (12) semester hours or eighteen (18) quarter hours per academic term; or the student is charged the tuition and fees for full-time study by the

institution. For purposes of this program, no more than one course [with a maximum of four (4) semester credit hours] per academic term for courses in religion or theology shall be considered when calculating a student's full-time status.

(12) GRANT. A financial award by the State of Alabama to defray the cost of tuition and mandatory fees to an eligible adult learner who is currently enrolled in an authorized institution.

(13) PART-TIME STUDENT. An eligible student who is carrying a part-time academic workload measured in terms of course work or other required activities, including courses, work experience, research, or special studies which the institution requires of the student to be considered as being engaged in part-time study, which amounts to the equivalent of a minimum of six (6) semester hours or nine (9) quarter hours per academic term; or the student is charged the tuition and fees for part-time study by the institution. Any student enrolled for less than the equivalent of six (6) semester hours or nine (9) quarter hours is ineligible for a (Re)Engage Alabama Grant Program payment. For purposes of this program, no more than one course (with a maximum of four (4) semester credit hours per academic term for courses in religion and theology) shall be considered when calculating a student's part-time status.

(14) PROGRAM. The (Re)Engage Alabama Grant Program created by the Act 2023-539 and administered by the Commission that provides grant award payments to institutions for eligible adult learners for college degree completion.

(15) PRORATION OF FUNDS. Should funds appropriated to the (Re)Engage Alabama Grant Program be insufficient to provide such recipients with a full grant payment for any term(s) during an academic year, each eligible student shall receive a pro rata grant share of the available funds.

(16) (RE)ENGAGE ALABAMA GRANT PROGRAM FORMS. Institutions will be required to submit the following documents:

(a) (Re)Engage Alabama Grant Program Institutional Agreement - the document is to be signed by the President of the institution.

(b) (Re)Engage Alabama Grant Program Application - the document is to be completed and submitted by each student

seeking (Re)Engage Alabama Grant Program funds per academic term.

(c) (Re)Engage Alabama Grant Program Award List - the document is to be completed and submitted by the financial aid office representative acknowledging certification of all applicants per academic term.

(d) (Re)Engage Alabama Grant Program Refund Form - the document is to be completed by the financial aid office representative for any checks or refunds to be returned per academic term.

(17) REFUNDS. If a student withdraws or becomes ineligible for the (Re)Engage Alabama Grant Program during the academic term of the award year, the institution will not award the (Re)Engage Alabama Grant Program funds to the student. If a student withdraws from the college or reduces one's course-load after receiving (Re)Engage Alabama Grant Program funds, but before the end of the academic term and is not entitled to a refund in accordance with the institution's refund policy, the (Re)Engage Alabama Grant Program will not require the institution to refund the institution's (Re)Engage account any portion of the grant award which was utilized by the student for the period of actual attendance. However, if the grant award exceeds the amount of the educational cost to the student, the institution must return the overpayment difference to the institution's (Re)Engage account for potential future redistribution to another eligible student. The institution must maintain documentation of the student's records, 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 grant award, and (d) the amount of refund due to the (Re)Engage Program.

(18) RENEWAL OF GRANT. A student grant recipient who maintains eligibility and continuous enrollment as defined may receive the award the next academic term or until such time as the student receives an associate or baccalaureate degree. Each term's renewed award amount is determined by the number of hours enrolled and must be reflected in the certified (Re)Engage Award List. Therefore, the student must complete an application for each term.

(19) STOP-OUT. A student who was not enrolled or attended a postsecondary education institution for least two (2) years (24 consecutive months) prior to current enrollment.

(20) TRANSFER STUDENT. Each (Re)Engage Alabama Grant Program award is made on the basis of the student applicant attending the postsecondary educational institution listed on the student's application form. A student grant recipient who elects to transfer from the original awarding institution to another educational institution will automatically become ineligible for the grant as the (Re)Engage Alabama Grant Program award is not transferable from one educational institution to another.

