

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/02/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/24/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

13B 08 03 .01-.12

3. Name of Promulgating Authority

Maryland Higher Education Commission

4. Name of Regulations Coordinator

Tonya L Johnson

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5. Name of Person to Call About this Document

Mark Blom

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6. Check applicable items:

- New Regulations

Amendments to Existing Regulations

 Date when existing text was downloaded from COMAR online: .

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes - No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Mark Blom, Assistant Attorney General, (telephone #410-767-3311) on 7/2/2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Mark Blom

Title

Assistant Attorney General

Telephone No.

410-767-3311

Date

7/2/2015

Title 13B
B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

**13B.08.03 Charles W Riley Firefighter and Ambulance and Rescue Squad
Member Scholarship Program**

Authority: Education Article §§ 18-603.1, 18-204(c), and 11-105(u), Annotated Code of Maryland.

Notice of Proposed Action

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The Maryland Higher Education Commission proposes to add Chapter 3 Charles W Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program under Subtitle 08 FINANCIAL AID

This action was considered by the Commission at an open meeting held on May 27, 2015, notice of which was given as required by the General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt regulations to implement the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship under §18-603.1 of the Education Article of the Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Donna Thomas, Director, Office of Student Financial Assistance, Maryland Higher Education Commission, 6 N Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to 410-332-0250. Comments will be accepted through August 24, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special funds from traffic case surcharges.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

No new implementation costs for these regulations.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

No impact on small businesses.

G. Small Business Worksheet:

Attached Document:

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

SUBTITLE 08 FINANCIAL AID

Chapter 03 Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program

.01 PURPOSE.

The purpose of the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program ("Riley Scholarship") is to encourage members of the fire-fighting, ambulance, and rescue organizations serving Maryland communities to pursue credited courses that lead to a degree in fire service technology, emergency medical technology, fire service management, or public safety administration with a minor or concentration in fire service technology or fire service management.

.02 ELIGIBILITY.

A. To be eligible for a Riley Scholarship, an individual shall be:

(1) A resident of Maryland;

(2) Actively engaged as:

(a) a career firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in the State; or

(b) a volunteer firefighter or ambulance rescue squad member in an organized fire department or ambulance or rescue squad in the State; and

(3) Accepted for admission or enrolled as a full time (12 credits or more per semester) or part time (6-11 credits per semester) student in a:

(a) regular undergraduate program at an eligible institution (public or private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission); or

(b) 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate degree program in an eligible institution.

B. In this section "actively engaged" means that:

(1) A volunteer member:

(a) Within a county or municipality that operates Length of Service Award Program (LOSAP), has recorded at least 50 LOSAP points as part of a fire, ambulance, or rescue squad in the tax year prior to the award year, and the points have been earned in at least two different categories; and

(b) Within a county or municipality that does not operate LOSAP, has recorded at least 50 points under the point system established by the county or municipality to identify active members as part of a fire, ambulance, or rescue squad in the tax year prior to the award year, and the points have been earned in at least two different categories; and

(2) A career member has worked a minimum of 1000 hours as part of a fire, ambulance, or rescue squad in the tax year prior to the award year.

.03 APPLICATION PROCEDURES.

A. Students applying for the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship shall submit the following materials to the Office of Student Financial Assistance (OSFA):

(1) Completed FAFSA Application, by March 1st;

(2) Completed online application form, by March 1st;

(3) Proof of official acceptance in a program of fire service technology, emergency medical technology, fire service management, or public safety administration with a minor or concentration in fire service technology or fire service management; and

(4) Completed notarized statement from an eligible employer confirming active employment or volunteer service.

B. Individuals may submit applications beginning January 1st.

C. Each applicant or recipient shall agree to provide any information or documentation requested by OSFA for the purpose of administering this program and, if requested, to sign an authorization for the release of information to OSFA for the purpose of administering this program. The applicant's or recipient's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility, the cancellation of an award, and the denial of a request for the deferment or waiver of a service obligation.

.04 AWARD AMOUNT.

A. OSFA shall determine each recipient's scholarship award as provided in Section .04B.

B. The annual award shall be at least 50% of the student's actual annual tuition and mandatory fees at an eligible institution, but may not exceed the annual tuition and mandatory fees of a resident undergraduate student at the four-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and the University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate for courses credited toward a degree in fire service technology, emergency medical technology, fire service management, or public safety administration with a minor or concentration in fire service technology or fire service management.

.05 SELECTION OF RECIPIENTS AND AWARD NOTIFICATION.

A. For award year 2015-2016, all applications shall be categorized as initial applicants, and shall be ranked according to the submission date of their completed online application form.

B. For award year 2016-2017 and thereafter, eligible applicants who are renewals shall be given priority over initial applicants. Within these groups, applicants shall be ranked and awarded according to the submission date of their completed online application form.

C. Recipients shall be notified in writing of the scholarship award.

D. A recipient shall provide written acceptance of the award to the Office of Student Financial Assistance by the date specified in the award notice or the award will be forfeited.

E. Applicants who are not selected shall be placed on the waitlist pending the availability of funding.

F. Applicants not selected in an academic year may reapply for consideration in a subsequent academic year, and will be ranked according to the submission date of their completed online application form.

.06 VERIFICATION AND PAYMENT.

A. The Office of Student Financial Assistance has the authority to verify information concerning applicants and recipients for the purpose of administering this program.

