

HOPE Grant Program

REGULATIONS – 300.

2009 - 2010 Award Year



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Georgia Student Finance Commission
2082 East Exchange Place
Tucker, Georgia 30084

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302. Program Overview.

The HOPE Grant Program was created beginning with the 1993-1994 Award Year (State Fiscal Year 1994). The program is fully funded by the Georgia Lottery for Education and administered by the Georgia Student Finance Commission, referred to in these regulations as the "Commission". Eligible students seeking a technical Certificate or Diploma from a Technical College System of Georgia institution or University System of Georgia institution may receive HOPE Grant funds covering the full cost of Tuition, certain HOPE-approved Mandatory Fees, and a Book Allowance of up to \$100 per quarter or \$150 per semester. Unlike the HOPE Scholarship Program, students are not required to graduate from high school with a specific grade point average or maintain a specific grade point average at the postsecondary level in order to be eligible for the HOPE Grant Program. The purpose of the HOPE Grant Program is to encourage Georgians to obtain technical training in order to increase the knowledge and skills of Georgia's workforce.

The Official Code of Georgia Annotated § 20-3-519.11 authorizes the Georgia Student Finance Commission to promulgate rules and regulations relating to the HOPE Grant Program that are not inconsistent with the provisions of the Official Code of Georgia Annotated § 20-3-519 et. seq., in its entirety.

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303. Definitions.

“Academic Year” means a period of time, usually eight or nine months, during which a Full-Time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

“Accel Program” means a student financial aid program funded by the Georgia Lottery and administered by the Commission to assist students who are attending an Eligible High School in Georgia and simultaneously taking Degree coursework from an Eligible Postsecondary Institution in Georgia as a Dual Credit Enrollment student.

“Alternative Study” means postsecondary credit-earning coursework made available by an Eligible Postsecondary Institution to its students in locations outside of the State of Georgia, but within the United States.

“Appeal” means a formal written request from a student to the Commission for a review to determine if a HOPE rule, policy, or regulation was applied correctly in the student’s specific case.

“Associate Degree” means a two-year Degree conferred on students by a postsecondary institution upon completion of a unified program of study in an academic discipline or major at the Undergraduate level. Associate Degrees typically require a student to earn at least 60 semester or 90 quarter credit hours.

“Audit” means the act of a student attending a course for personal development, with the understanding and agreement of his or her postsecondary institution that no credit hours or grade will be earned for the course.

“Award Year” means four consecutive quarters or three consecutive semesters, beginning with the summer term and ending with the spring term, or the Non-Standard Term equivalent, or the Non-Term equivalent.

“Award-Year Reconciliation” means the final student-by-student reconciliation for an Award-Year conducted by Eligible Postsecondary Institutions with the Commission.

“Baccalaureate Degree” means a four-year Degree conferred on students by a postsecondary institution upon completion of a unified program of study in an academic discipline or major at the Undergraduate level. Baccalaureate (Bachelor’s) Degrees typically require a student to earn at least 120 semester or 180 quarter credit hours.

“Board” means Board of Commissioners, the governing body of the Georgia Student Finance Commission.

“Board of Regents” means the governing body of the University System of Georgia.

“Book Allowance” means HOPE funds made available to students attending USG and TCSG Eligible Postsecondary Institutions to purchase books and/or supplies for their program of study.

“Carnegie Unit” means one unit of high school credit for a minimum of 150 clock hours of instruction.

“Certificate” means a credential indicating satisfactory completion of training in a technical program of study offered by a postsecondary educational institution, which is not an Associate or Baccalaureate Degree.

“Combined Paid-Hours” means the total number of Paid-Hours a student has accumulated from any combination of the HOPE Scholarship, plus HOPE Grant, plus Accel Program.

“Commission” means the Georgia Student Finance Commission, the agency responsible for administering certain postsecondary educational student financial aid programs offered by the State of Georgia, and other programs for which funds may be appropriated or assigned to it by the State Legislature, or from other sources, from time to time.

“Compliance Review” means an assessment by the Commission of an Eligible Postsecondary Institution by evaluating the Eligible Postsecondary Institution’s compliance with the regulations governing programs administered by the Commission, in accordance with the Commission’s Compliance Review Process and Procedures document.

“Continuing Education” means postsecondary courses designed for personal development, or an extension of the traditional on-campus learning process, and does not lead to credit toward a postsecondary Certificate, Diploma, or Degree.

“Cost of Attendance” means the estimated expenses, both direct and indirect, which may be incurred by a student and the student’s family to finance the cost of receiving a postsecondary education. As determined by the student’s postsecondary institution and as defined by Federal Title IV Regulations, these expenses may include Tuition, fees, room, meals, books, supplies, transportation, and personal expenses.

“Degree” means a two-year Associate Degree or four-year Baccalaureate Degree conferred on students by a postsecondary institution upon completion of a unified Undergraduate program of study in an academic discipline or major.

“Dependent Child” means an individual under the age of 24 who receives financial support from a Parent whose federal or state income tax return lists the individual as a dependent.

“Diploma” means a credential indicating satisfactory completion of training in a technical program of study offered by a postsecondary institution, which is not an Associate or Baccalaureate Degree.

“Disbursed” means the Eligible Postsecondary Institution has credited the student’s account, issued or made available to the student a check, or directly deposited the funds in the student’s personal account

“Distance Learning” means an educational process that is characterized by the separation, in time or place, between instructor and student. It may include courses offered principally through the use of television, audio, video cassettes/discs, correspondence, audio/computer conferencing, and transmission by computer, Internet, open broadcast, closed circuit, cable, microwave, or satellite.

“Dual Credit Enrollment” means Enrollment by a student in a postsecondary course in which an agreement has been established between his or her Eligible High School and an Eligible Postsecondary Institution wherein the student earns Carnegie Units of credit that count toward high school graduation requirements and also earns postsecondary credit hours for such coursework.

“Eligible High School” means any private or public secondary educational institution in the State of Georgia authorized to grant high school diplomas and is, or within the last two years has been, accredited by the Southern Association of Colleges and Schools, the Georgia Accrediting Commission, the Georgia Association of Christian Schools, the Association of Christian Schools International, the Georgia Private School Accreditation Council, or the Southern Association of Independent Schools. If the institution is not located in the State of Georgia, then it must be currently accredited by the Southern Association of Colleges and Schools or one of the following regional or state entities: New England Association of Schools and Colleges, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, Northwest Association of Accredited Schools (successor to the Northwest Association of Schools and Colleges), Western Association of Schools and Colleges, the Alabama Independent School Association, the Southern Association of Independent Schools, or the Florida Council for Independent Schools. Any high school not meeting the definition of an “Eligible High School” is considered to be an ineligible high school for purposes of the HOPE program. The provision, allowing eligibility if accredited by the Southern Association of Colleges and Schools within the last two years, is effective until December 31, 2010.