(21) UNDERGRADUATE STUDENT. An eligible student with the completion of at least 36 credit hours for an associate degree or at least 72 credit hours for a baccalaureate degree of a college degree program that is connected with workforce development needs and aligned with Alabama's high demand occupations list promulgated by the Alabama Committee on Credentialing and Career Pathways; and at an approved institution and has not earned an associate or baccalaureate degree. Students who have previously earned an associate or baccalaureate degree, even though they may be enrolled in an undergraduate course of study, are not eligible for a (Re)Engage Alabama Grant Program grant.

(22) YEAR. An academic year that shall be divided into Fall, Winter, Spring, and Summer terms. The term does not mean calendar or fiscal year.

Author: Artcola Pettway and Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter

300-4-13-.04 Audits.

(1) Each approved institution receiving grants on behalf of, and to the credit of, any student shall be subject to examination at any time by the Commission, the Examiner of Public Accounts, or the State Auditor, for the purpose of determining whether such institution has complied with the policies and procedures of the (Re)Engage Alabama Grant Program. If an institution certifies an ineligible student for a (Re)Engage Alabama Grant Program award, the amount of the grant paid pursuant to such certification shall be refunded by the institution to the (Re)Engage Alabama Grant Program. The

Department of Examiners of Public Accounts may audit all receipts, disbursements, assets, liabilities, and other resources of any postsecondary educational institution receiving grant funds on behalf of, and to the credit of, any student.

Author: Artcola Pettway and Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter

300-4-13-.05 Rule Making Authority for Grant Program.

(1) The (Re)Engage Alabama Grant Program shall be administered by the Commission, which may adopt any rules necessary for the administration of the program.

(2) The allocation of funds is based on the proportional share of Alabama-resident graduates of the approved public institutions' programs divided by available funds. Similar calculation is conducted for the approved private, nonprofit institutions using IPEDS and institutional data requests.

(a) Using the Alabama Committee on Credentialing and Career Pathways (ACCCP) statewide high demand occupation list, the process to determine each institution's fund allocation is as follows:

1. Careers requiring an associate or bachelor's degree within the upper quartile based on the ACCCP high demand and high wage are identified as the workforce shortages to be targeted for the program.

2. The nationally recognized Classification of Instructional Programs (CIPs) that align with the upper quartile ACCCP high wage high demand occupations are identified to create a program CIP listing.

3. From the program CIP listing, the CIPs that are offered at the approved institutions are identified per institution.

4. Historical data of Alabama-resident graduates per CIP for each approved institution is collected and analyzed to evaluate the total average degree count for the associate and baccalaureate levels for the program CIPs.

5. The associate average degree total and the baccalaureate average degree total are each divided by the overall average degree total to determine the percentage of available funds to be allocated per degree level (i.e., the initial distribution for 2024 yielded 74% of funds to be allocated for baccalaureate and 26% of funds to be allocated for associate).

6. Each institution's average number of in-state degrees awarded is divided by the total degrees per level (associate or baccalaureate) to determine the institution's degree percentage within the degree level.

7. Each institution's degree percentage is multiplied by the amount of the degree level portion of funds determined in section .05(2)(a)5.

8. The number of potential grant recipients is determined by dividing the institution's funding portion in section .05(2)(a)7 by the maximum per academic year award for a full-time student (i.e., Bachelor's: minimum 72 hours earned with at least 48 remaining for degree completion at 120 hours, costing \$12,000 at \$250 per credit hour; Associate: minimum 36 hours earned with at least 24 remaining for degree completion at 60 hours, costing \$3,000 at \$125 per credit hour.) This funding calculation yields ample funding for students who would require the maximum number of hours (based on 60 credit hours for associate and 120 credit hours for bachelor's) to complete a degree in one of the qualifying CIPs.

Author: Artcola Pettway and Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter

300-4-13-.06 Awarding Procedures.

(1) The following procedures shall be the method used by the Commission for making the (Re)Engage Alabama Grant Program funds available to eligible students at approved institutions:

(a) Each applicant must submit to the eligible institution a yearly Free Application for Federal Student Aid application (FAFSA).

(b) An applicant may receive consideration for the (Re)Engage Alabama Grant Program award at only one approved institution during one academic term. An application must be submitted for each term of enrollment. The student recipient must remain continuously enrolled at the same approved institution while seeking to complete a degree in the approved (Re)Engage Program to maintain eligibility.