B. Each semester, eligible institutions shall certify on billing rosters provided by the Office of Student Financial Assistance that each recipient is:

- (1) A Maryland resident;*
- (2) Enrolled either full-time or part-time in an eligible academic program;*
- (3) Making satisfactory academic progress towards a degree; and*
- (4) Maintaining the standards of the institution.*

.07 RENEWAL.

A. An award shall be automatically renewed on an annual basis, pending the annual submission of a FAFSA application, up to a maximum of 5 years of full-time study or 8 years of part-time study as long as the student continues to meet all of the eligibility requirements set forth in Section .02, maintains satisfactory academic progress at the institution attended, maintains a grade point average of at least 2.5 on a 4.0 scale, and sufficient funding is available.

B. The award shall be cancelled if the recipient fails to meet and maintain each eligibility requirement in Section .07A.

C. A recipient who is academically ineligible shall forfeit the award, and may reapply as an initial applicant in a subsequent award year if they meet and maintain each eligibility requirement in Section .07A.

D. A student transferring from one institution to another may continue to receive the award if the student meets all of the scholarship eligibility requirements in Section .07A.

.08 APPEALS.

A. Any appeal of a decision of ineligibility shall be filed with the Director of the Office of Student Financial Assistance.

B. The appeal shall be in writing and state clearly the basis for the appeal.

C. The appeal shall be submitted with thirty (30) days of notice of ineligibility or cancellation of award.

D. The Director of OSFA shall review each appeal and issue a decision no later than sixty (60) days after receiving the appeal.

E. All decisions of the Director are final.

.09 SERVICE OBLIGATION.

A. A recipient shall serve for 1 year as a volunteer or career firefighter or ambulance or rescue squad member, in a full-time or part-time capacity, of an organized fire department or ambulance or rescue squad in the State after completion of an eligible program.

B. Each applicant offered an award shall sign and return a promissory note agreeing to begin fulfillment of the service obligation as a career or volunteer firefighter or ambulance or rescue squad member for which the award was received within one year of completing the degree for which they received assistance. The service obligation begins after completion of the degree program and cannot be fulfilled prior to completion.

C. If a recipient holds this scholarship with any other State award requiring a service obligation, the obligations shall be served in consecutive years.

.10 REPAYMENT

A. If a recipient fails to carry out the obligations required under this program, the recipient shall repay the State the portion of the scholarship not forgiven.

B. Repayment may be prorated if the recipient partially fulfills the obligation, as determined by the OSFA.

C. Interest on the funds advanced shall accrue at an interest rate equal to the interest rate established by the United States Department of Education for the Federal Stafford Loan on the first day of July of each year.

D. Interest shall begin accruing as of the date of a recipient's graduation or termination from an institution of higher education.

.11 SERVICE OBLIGATION DEFERMENT.

A. A recipient may request that their service obligation be deferred during the time the recipient is:

(1) Enrolled in a full-time (12 or more credits per semester) or part-time (6-11 credits per semester) undergraduate course of study, or a full-time (9 or more credits per semester) or part-time (6-8 credits per semester) graduate course of study at an institution of higher education in a degree granting program;

(2) On a temporary leave of absence from required employment as a career or volunteer firefighter or ambulance or rescue squad member approved by the employer for a period not to exceed twelve (12) months;

(3) Temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation, for a period not to exceed three (3) years;

(4) Unable to secure employment for a period not to exceed twelve (12) months by reason of the care required by a spouse or child who is disabled;

(5) Assigned military duty outside of the State, not to exceed three (3) years without filing an appeal; or

(6) Married to a spouse assigned military duty outside of the State, not to exceed three (3) years without filing an appeal.

B. A recipient's deferment request shall include satisfactory supporting documentation. Such documentation shall consist of the following, as appropriate:

(1) Certification by the office of the registrar that the recipient has returned to a full-time or part-time course of study at an eligible institution of higher education;

(2) Certification by the employer that the recipient is on a temporary approved leave of absence;

(3) A sworn affidavit by a qualified physician that the recipient is temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation;

(4) A sworn affidavit by a qualified physician that the recipient is unable to find employment because they must care for a spouse or child who is disabled;

(5) A certified statement including a list of possible eligible employers, with their addresses and telephone numbers, to which application has been made if the recipient has been unable to find full-time employment as required as a career or volunteer firefighter or ambulance or rescue squad member; or

(6) A copy of military orders.

C. The Office of Student Financial Assistance shall review all documentation and determine if the deferment conditions have been met and, if so, determine the deferment period.

D. Before a deferment based on inability to find employment or volunteer service is granted, the Office of Student Financial Assistance shall review the recipient's documentation and other available information and determine if the recipient has sought employment aggressively in all regions of the State in which opportunities exist.

E. A recipient need not make scholarship repayments and interest does not accrue during the period of an approved deferment.

F. The Office of Student Financial Assistance shall, on a case-by-case basis, review appeals from individuals assigned military duty outside the State, or the spouse of an individual assigned military duty outside the State, that exceeds the three (3) year deferral limit. Appeals must be in writing and include a copy of the military orders.

.12 WAIVER OF SERVICE AND REPAYMENT OBLIGATIONS.

A. The Office of Student Financial Assistance shall waive a recipient's service and repayment obligations if it determines:

(1) on the basis of a sworn affidavit of two (2) qualified physicians, that the recipient is physically unable to fulfill any of the possible service obligations on a full-time or part-time basis because of a permanent impairment; or

(2) on the basis of a death certificate or other evidence of death that is conclusive under State law that the recipient has died.