“Eligible Non-Citizen” means a person who, in accordance with the Federal Title IV Regulations, is a United States permanent resident with a Permanent Resident Card (I-551); or a conditional permanent resident (I-551C); or the holder of an Arrival-Departure Record (I-94) from the Department of Homeland Security showing any one of the following designations: “Refugee”, “Asylum Granted”, “Parolee” (I-94 confirms paroled for a minimum of one year and status has not expired); or “Cuban-Haitian Entrant”. Victims of human trafficking, in accordance with the Victims of Trafficking and Violence Protection Act, may also be considered Eligible Non-Citizens. Persons with an F1 or F2 student visa, a J1 or J2 exchange visitor visa, or a G series visa are not Eligible Non-Citizens.

“Eligible Postsecondary Institution” means an institution that is:

- (1) a unit of the University System of Georgia; or
- (2) a unit of the Technical College System of Georgia; or
- (3) a private independent non-profit postsecondary institution located in Georgia that is eligible to participate in the Tuition Equalization Grant program, which is not a unit of the University System of Georgia, which is not a unit of the Technical College System of Georgia, which is not a Graduate school or college of theology or divinity, and which is accredited or holds candidate status for accreditation by the Southern Association of Colleges and Schools, or was previously accredited by the Southern Association of Colleges and Schools within the last seven years, and which otherwise meets the requirements of this definition, except for lack of accreditation by the Southern Association of Colleges and Schools; or
- (4) a private proprietary (for-profit) postsecondary institution located in Georgia that is eligible to participate in the Tuition Equalization Grant program, which is a Baccalaureate Degree granting postsecondary institution, which is accredited by a regional accrediting agency recognized by the United States Department of Education, which is not a Bible school, which is not a Graduate school or college of theology or divinity, which admits as regular students only persons who have a high school diploma, a General Education Development (GED) diploma, or a Degree from an accredited postsecondary institution, whose students are eligible to participate in the Federal Pell Grant program, which has been reviewed and approved for operation and for receipt of Tuition Equalization Grant funds by the Georgia Nonpublic Postsecondary Education Commission, and which has been in existence for at least ten years.

“Enroll”, “Enrolled” or “Enrollment” means a student has completed the registration requirements, as defined by the postsecondary institution, except for payment of Tuition and fees.

“Exception” means a formal action by the GSFC Board of Commissioners to waive a specific regulation of the HOPE Grant Program for a student who meets one of the criteria provided for in *Section 313 – Appeals and Exceptions* of these

regulations, provided, however, the GSFC Board of Commissioners shall have no authority to waive requirements set forth in O.C.G.A. § 20-3-519 et. seq...

“FAFSA” means Free Application for Federal Student Aid, the paper or electronic form provided and processed by the United States Department of Education and used by students to apply for Federal Title IV Programs, institutional aid, and some state aid programs.

“Federal Title IV Programs” means the student financial aid programs administered by the United States Department of Education that are authorized by Title IV of the Higher Education Act of 1965.

“Federal Title IV Regulations” means federal regulations governing Title IV of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998, found in Chapter Six of Title 34 of the Federal Register.

“Full-Time” means Enrollment for the equivalent of at least 12 quarter or 12 semester hours per school term at a postsecondary institution.

“GCollege411” means the Commission’s website that provides information on careers, Georgia’s postsecondary institutions, student financial aid, and accesses electronic college and financial aid applications.

“Georgia Resident” or “Georgia Residency” means an individual or the status of such individual who is a United States citizen or Eligible Non-Citizen and is domiciled in the State of Georgia and meets the in-state Tuition requirements of the Board of Regents or the governing body of the TCSG Eligible Postsecondary Institution he or she attends, as specified and limited by these regulations, or for students attending private Eligible Postsecondary Institutions, meets the criteria of the *Georgia Residency Requirements for State Programs Regulations*, as specified and limited by these regulations.

“Graduate” means a postsecondary program of study beyond the Baccalaureate Degree.

“GSFAPPS” means the Georgia Student Financial Aid Application System, the Commission’s web-based electronic application process by which students can apply for the scholarship and grant programs administered by the Commission.

“Half-Time” means Enrollment for the equivalent of at least 6 quarter or 6 semester credit hours, but not more than 11 quarter or 11 semester credit hours, per school term at a postsecondary institution.

“Home Institution” means an Eligible Postsecondary Institution in which the student is normally Enrolled and is in a Matriculated status working toward a Degree, Diploma, or Certificate.

“HOPE” means Helping Outstanding Pupils Educationally, a State of Georgia student financial aid program administered by the Commission to provide non-repayable scholarship and grant assistance to residents of Georgia attending Eligible Postsecondary Institutions in Georgia. The components that comprise HOPE are the HOPE Scholarship Program, HOPE Grant Program, and HOPE GED Grant Program. HOPE is authorized by the Official Code of Georgia Annotated § 20-3-519, is funded by State of Georgia Lottery appropriations, and administered by the Commission in accordance with the *HOPE Scholarship Program Regulations, HOPE Grant Program Regulations, and HOPE GED Grant Program Regulations*.

“HOPE GED Grant Program” or “HOPE GED Grant” means a State of Georgia student financial aid program that provides grant assistance to Georgia Residents who received GED diplomas, and are attending Eligible Postsecondary Institutions. The HOPE GED Grant Program is authorized by O. C. G. A. § 20-3-519, funded by Georgia Lottery appropriations, and administered by the Commission in accordance with the *HOPE GED Grant Program Regulations*.

“HOPE Grant Program” or “HOPE Grant” means a State of Georgia student financial aid program that provides grant assistance to Georgia Residents seeking technical Certificates or Diplomas from TCSG and USG Eligible Postsecondary Institutions. The HOPE Grant Program is authorized by O. C. G. A. § 20-3-519, funded by Georgia Lottery appropriations, and administered by the Commission in accordance with the *HOPE Grant Program Regulations...*

“HOPE Scholarship Program” or “HOPE Scholarship” means a State of Georgia student financial aid program that provides merit-based scholarship assistance to Georgia Residents seeking Degrees from Eligible Postsecondary Institutions. The HOPE Scholarship Program is authorized by O. C. G. A. § 20-3-519, funded by Georgia Lottery appropriations, and administered by the Commission in accordance with the *HOPE Scholarship Program Regulations*.

“Host Institution” means a postsecondary institution a student is temporarily attending as a Transient student.

“Immediate Family” means the Parent, spouse, child or sibling of a student.