(c) The (Re)Engage Alabama Grant Program Application may be obtained from approved institutions.

1. All information requested on the initial (Re)Engage Alabama Grant Program Application must be completed by the student and submitted to the Financial Aid Office of the approved institution in which the student is enrolled by the given deadline date. As long as a student is continuously enrolled as defined, the student is to complete a (Re)Engage Alabama Grant Program application for each term following the initial award term. All applications must be kept on file (electronically or paper) by the institution for at least five years following the student receiving a degree. Should a student not be continuously enrolled at the institution, a new application is required following stop-out, as defined, prior to the new enrollment and reconsideration of receiving the grant. ACHE is to receive a copy of all applications and the certified (Re)Engage Alabama Grant Program Award List within 30 business days of the student application deadlines each academic term.

(i) Student application deadlines for semester terms are as follows:

(I) Fall Semester term grant applications must be received by September 15.

(II) Spring Semester term grant applications must be received by February 15.

(III) Summer Semester term grant applications must be received by June 15.

(ii) Student application deadlines for quarter terms are as follows:

(I) Fall Quarter term grant applications must be received by September 15.

(II) Winter Quarter term grant applications must be received by January 15.

(III) Spring Quarter term grant applications must be received by April 15.

(IV) Summer Quarter term grant applications must be received by June 15.

2. Initial applications received by an approved institution's Financial Aid Office shall be dated when received. Each initial application shall have a preliminary review by the institution to determine if the application is complete and meets the eligibility criteria for a grant. Each student applicant shall be notified by the institution when the initial application is incomplete and additional information is needed. If all items and information requested on the initial application form are not completed, the application is invalid and the student is ineligible to receive the (Re)Engage Alabama Grant Program payment. The institution shall notify each applicant who does not meet all eligibility criteria and is, therefore, ineligible for the (Re)Engage Alabama Grant Program award.

3. All applications which pass the institution's preliminary review for eligibility shall be compared to other appropriate institutional records. Institutional records shall be used to verify the following requirements for each student applicant:

(i) Age, 25 years or older.

(ii) A citizen or a lawful permanent resident of the United States.

(iii) A resident of Alabama.

(iv) A graduate of a secondary school or the recognized equivalent of a high school graduate.

(v) Has not attended a postsecondary education institution for at least two (2) years (24 consecutive months) prior to their current enrollment.

(vi) Has not earned an associate or baccalaureate degree at any other institution prior to applying for the (Re)Engage Alabama Grant Program.

(vii) Classified as an undergraduate student with the completion of at least 36 credit hours for an associate degree or at least 72 credit hours for a baccalaureate degree.

(viii) Enrolled as a full-time student (minimum of twelve (12) semester hours) or part-time (minimum of six (6) semester hours) student in an eligible program in an authorized institution leading to an associate degree or baccalaureate degree that is aligned with Alabama's high demand workforce needs promulgated by the Alabama Committee on Credentialing and Career Pathways.

(ix) Has good academic standing as defined by the institution.

(x) Not enrolled in a course of study leading to an undergraduate degree in theology, divinity, or field of preparation for a religious vocation.

(d) For students who are to be determined as eligible for a (Re)Engage Alabama Grant Program award each term, the institution shall complete a certified (Re)Engage Alabama Grant Program Award List and submit the list to the Commission. The award list shall include but is not limited to the following information: student's full name, identification number, the eligible program in which the student is enrolled, current term requesting funds, prior terms of received funds (includes renewals of grant), and total enrollment hours of all students to validate eligibility and determine award amount during the identified academic term. This list will be electronically shared with the Commission using a Secure File Transfer Protocol (SFTP) network provided by the Commission for security purposes. The financial aid office representative and the president of each institution shall sign the approved institution's (Re)Engage Alabama Grant Program Award List for each academic term, certifying that each student on the roster is eligible for the award and has submitted a complete and acceptable (Re)Engage Alabama Grant Program application to the institution on or before the application deadline for the term in which payment is requested.