“Incarcerated” means to be confined by competent public authority or under due legal process. A student is considered Incarcerated if he or she is serving a criminal sentence in a federal, state, or local penitentiary, prison, jail, reformatory, work farm, half-way house, or similar correctional institution (whether operated by the government or a contractor) or is sentenced to home detention.

“Joint Enrollment” means an arrangement whereby a high school student is Enrolled in postsecondary coursework with an Eligible Postsecondary Institution while continuing to pursue his or her high school diploma, but the student’s high school has not agreed to accept the postsecondary coursework as credit toward the student’s high school graduation requirements.

“Learning Support” means remedial coursework provided by a postsecondary institution to a student whose entrance or placement evaluation has identified deficiencies in the student’s academic preparation or readiness for specific core curriculum postsecondary level coursework.

“Mandatory Fees” means fees charged by an Eligible Postsecondary Institution to every student Enrolled at that institution, regardless of their program of study, which are approved by the Commission for HOPE payment. The Mandatory Fees are capped at the same amount allowed for the 2003-2004 Award Year at each institution.

“Matriculated” means a student is fully admitted and Enrolled in a postsecondary institution in a unified academic program of study leading to a Degree, Diploma, or Certificate.

“Military Personnel” means an active member of the Armed Forces of the United States, including members of the Army, Navy, Air Force, Marine Corps, and Coast Guard. Commissioned officers of the Public Health Service or the National Oceanic and Atmospheric Administration on active duty are also considered to be Military Personnel.

“Non-Standard Term” means a school term where all coursework is expected to begin and end within a set period of time, but is not a semester, trimester, or quarter term. Non-Standard terms may be of unequal length within an Award Year.

“Non-Term” means a program of study measuring progress in clock hours, or a program of study measuring progress in credit hours and has courses that do not begin and end within a set period of time, or has courses that overlap, or has sequential courses that do not begin and end within a term.

“Paid-Hours” means the postsecondary credit hours attempted by a student, for which he or she received payment from the HOPE Scholarship Program, HOPE Grant Program, and the Accel Program. Paid-Hours are used to determine when a student has reached the maximum number of hours for which he or she can receive payment from any combination of the HOPE Scholarship, HOPE Grant, and Accel Program, referred to in these regulations as Combined Paid-Hours limit. The Paid-Hours limit for HOPE Grant eligibility is determined by totaling only the hours for which a student received HOPE Grant payment. The hours for which a student received HOPE Grant payment prior to the Summer term of

2003 are not counted as Paid-Hours. The hours for which a student received HOPE Grant payment for the Summer term of 2003, Fall term of 2003, Winter term of 2004, Spring term of 2004, and Summer term of 2004 are counted as Paid-Hours, except if the student was also attending high school during these terms. Beginning with Fall term of 2004 and ending with Spring term of 2008, all credit hours for which a student received HOPE Grant payment are counted as Paid-Hours, regardless of whether the student was simultaneously attending high school. Beginning with Summer term of 2008, all credit hours for which a high school student received HOPE Grant payment are counted as Paid-Hours, unless such credit hours were attempted during a term that started on or after July 1, 2008 while the student was participating in Dual Credit Enrollment with an Eligible High School and a public Eligible Postsecondary Institution. If a student received HOPE Grant payment prior to his or her high school graduation, and such student was not participating in Dual Credit Enrollment for those credit hours, then such credit hours must be counted as Paid-Hours.

“Parent” means the natural mother or father, adoptive parent, or United States court-appointed legal guardian of a student.

“Satisfactory Academic Progress” means the academic standards required of students by their postsecondary institutions in order to be eligible to receive payment from Federal Title IV Programs, in accordance with Federal Title IV Regulations.

“Serious Illness or Injury” means a health problem that is medically documented as being severe enough to interfere with the student’s ability to perform academically.

“Stationed” means the permanent place of military duty to which Military Personnel are officially assigned or attached by official orders. Military Personnel are not considered Stationed when the military orders are for temporary duty assignments.

“Study Abroad” means postsecondary credit-earning coursework made available or approved by an Eligible Postsecondary Institution for its students in locations outside the United States.

“SURFER” means the Commission’s web-based system used by Eligible Postsecondary Institutions to electronically transmit and receive student data, HOPE award information, and conduct other administrative activities related to the Commission’s scholarship and grant programs.

“Technical College System of Georgia” or “TCSG” means the State of Georgia’s unified system of public technical colleges, formerly known as the Department of Technical and Adult Education (DTAE), which is governed by the TCSG Board of Commissioners.

“Term-Reconciliation” means an official acknowledgement by an authorized official of an Eligible Postsecondary Institution, at the end of each school term, that the number of students submitted for payment and amount invoiced by the institution, and the number of students awarded and amount issued by the Commission, according to the SURFER system, are accurate on the date of such acknowledgement.

“Transient” means temporary admission to a Host Institution for the purpose of completing coursework and earning postsecondary credit that the Home Institution has agreed to accept toward a Degree, Diploma, or Certificate.

“Tuition” means the charges to a student for instruction without regard to other fees such as technology, activity, athletic, health, etc.

“Tuition Equalization Grant” or “TEG” means the State of Georgia student financial aid program administered by the Commission and funded by state appropriations to provide grant assistance for postsecondary study to Georgia Residents, in accordance with O.C.G.A. § 20-3-410 et seq..

“Undergraduate” means coursework that is included in a postsecondary program of study leading to an Associate Degree, Baccalaureate Degree, Certificate, or Diploma and is not included in a Graduate program of study.

“University System of Georgia or USG” means the State of Georgia’s unified system of public colleges and universities, which is governed by the Board of Regents.

“Withdrawal Date” means the date the student withdraws, as determined by the institution. The institution must determine the withdrawal date in accordance with the procedures set forth for determining withdrawal date under the Higher Education Act of 1965, as amended.

304. General Eligibility Requirements.

304.1. Citizenship.

A student must be a United States citizen or an Eligible Non-Citizen for 12 consecutive months immediately preceding the first day of classes of the school term for which the HOPE Grant is sought. Full-time employees of the Free Trade Area of the Americas (FTAA), their spouses, and their dependents are not exempt from this requirement.

304.2. Georgia Residency.

- a. A student attending a TCSG or USG institution must meet the Georgia Residency requirements of the Board of Regents or the Technical College System of Georgia for 12 consecutive months immediately prior to the first day of classes of the school term for which the HOPE Grant is sought. A Dependent Child of Military Personnel who is Stationed in Georgia on active duty shall be treated as a Georgia Resident for purposes of HOPE Grant eligibility. If the TCSG or USG institution grants a Military Personnel out-of-state tuition waiver, then such student meets the Georgia Residency requirements of the HOPE Grant. No out-of-state tuition waiver, other than for Military Personnel and their dependents, qualify students for HOPE Grant eligibility.
- b. A student who was correctly determined to meet the Georgia Residency requirements for purposes of HOPE Grant eligibility and began receiving HOPE Grant payment, will continue to meet the Georgia Residency requirements for purposes of HOPE Grant eligibility, unless he or she has a break in Enrollment of two or more consecutive semesters or quarters and resides outside of Georgia for 12 or more consecutive months. If such student later returns to Georgia, he or she must re-establish Georgia Residency for 12 consecutive months, (in accordance with *Section 304.2.a.*), before regaining HOPE eligibility. A student who has a break in Enrollment of two or more consecutive semesters or quarters, and who resides outside Georgia for less than 12 consecutive months, and then later returns to Georgia and Enrolls in an Eligible Postsecondary Institution within 12 consecutive months from his or her most recent date of Enrollment in an Eligible Postsecondary Institution, will continue to meet the Georgia Residency requirements for purposes of HOPE eligibility.
- c. The full time employees of the Free Trade Area of the Americas (FTAA), who are recognized by the United States Department of State as based in Georgia, their spouses, and their dependents are considered to meet the Georgia Residency requirements for participation in the HOPE Grant Program, regardless of the length of time they have resided in the State of Georgia.

304.3. Enrollment Status.

- a. A student must be Enrolled at a USG or TCSG Eligible Postsecondary Institution in a Matriculated status leading to a technical Certificate or Diploma. The Certificate or Diploma program of study must be approved by the Board of Commissioners of the Technical College System of Georgia or be a comparable program of study approved by the Board of Regents of the University System of Georgia. Such Certificate or Diploma must be granted and issued to the student from his or her Eligible Postsecondary Institution.
- b. A student is eligible for the HOPE Grant regardless of the number of credit hours for which he or she is Enrolled during a school term. Half-Time or Full-Time Enrollment is not a requirement.
- c. A student is eligible to receive HOPE Grant payment for the full number of hours Enrolled for the school term in which he or she reaches the Paid-Hours limit or the Combined Paid-Hours limit.
- d. A student is eligible for HOPE Grant payment for a Certificate or Diploma course, only if such course is included in his or her Certificate or Diploma program of study. The only exception is for Degree courses that have a direct and specific correlation to required courses included in the student's Certificate or Diploma program of study. A student cannot receive HOPE Grant payment for Degree courses used to fulfill general elective requirements for a Certificate or Diploma program of study.

304.4. Satisfactory Academic Progress.

A student must maintain Satisfactory Academic Progress, as certified by his or her Eligible Postsecondary Institution.

304.5. Selective Service Registration.

A student must be in compliance with the United States Selective Service System requirements, if such requirements are applicable, prior to the HOPE Grant application deadline (Refer to Section 307.2.) in order to be eligible for HOPE Grant payment for such school term.

304.6. Defaulted Loan or Refund Due.

A student must not be in default on a Federal Title IV or State of Georgia educational loan, nor owe a refund on a Federal Title IV or State of Georgia student financial aid program, nor in any other way be in violation of Federal Title IV Regulations or State of Georgia student financial aid program regulations. If such student has repaid the defaulted loan or refund due in full, or resolved the default status, then he or she may be eligible to receive HOPE Grant funds

beginning with the school term in which repayment was made in full, but not retroactively for previous school terms. A student's default status can be resolved one of four ways: 1) completing an acceptable rehabilitation plan, 2) having the loan repurchased by the original lender and the default status reversed, 3) by consolidating the loan out of a default status, or 4) by receiving an approved Title IV debt settlement.

304.7. Georgia Drug-Free Act.

A student convicted for committing certain felony offenses involving marijuana, controlled substances, or dangerous drugs, is ineligible for HOPE payment from the date of conviction to the completion of the following school term, in accordance with the Georgia Drug-Free Postsecondary Education Act of 1990, O.C.G.A. § 20-1-24..

304.8. Incarceration.

A student seeking a technical Certificate or Diploma from an Eligible Postsecondary Institution is ineligible for HOPE payment while Incarcerated. Upon release from Incarceration, such students may begin receiving HOPE Grant payments, if he or she meets all eligibility requirements.

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305. Program Specific Eligibility Requirements.

305.1. Paid-Hours Limit.

- a. A student may receive HOPE Grant payment for all coursework required by an Eligible Postsecondary Institution for a program of study leading to a technical Certificate or Diploma, including Learning Support coursework. However, recipients are limited by the number of credit hours for which they can receive HOPE Grant payment, referred to in these regulations as the Paid-Hours limit.
- b. The Paid-Hours limit is 95 quarter or 63 semester hours of HOPE Grant payment, except for students Enrolled in specific technical Certificate or Diploma programs of study approved by the Board of Regents or the Technical College System of Georgia to require more than 95 quarter or 63 semester hours of coursework. Such students are eligible for HOPE Grant payment for the number of hours required by the program of study, up to a maximum of 130 quarter or 86 semester Paid-Hours.
- c. Technical Certificate or Diploma credit hours attempted prior to Summer term of 2003 are not counted as Paid-Hours, regardless of HOPE Grant payment.
- d. Technical Certificate or Diploma credit hours attempted beginning with the Summer term of 2003, for which the student received HOPE Grant payment, must be counted as Paid-Hours, unless the student was a high school Joint Enrollment or Dual Credit Enrollment student during such term.
- e. Technical Certificate or Diploma credit hours for which a student received HOPE Grant payment for Summer term 2003, Fall term 2003, Winter term 2004, Spring term 2004, or Summer term 2004 are not counted as Paid-Hours, if the student was also Enrolled in high school as a Joint Enrollment or Dual Credit Enrollment student for such term.
- f. Technical Certificate or Diploma credit hours for which a Joint Enrollment or Dual Credit Enrollment high school student received HOPE Grant payment for Fall term of 2004, through the Spring term of 2008, must be counted as Paid-Hours.
- g. Technical Certificate or Diploma credit hours for which a Dual Credit Enrollment high school student received HOPE Grant payment for Summer term of 2008, and all terms following Summer term of 2008, are not counted as Paid-Hours. However, such credit hours for which a student received HOPE Grant payment prior to his or her high school graduation must be counted as Paid-Hours, if the student was participating in Joint Enrollment, rather than Dual Credit Enrollment.

305.2. Combined Paid-Hours Limit.

In addition to the Paid-Hours limit for HOPE Grant eligibility, a student is ineligible to receive HOPE Grant payment once he or she reaches the Combined Paid-Hours limit of 190 quarter or 127 semester hours from any combination of HOPE Scholarship Paid-Hours, plus HOPE Grant Paid-Hours, plus Accel Program Paid-Hours.