(e) The maximum award amount a full-time student may receive per academic term is \$3,000 for universities and \$1,500 for community colleges. The maximum award shall be reduced proportionately for students who enroll six to eleven hours and for students enrolled in less common academic terms, such as quarters, summer terms, and intersessions.

(f) Each awardee shall be sent an award notice by the institution to inform of aid awarded through the (Re)Engage Alabama Grant Program.

(g) The institutional financial aid office representative will check each awardee for eligibility guidelines to include, but not limited to, the following:

1. Age, 25 years or older;
2. Residency of Alabama;
3. Student has not attended a postsecondary education institution for at least two (2) years (24 consecutive months) prior to their current enrollment.
4. Number of hours enrolled;
5. Eligible program and academic progress; and
6. Good standing as defined by the institution.

(h) The institutional financial aid office representative shall be responsible for ensuring that each student is not over-awarded.

(i) The (Re)Engage Alabama Grant Program will send a total sum payment of funds per academic term to the approved institution for deposit in the institution's (Re)Engage account to be credited accordingly to eligible student accounts provided on each academic term's (Re)Engage Alabama Grant Program Award List.

(j) All eligible institutions shall follow the policies and procedures set forth by the Commission for the (Re)Engage Alabama Grant Program.

Author: Artcola Pettway and Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter

Disbursement of Funds.

(1) ACHE shall determine from the certified award lists received from all approved institutions the sufficiency of funds and the per grant dollar amount per eligible student for each academic term. Each eligible full-time student may receive a maximum of \$3,000 per term for universities (baccalaureate level programs) or \$1,500 for community colleges (associate level programs). The maximum award shall be reduced proportionately for students who enroll six to eleven hours and for students enrolled in less common academic terms, such as quarters, summer terms, and intersessions. No eligible student shall receive a grant at more than one approved institution during any one academic term.

(2) ACHE shall determine the dollar amount of each institution's total grant amount needed to cover students enrolled in each academic term and shall prepare a request for the State Comptroller to disburse (Re)Engage Alabama Grant Program funds to the institutions. ACHE shall earmark the total award amount designated for the student based upon the hours required to complete the approved associate degree (60 hours) or baccalaureate (120 hours). The institution will be responsible for allocating the funds accordingly and not exceed award amount.

(3) The check and a signature roster with the dollar amount of grant payment indicated for each eligible student shall be forwarded to the approved institution and shall credit each eligible student's account with the dollar amount indicated on the signature roster. The approved institution shall return the completed certified signature roster to the (Re)Engage Alabama Grant Program Office. Should the dollar amount of a grant credited to an eligible student's account exceed the dollar amount due the institution by the student at the time a (Re)Engage Alabama Grant is credited to an eligible student's account, a check in the amount of the excess funds (credit) shall be returned to the (Re)Engage Alabama Grant Program.

(4) If a student whose eligibility for a grant has been certified by an approved institution becomes ineligible for a grant before the expiration of the institutional tuition refund period, the grant funds shall not be delivered to the student but shall be returned to the (Re)Engage Program. Funds

are considered received by a student when the institution credits an (Re)Engage Alabama Grant Program payment to the student's account.

(5) In no academic term may the grant amount credited to an eligible student's account exceed the per student operating expenditures of the institution for nonsectarian, secular educational purposes. Under no circumstances shall any (Re)Engage Alabama Grant Program funds be utilized by an approved institution or an eligible student for religious, sectarian or denominational purposes. Approved institutions receiving (Re)Engage Alabama Grant Program funds shall segregate such funds in a special revenue account and shall identify nonsectarian expenditures of such funds.

Author: Artcola Pettway and Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter

300-4-13-.08 Refund and Repayment Requirements.

(1) Funds are considered received by a student when the institution credits a (Re)Engage Alabama Grant Program payment to the student's account. Each institution's financial aid office representative is to complete and submit a (Re)Engage Alabama Grant Program Refund Form for any checks or refunds to be returned to the (Re)Engage Program.

(2) If a student whose eligibility for a grant has been certified by an approved institution becomes ineligible for a grant before the expiration of the institutional tuition refund period, the grant funds shall not be delivered to the student but shall be returned to the (Re)Engage Program.