305.3. Attainment of a Certificate, Diploma, or Degree.

A student meeting all HOPE Grant eligibility requirements who has earned a technical Certificate, technical Diploma, Associate Degree, Baccalaureate Degree, or Graduate Degree is eligible for HOPE Grant payment, provided that such student has not reached the Paid-Hours limit for HOPE Grant eligibility or the Combined Paid-Hours limit. Recipients of the HOPE Grant are not limited by the number of technical Certificate or Diploma programs of study for which they can receive HOPE Grant payment

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306. Eligible Coursework.

306.1. Joint and Dual Enrollment Coursework.

- a. A student, meeting all other HOPE Grant requirements, is eligible for HOPE Grant payment for postsecondary technical Certificate or Diploma coursework as a Joint Enrollment or Dual Credit Enrollment student at an Eligible Postsecondary Institution.
- b. The credit hours for which a student receives HOPE Grant funds for Joint Enrollment coursework must count toward the Paid-Hours limit and the Combined Paid-Hours limit.
- c. The credit hours for which a student receives HOPE Grant funds for Dual Credit Enrollment coursework must count toward the Paid-Hours limit and the Combined Paid-Hours limit, if such coursework was attempted during a school term that began prior to July 1, 2008.
- d. The credit hours for which a student receives HOPE Grant funds for Dual Credit Enrollment coursework must not count toward the Paid-Hours limit and the Combined Paid-Hours limit, if such coursework was attempted during a school term that began on or after July 1, 2008.

306.2. Learning Support Coursework.

A student seeking a technical Certificate or Diploma, who Enrolls in Learning Support coursework, is eligible for HOPE Grant payment for such coursework, if he or she meets all other HOPE Grant eligibility requirements. Such Learning Support credit hours must count toward the Paid-Hours limit and the Combined Paid-Hours limit.

306.3. Coursework Exemptions.

A student is ineligible to receive HOPE Grant payment for coursework that was exempted or given credit by examination, testing, training, or experience.

306.4. Distance Learning Coursework.

- a. A student participating in Distance Learning coursework is eligible to receive HOPE Grant payment if all other eligibility requirements are met. The institution offering the Distance Learning coursework must be a TCSG or USG Eligible Postsecondary Institution.
- b. A student taking coursework through more than one Eligible Postsecondary Institution during the same term is eligible to receive HOPE Grant payment from each institution. The payment process for Distance Learning students is

the same as for Transient students. (Refer to *Section 306.5*.) Distance Learning students are eligible to receive HOPE Grant payment from each Eligible Postsecondary Institution to cover the Tuition charged by the institution, Mandatory Fees for Distance Learning students, and the Book Allowance.

- c. The Mandatory Fees award amount for a student who is only Enrolled in Distance Learning coursework for a school term at a USG institution, is limited to the HOPE-approved technology fee. The Mandatory Fees award amount for a student who is only Enrolled in Distance Learning coursework for a school term at a TCSG institution, is limited to the HOPE-approved registration fee.

306.5. Transient Coursework.

- a. A Transient student is eligible to receive HOPE Grant payment if all other eligibility requirements are met. Both the Home Institution and the Host Institution must be TCSG or USG Eligible Postsecondary Institutions.
- b. The Host Institution awards HOPE Grant funds to the Transient student based on certification of eligibility from the Home Institution. The Home Institution is responsible for verifying the eligibility of their Transient students. The HOPE Grant award must be the amount the student would normally receive at the Host Institution if she or she were a regular student. The Host Institution must report HOPE Grant payment for Transient students to the Commission in the same manner it reports HOPE Grant payments for their regular students. Upon the student's return to the Home Institution, the Host Institution must provide information necessary for the Home Institution to determine continued HOPE Grant eligibility.

306.6. Study Abroad Coursework.

A student seeking a technical Certificate or Diploma is ineligible to receive HOPE Grant payment for Study Abroad coursework.

306.7. Alternative Study Coursework.

A student seeking a technical Certificate or Diploma is ineligible to receive HOPE Grant payment for Alternative Study coursework.

306.8. Continuing Education and Audit Coursework.

A student is ineligible to receive HOPE Grant payment for coursework classified by his or her Eligible Postsecondary Institution as Continuing Education or Audit coursework.

306.9. Total Withdrawal from Coursework.

A student is ineligible for HOPE Grant payment for coursework from which he or she totally withdrew if, as a result, such coursework does not appear on the student's academic transcript as a "Withdrawal" or any other similar identification. (Refer to *Section 310.1*.)

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307. Student Application Requirements.

307.1. Application Forms.

- a. In order to be considered for a HOPE Grant, a student must complete one of the following application forms.
 1. A GSFAPPS electronic application;
 2. A paper HOPE Scholarship and Grant Application, (printable from the GAcademy411 website), or
 3. A current year FAFSA.
- b. In addition to one of these three applications, an Eligible Postsecondary Institution may require students to complete the institution's application for student financial aid or other forms to provide supplemental information for the purpose of determining HOPE Grant eligibility.
- c. Once a student has submitted a GSFAPPS or paper HOPE Scholarship and Grant Application, and it has been accepted on the Commission's system as a valid application, it will remain on the Commission's system as a valid application for 72 consecutive months following the application's approval date. The student's application will remain valid during the 72-month period, regardless of whether or not an institution submits a HOPE invoice to the Commission on behalf of the student during the 72-month period. Upon conclusion of the 72-month period, the student's application will expire. Once an application has expired, the student will be required to submit a new application in order for a HOPE invoice to be processed for the student by the Commission. If during the original application's 72-month period, the student submits to the Commission a new application for HOPE, or an application for a program other than HOPE, both applications will remain valid for 72 consecutive months following the most recent application's approval date. The above stipulations of this paragraph apply to all GSFAPPS and paper HOPE Scholarship and Grant Applications accepted as valid applications on the Commission's system, including such applications that were submitted to and accepted by the Commission prior to the 2009-2010 Award Year.
 1. If a student previously submitted an e-HOPE application, it can serve as a valid current Award Year application for HOPE, until November 30, 2011, at which time, all e-HOPE applications will expire. The e-HOPE application was the electronic process used to apply for HOPE, prior to GSFAPPS.
 2. If the Eligible Postsecondary Institution has a paper application on file that was completed before the 2006-2007 Award Year, and it was not submitted to the Commission for data-entry, the institution may invoice the Commission,

on behalf of the student, based upon that application until November 30, 2011, at which time, all paper applications completed before the 2006-2007 Award Year, that were not submitted to the Commission for data-entry, will expire.

- d. A student who applies for HOPE by completing and submitting a FAFSA must complete and submit a new FAFSA for each Award Year.

307.2. Application Deadline Date.

A student must file a GSFAPPS, FAFSA, or paper HOPE Scholarship and Grant Application on or before the last day of the school term (semester or quarter) or the student's withdrawal date, whichever occurs first, in order to be paid for that school term. The last day of the school term is the last day of classes or exams for the institution, whichever occurs later. Supplemental documentation required by the institution or the Commission to support or verify a student's application information may be submitted after the deadline without jeopardizing the student's eligibility.

307.3. Application for Subsequent Years.

It is not mandatory, except as provided for in *Section 307.1.b. and c.* of these regulations, for a student to complete a new application for the HOPE Grant for each Award Year. However, Eligible Postsecondary Institutions may require their students to complete a new application each Award Year.

308. Award Requirements.

308.1. Tuition and Mandatory Fees Awards.

- a. The HOPE Grant covers Tuition and Mandatory Fees. Award amounts may include cents and must not be rounded. HOPE Grant funds awarded for Tuition and Mandatory Fees can only be applied to Tuition and Mandatory Fees, not other expenses such as room and board.
- b. The HOPE Grant award amount for Tuition must not be greater than the in-state Tuition rate for the specific program of study of the Eligible Postsecondary Institution.
- c. The Mandatory Fees award amount for each Eligible Postsecondary Institution is capped at the amount allowed for the 2003-2004 Award Year. An Eligible Postsecondary Institution may increase or decrease the amount charged to students for one or more of the Mandatory Fees, or create a new fee, however, the total Mandatory Fees award amount cannot exceed the total Mandatory Fees award amount as set in the 2003-2004 Award Year. For a USG or TCGS institution established after January 1, 2004, the Mandatory Fees award amount is equal to the amount initially approved for the new institution for its first year of operation, by action of the Board of Regents or the Technical College System of Georgia.
- d. If a student is receiving student financial aid from a source other than the HOPE Grant and such aid is required by the donor to be applied to the student's Tuition and Mandatory Fee charges, then the student's HOPE Grant award for Tuition and Mandatory Fees must be reduced by the amount of such aid.
- e. A student's HOPE Grant award amount for Tuition and Mandatory Fees is not reduced if the student is receiving financial aid that is applied to educational expenses other than Tuition and Mandatory Fees, even if the student's total aid exceeds his or her Cost of Attendance budget.

308.2. Book Allowance Awards.

- a. The HOPE Grant award amount includes a Book Allowance payment of \$100 per quarter or \$150 per semester, if the student is at least Half-Time (six or more hours). A student who is Enrolled for less than Half-Time will receive \$50 per quarter or \$75 per semester.
- b. A student's eligibility for the Book Allowance is based on his or her Enrollment status at the end of the first day of classes of the school term. If a student withdraws from courses on or before the first day of classes, his or her eligibility for the Book Allowance is calculated by using the hours for which he

or she was Enrolled at the end of the first day of classes. If a student adds coursework after the first day of classes, bringing his or her total hours to six or more, the student is eligible for a full Book Allowance payment. A student who Enrolls after the first day of classes is eligible for a Book Allowance based on the number of hours for which he or she Enrolled. An institution that disbursed the Book Allowance to a student who later drops or withdraws from courses is held harmless if the award was correct at the time of disbursement.

- c. If a student is Enrolled in two or more programs of study (Degree, Certificate, Diploma, or any combination) within the same term at the same Eligible Postsecondary Institution, he or she should only receive one Book Allowance award based on the total hours of Enrollment for that school term. A student Enrolled in two or more programs of study within the same school term at more than one Eligible Postsecondary Institution is eligible for a Book Allowance payment at each Eligible Postsecondary Institution.
- d. A student is eligible for the Book Allowance regardless of whether his or her Cost of Attendance or financial need is met or exceeded by other types or sources of student financial aid.
- e. Funds for the Book Allowance must be made available by the Eligible Postsecondary Institution to the student for the purchase of books and supplies. Book Allowance funds cannot be applied by the Eligible Postsecondary Institution to a student's direct charges, such as fees, room, and meals, unless the institution obtains written or electronic authorization from the student to do so.

308.3. Awards Per School Term.

The HOPE Grant is available to students for the standard school terms of Summer, Fall, and Spring semesters or Summer, Fall, Winter, and Spring quarters. An institution may combine mini-terms or modules to form the equivalent of a standard semester or quarter. An institution may offer Non-Standard Terms or Non-Terms, in which courses or modules are taken consecutively to form the equivalent of a standard semester or quarter. Regardless of the structure of an Eligible Postsecondary Institution's school terms, a student may be awarded HOPE Grant funds for a maximum of three semesters or four quarters per Award Year.

308.4. Student Notification of Award.

Eligible Postsecondary Institutions must notify each HOPE Grant recipient of the amount of HOPE Grant funds he or she is awarded for the Award Year, and identify such funds as a HOPE Grant award.

309. Invoicing Requirements.

309.1. Submission of Invoices.

Eligible Postsecondary Institutions may submit HOPE invoices to the Commission as early as 15 days prior to the first day of classes for the school term.

309.2. Payment of Invoices.

HOPE funds are paid to Eligible Postsecondary Institutions by check or electronic transfer of funds on behalf of eligible students each school term upon submission to the Commission of a HOPE invoice.

309.3. Tuition and Mandatory Fees Payments.

Upon receipt of HOPE payments from the Commission, the institution must credit the amount of payment on behalf of the eligible student to the student's account, toward Tuition and Mandatory Fee charges.

309.4. Book Allowance Payments.

Funds for the Book Allowance must be made available to the student for the purchase of books and supplies. Book Allowance funds cannot be applied by the Eligible Postsecondary Institution to a student's direct charges, such as fees, room and meals, unless the institution obtains written or electronic authorization from the student to do so.

310. Student Refunds.

310.1. Calculation of Refunds.

- a. If the student officially withdraws, drops out, drops hours, is expelled, or otherwise fails to complete a period of Enrollment and is entitled to a refund, a portion of such refund may need to be returned to the HOPE fund. A student is ineligible for the HOPE Grant for coursework from which he or she totally withdrew if, as a result, such coursework does not appear on the student's academic transcript as a "Withdrawal", or any other code or identification for such a withdrawal. If the institution invoiced the Commission prior to the student's total withdrawal, then the institution must cancel the student's HOPE award for that term, through the SURFER system.
- b. If applicable, the Eligible Postsecondary Institution must first apply the Federal Title IV Return of Funds policy for any federal aid the student may have received. To determine the refund to HOPE, the institution must then apply the institution's refund policy, which may or may not be identical to Federal Title IV Return of Funds policy, to the student's original HOPE award for Tuition and Mandatory Fees. The Book Allowance is not part of the refund calculation.
- c. The Eligible Postsecondary Institution must determine the amount of the HOPE refund for Tuition and Mandatory Fee charges, post the refund on the student's record in the Commission's system within 45 days of the determination, and return that amount to the Commission at the time of the End-of-Year Reconciliation. The remainder of the HOPE award for Tuition and Mandatory Fees is retained by the institution to cover the institution's cost for the portion of the school term that the student was Enrolled.