(3) If a student becomes ineligible for a grant at an approved institution after funds are received by the student (following certification as eligible for a (Re)Engage Alabama Grant Program award) prior to the end of the academic term and who is entitled to a refund in accordance with the institution's written refund policy, the institution shall refund the (Re)Engage Program any portion of the grant payment that exceeds the institution's direct charges to the student for the period of actual enrollment.

(4) Should a student drop below full-time enrollment to part-time status before the expiration of the institutional refund period (after being certified as full-time by the approved institution), the maximum award shall be reduced proportionately to the student enrollment status for that term.

(5) If a student who drops below full-time enrollment to part-time status after funds are received by the student (following certification as full-time by the approved institution) and is entitled to a refund on reduced charges in accordance with the institution's written refund policy, the institution shall refund the difference between the amount of grants in full-time students as compared to half-time students for that particular term to the (Re)Engage Program. Note: A student who drops below the minimum enrollment requirement of six hours automatically becomes ineligible for the (Re)Engage Grant Program.

(6) Each refund payment reported on the (Re)Engage Alabama Grant Program Refund Form shall include:

(a) The name of the approved institution involved;

(b) The full name and identification number of the student;

(c) The action which necessitated the refund, and the date of that action;

(d) The direct institutional charges to the student for the academic term involved;

(e) The amount of the student's grant payment for that term; and

(f) The amount of the refund due the institution's (Re)Engage Alabama account.

Author: Artcola Pettway and Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter

(1) The institutional review will enable the Commission to express an opinion of the administrative controls and of the compliance aspects of the (Re)Engage Alabama Grant Program at the approved institution.

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

(a) To determine whether the institution's reports present information accurately and in conformity with the (Re)Engage Alabama Grant Program policies and procedures, 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 (Re)Engage Alabama Grant Program available to the reviewer.

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

(a) Any findings 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 approved institution does not concur with all items in the written review report, a written appeal should be submitted to the Executive Director of the Commission.

(6) When an institutional review reveals sufficient problems pertaining to the (Re)Engage Alabama Grant Program at an institution, the Executive Director of the Commission may:

(a) Impose a temporary suspension of grant payments to the approved institution;

(b) Suspend the institution from participation in the program for an indefinite period of time;

(c) Demand payment of any (Re)Engage Alabama Grant Program funds to a student or repayment of 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 for appropriate legal action.

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

(8) After such hearing, ACHE 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 limitations or exceptions,

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

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

(e) Demand payment of any (Re)Engage Alabama Grant Program funds to a student or repayment of funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or

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

Author: Artcola Pettway and Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter

300-4-13-.10 Maintenance of Records.

(1) Each approved institution shall establish and maintain current, adequate records which reflect all transactions with respect to program and fiscal activity as they relate to the administration of the (Re)Engage Alabama Grant Program. The records must be maintained in such a manner as to identify all program and fiscal transactions separately from other institutional activities and funds.

(2) The records for any award period shall be retained for a period of five (5) years following the date of submission of the institutional award list, unless a longer retention period is necessitated because of program review or audit resolution problems. In the event an approved institution closes or otherwise ceases operation and fails to matriculate students, institutional (Re)Engage Alabama Grant Program records of the approved institution shall be forwarded to ACHE for retention.

(3) The financial aid office representative for the (Re)Engage Alabama Grant Program will collect and submit copies of the completed (Re)Engage Alabama Grant Program Applications and the (Re)Engage Grant Program Award List to the Commission each academic term, all of which will be used to gather data in a uniform manner from each institution for each applicant; such forms shall contain information relative to all eligibility criteria for a (Re)Engage Alabama Grant Program award. Fiscal records pertaining to the operation of the (Re)Engage Alabama Grant Program at an approved institution must be maintained in a manner which provides a clear audit trail.

(4) The Executive Director of the Commission or any of the Director's duly authorized representatives will have access for the purpose of review and examination to (Re)Engage Alabama Grant Program records and supporting documents maintained by the approved institution

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

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Statutory Authority: Code of Ala. 1975, § 16-5-1 and Alabama Act 2023-539

History: New Chapter