310.2. Collection of Refunds.

A student who owes a refund to the Commission should pay the Eligible Postsecondary Institution and the Eligible Postsecondary Institution should pay the Commission or, at its sole discretion, the Commission may require the student to pay the refund directly to the Commission. Nothing herein shall be deemed to prohibit the Commission or the Eligible Postsecondary Institution from using all available legal and equitable remedies to collect the refund.

310.3. Emergency Military Duty.

A student who is a member of the United States Armed Forces, National Guard, or Military Reserve Forces receiving funds from the HOPE Grant Program who is called to emergency military duty during a school term that is already in progress should not have their HOPE Grant eligibility negatively impacted. If the Eligible Postsecondary Institution the student attends allows the student to totally

withdraw and receive a grade such as “WM” for “military withdrawal” or the institution totally removes all grades for that term and corresponding credit hours from the student’s records, the institution should return the full amount of the Tuition and Mandatory Fee charges to the HOPE account. If the Book Allowance has already been issued to the student, then the Book Allowance funds do not have to be refunded. This regulation may also be applied to students who are not members of the military but are otherwise unusually and detrimentally affected by the emergency activation of members of the military, as determined by the president of the Eligible Postsecondary Institution that such student is attending.

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311. Reconciliation Requirements.

311.1. Term-Reconciliation.

Eligible Postsecondary Institutions must conduct a Term-Reconciliation by the end of each term. A Term-Reconciliation consists of an official acknowledgement by an authorized school official that the number of students submitted for payment, the amount invoiced by the institution, the number of students awarded and the amount issued by the Commission, according to the SURFER system, is accurate on that date. The Commission will not issue HOPE funds for the following term until the Term-Reconciliation is complete. Funds are not returned to the Commission as part of the Term-Reconciliation process.

311.2. Award-Year Reconciliation.

In addition to the Term-Reconciliations, the Eligible Postsecondary Institution must conduct the Award-Year Reconciliation. The institution must conduct a complete student-by-student Award-Year Reconciliation with the Commission, and submit a Reconciliation Certification Form to the Commission by August 1, immediately following the completion of the Award Year.

311.3 Return of Funds.

The institution must return to the Commission any HOPE funds not utilized according to the Award-Year Reconciliation within 30 days of completing the Award-Year Reconciliation process. This includes Book Allowance funds. The institution must have a procedure in place to ensure that the HOPE funds do not go to an unintended third party (i.e. State, institution).

312. Records Retention Requirements.

312.1. Length of Retention.

An Eligible Postsecondary Institution shall maintain accurate records, books, documents and other evidence concerning the HOPE Grant Program, including, but not limited to individual student files for the later of three years after the Award Year in which the aid was awarded; or for such other period as required by an applicable statute, rule, or regulation; or such other time as requested in writing by the Commission.

312.2. Documentation.

- a. Documentation contained within an individual student file or record, which supports the original determination of a student's eligibility, must be retained by the institution and available for review by the Commission on the institution's campus, located within the State of Georgia, for at least three calendar years after the most recent Award Year for which the student received HOPE funds. (Refer to *Section 314*.) Institutions are permitted to maintain these documents in an imaged media format. The imaged media format must be capable of reproducing an accurate, legible, and complete copy of the original document.
- b. Such documentation may include, but is not limited to, copies of Permanent Resident Alien Cards, Georgia State Income Tax Returns, student financial aid applications and academic transcripts from previous institutions. Documentation regarding a student's eligibility is not limited to files, records, and other information received and maintained by the institution's Student Financial Aid Office. Documentation supporting a student's eligibility that is received and maintained by the institution's Admissions Office, Registrars Office, Business Office, and other administrative operations of the institution must be available to the Commission for the purpose of Compliance Reviews. It is the institution's responsibility to resolve any inconsistencies or conflicting information within a student's records, prior to awarding or disbursing HOPE funds to the student.

312.3. Extended Retention.

An institution may be required to retain student records involved in a compliance review, audit, or investigation for more than the three-year retention period described above. If the three-year retention period expires before the issue in question is resolved, the institution must continue to retain all associated records until resolution is reached.

313. Appeals and Exceptions.

If a student wishes to Appeal a determination of eligibility made by an Eligible Postsecondary Institution or the Commission or to request an Exception to these regulations, then he or she must follow the HOPE Grant Appeal and Exception process.

313.1. Filing an Appeal or Exception.

In order for an Appeal or Exception to be considered, the student must write a request for an Appeal or an Exception to the Commission office within 45 days of receiving notice of denial. If additional information is requested from the student, it must be provided within the time frame specified by the Commission. The Commission decides a case based only on documentation provided, rather than a personal presentation.

313.2. Appeals.

The HOPE Grant regulations are applied to each student considered for such funds by appropriate officials of Eligible Postsecondary Institutions and by the administrative staff of the Commission. If a student believes a HOPE Grant rule or regulation was incorrectly applied in his/her case, the student has the right to file an Appeal with the Commission. The Commission will review the case and determine whether the rule or regulation was applied correctly and notify the student and institution of the determination.

313.3. Exceptions.

- a. In exceptional cases, the Board of Commissioners of the Commission may grant a HOPE Grant award to a student who fails to meet the regulatory requirements for HOPE Grant funds. The Board of Commissioners has sole discretion to grant an Exception based on the circumstances presented by a student who is requesting an Exception. No student has the right to a HOPE Grant award under any of the circumstances described in *Section 313.4*. No student has the right to Appeal the denial of an Exception by the Board of Commissioners. Each individual HOPE Grant recipient is limited to one Exception, as granted by the Board of Commissioners, and such Exception shall only apply to one school term.
- b. Requests for Exceptions are processed by the Commission staff and prepared for review by the Board of Commissioners. A summary of each case is prepared by staff based on the guidelines set forth in *Section 313.4*. or *Section 313.5*. Staff summaries shall be presented to the Public Policy and Law Committee of the Board of Commissioners at its regularly scheduled quarterly meeting. The requests for Exceptions shall be approved or denied by the Public Policy and Law Committee. The Committee's decisions are then

presented to the full Board for approval or denial. The Commission staff is expected to notify the student of the Board of Commissioner's decisions within seven days of the approval or denial.

- c. Exceptions granted by the Board of Commissioners shall provide for the forgiveness of postsecondary Attempted-Hours and/or Paid-Hours, but in no case or circumstance shall a student's postsecondary grade(s), as determined by the student's postsecondary institution, be forgiven or altered by the Board of Commissioners. Nor, under any circumstances, shall an Exception be made regarding student-data submitted to the Commission by a student's high school for purposes of determining the student's eligibility for a HOPE Scholarship.

313.4. Exception Guidelines for Approval.

The Commission staff, in its summary, shall classify each request for an Exception based on the information presented. The classifications are based on the following guidelines:

- A30 Requests for an Exception may be allowed for a HOPE Grant recipient who completely withdrew from all courses during a term due to a Serious Illness or Injury suffered by the student, or a death in the student's Immediate Family, so that by forgiving the Attempted-Hours and/or Paid-Hours from which the student withdrew, the student's total length of eligibility for HOPE funds is extended.
- A31 Requests for an Exception may be allowed for a HOPE Grant recipient who partially withdrew from a term due to a Serious Illness or Injury suffered by the student, or a death in the student's Immediate Family and the student's instructor(s) allowed the student to take an "incomplete" in the course(s) or the Eligible Postsecondary Institution made it compulsory for the student to withdraw from the course(s), so that by forgiving the Attempted-Hours and/or Paid-Hours from which the student withdrew, the student's total length of eligibility for HOPE funds is extended.
- A32 Requests for an Exception may be allowed for a HOPE Grant recipient who completely withdrew from all courses during a term due to a psychiatric disorder for which the student was treated pharmacologically, so that by forgiving the Attempted-Hours and/or Paid-Hours from which the student withdrew, the student's total length of eligibility for HOPE funds is extended.
- A33 Requests for an Exception may be allowed for a HOPE Grant recipient who partially withdrew from a term due to a psychiatric disorder for which the student was treated pharmacologically, and the student's instructor(s) allowed the student to take an "incomplete" in the course(s) or the Eligible Postsecondary Institution made it compulsory for the student to withdraw

from the course(s), so that by forgiving the Attempted-Hours and/or Paid-Hours from which the student withdrew, the student's total length of eligibility for HOPE funds is extended.

- A34 Requests for an Exception may be allowed for a HOPE Grant recipient who completely withdrew from all courses during a term because the student was required to provide temporary care for an Immediate Family member and can show that no one else was able to provide the care, so that by forgiving the Attempted-Hours and/or Paid-Hours from which the student withdrew, the student's total length of eligibility for HOPE funds is extended.
- A35 Requests for an Exception may be allowed for a HOPE Grant recipient who partially withdrew from a term because the student was required to provide temporary care for an Immediate Family member and can show that no one else was able to provide the care, and the student's instructor(s) allowed the student to take an "incomplete" in the course(s) or the Eligible Postsecondary Institution made it compulsory for the student to withdraw from the course(s), so that by forgiving the Attempted-Hours and/or Paid-Hours from which the student withdrew, the student's total length of eligibility for HOPE funds is extended.

313.5. Guidelines for Denial.

Commission staff, in its summary, shall classify each request for an Exception based on the information presented. The classifications are based on the following guidelines:

- D30 Regardless of the extenuating circumstances, a request for an Exception may be denied if the student does not provide a request for an Exception in writing within 45 calendar days of receiving notice of ineligibility for the HOPE Grant.
- D31 Requests for an Exception shall be denied when the basis of the request is the diagnosis of or presence of a learning disability.
- D32 Requests for an Exception shall be denied when the basis of the request is the Serious Injury, Serious Illness, or Death of a family member if the family member is not an Immediate Family member.
- D33 Requests for an Exception shall be denied when the basis of the request is an automobile accident, which damaged the student's car but did not injure the student severely enough to cause the student to withdraw from classes.

- D34 Requests for an Exception shall be denied if a student who has been diagnosed with a psychiatric disorder was not treated pharmacologically for the psychiatric disorder.
- D35 Requests for an Exception shall be denied when a student who withdrew from all courses during a term to provide temporary care for an Immediate Family member if other family members could have provided the care.
- D36 Requests for an exception shall be denied if the student did not completely withdraw from the term in question, except as provided for by Approval Guidelines A31, A33, and A35.
- D37 Requests for an Exception shall be denied if the underlying cause for the request for an Exception is attributed to a criminal act committed by the student that resulted in either a conviction or a plea of guilty or nolo contendere.

313.6. Special Criteria.

The Board of Commissioners recognizes that, from time to time, there will be a request for an Exception that does not fit into any category of the guidelines outlined above, or merits treatment that exceeds the Appeals and Exceptions provisions. In such circumstances, the Board of Commissioners may grant a Special Criteria Exception. However, the Board of Commissioners has sole discretion for granting Special Criteria Exceptions. The Special Criteria provision is not intended to provide the Board of Commissioners with carte blanche or unconditional authority to grant exceptions without regard to precedence or the restrictions of these regulations.

314. Compliance Reviews.

314.1. Compliance Review Policy.

The Commission shall conduct Compliance Reviews of Eligible Postsecondary Institutions participating in the HOPE Grant program in order to assess institutional administration of the program and compliance with the program's regulations. Compliance Reviews are conducted in accordance with the Commission's *Compliance Review Process and Procedures* document, which is available on the *gsfc.org* website, under *School and Lender Information-Compliance Documents*.

314.2. Compliance Review Process.

The Commission selects a sampling of the institution's HOPE Grant recipients, for the Award Year under review, and the institution's files and records for the sample are examined to assure compliance. Each Eligible Postsecondary Institution must have all student records, which document and support the eligibility of that institution's HOPE Grant recipients, available for review by the Commission on the campus of the Eligible Postsecondary Institution, and such campus must be located within the State of Georgia. (Refer to *Section 312*.)

314.3. Institutional Repayment.

- a. If a recipient is determined to be ineligible for payment, the institution may be required to repay to the Commission the HOPE funds awarded to the recipient.
- b. If later evidence, not available at the time of awarding, indicates that a student should not have received the HOPE Grant payment, then all future HOPE Grant awards must be canceled. The Eligible Postsecondary Institution is held harmless by the Commission, if a student's file is adequately documented with available evidence and it is determined by the Commission that the institution was not at fault. Evidence is considered unavailable at the time of awarding if it was not available in the student's institutional files (i.e. financial aid, admissions, registrar, etc.). The institution must notify the student and the Commission of a refund due. The student will be ineligible to receive additional state aid from the Commission until the funds are repaid in full, in accordance with *Section 310.2*.. If the student's file is determined not to be adequately documented by the Commission while conducting a Compliance Review, then the Eligible Postsecondary Institution may be responsible for the repayment.