

By: Senator(s) Polk

To: Universities and
Colleges

SENATE BILL NO. 2406

1 AN ACT TO AMEND SECTION 37-106-29, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE STUDENTS WHO SCORE BELOW 20 ON THE ACT TEST TO ATTEND A
3 COMMUNITY OR JUNIOR COLLEGE IN ORDER TO RECEIVE AN AWARD UNDER THE
4 MISSISSIPPI RESIDENT TUITION ASSISTANCE GRANT PROGRAM; TO AMEND
5 SECTION 37-106-31, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 37-106-29, Mississippi Code of 1972, is
9 amended as follows:

10 37-106-29. (1) There is established the Mississippi
11 Resident Tuition Assistance Grant Program for college or
12 university freshmen, sophomores, juniors and seniors to be
13 administered by the Mississippi Postsecondary Education Financial
14 Assistance Board established under Section 37-106-9, Mississippi
15 Code of 1972, which shall set the dates and deadlines for applying
16 for an award under this section. The board shall establish such
17 rules and regulations as it deems necessary and proper to carry
18 out the purposes and intent of this section.

19 (2) The college or university shall approve grants to
20 full-time freshmen, sophomore, junior and senior Mississippi



21 residents who meet the general requirements for student
22 eligibility as provided in subsection (4) of this section.

23 (3) Mississippi Resident Tuition Assistance Grants shall be
24 for Mississippi students from any Mississippi family whose prior
25 year adjusted gross income (AGI) exceeds the maximum allowed to
26 qualify for full Pell Grant eligibility and campus-based federal
27 aid. Those Mississippi students receiving less than the full Pell
28 Grant award, as determined by the institution, shall receive a
29 Mississippi Resident Tuition Assistance Grant in an amount not to
30 exceed the maximum Pell Grant allowable for that individual
31 student. The award shall be applied to tuition, rooms and meals,
32 books, materials and fees not to exceed One Thousand Dollars
33 (\$1,000.00) for junior and senior students attending state
34 institutions of higher learning in Mississippi or four-year
35 regionally accredited, state-approved, nonprofit colleges and
36 universities in Mississippi, and Five Hundred Dollars (\$500.00)
37 for freshmen and sophomores attending state institutions of higher
38 learning or public community or junior colleges in Mississippi, or
39 regionally accredited, state-approved, nonprofit two-year or
40 four-year colleges in Mississippi, which will be prorated per
41 term, semester or quarter of the academic year for costs of
42 attendance, calculated according to the formula specified in
43 subsection (8) of this section.



44 (4) The general requirements for initial eligibility of
45 students for Mississippi Resident Tuition Assistance Grants
46 consist of the following:

47 (a) Member of a Mississippi family whose prior year
48 adjusted gross income (AGI) exceeds the maximum allowed to qualify
49 for Pell Grant eligibility and campus-based federal aid.

50 (b) Acceptance for enrollment at any state institution
51 of higher learning or public community or junior college located
52 in Mississippi, or any regionally accredited, state-approved,
53 nonprofit * * * two-year or four-year college or university
54 located in Mississippi as listed in subsection (4)(* * *g) of
55 this section * * *.

56 (c) Completion of a secondary education as follows:

57 (i) Graduation from high school verified by the
58 institution before disbursement of award with a minimum grade
59 point average of 2.5 calculated on a 4.0 scale after seven (7)
60 semesters as certified by the high-school counselor or other
61 authorized school official on the application * * *; or

62 (ii) * * * Attendance at a home education program
63 during grade levels 9 through 12 * * *; or

64 (iii) Satisfactory completion of the General
65 Educational Development Test (GED); or

66 (iv) * * * Successful completion of the
67 International Baccalaureate Program * * *.



68 (d) A minimum score of fifteen (15) on the ACT test
69 except that:

70 (i) Any student entering a vocational or technical
71 program of study, or who has satisfactorily completed the General
72 Education Development Test and attends a community or junior
73 college will not be required to have a test score under the
74 American College Testing Program * * * unless the student enrolls
75 in courses of academic study * * *;

76 (ii) Any student entering a program of study
77 offered by a four-year college or university must have a minimum
78 score of twenty (20) on the ACT test.

79 (e) Any student currently enrolled in any qualified
80 institution shall have to only meet the same requirements as
81 students who are applying for a renewal award.

82 (* * *f) Resident status for purposes of receiving
83 grants under this section shall be determined in the same manner
84 as resident status for tuition purposes as set forth in Sections
85 37-103-1 through 37-103-29, with the exception of Section
86 37-103-17.

87 (* * *g) Must attend one (1) of the following
88 institutions of higher learning: Alcorn State University, Delta
89 State University, Jackson State University, Mississippi State
90 University, Mississippi University for Women, Mississippi Valley
91 State University, University of Mississippi, University of
92 Southern Mississippi, Coahoma Community College, Copiah-Lincoln



93 Community College, East Central Community College, East
94 Mississippi Community College, Hinds Community College, Holmes
95 Community College, Itawamba Community College, Jones County Junior
96 College, Meridian Community College, Mississippi Delta Community
97 College, Mississippi Gulf Coast Community College, Northeast
98 Mississippi Community College, Northwest Mississippi Community
99 College, Pearl River Community College, Southwest Mississippi
100 Community College, Belhaven College, Blue Mountain College,
101 Millsaps College, Mississippi College, Rust College, Tougaloo
102 College, William Carey College, Mary Holmes College, Magnolia
103 Bible College, Wood College and Wesley College.

104 (5) By accepting a Mississippi Resident Tuition Assistance
105 Grant, the student is attesting to the accuracy, completeness and
106 correctness of information provided to demonstrate the student's
107 eligibility. Falsification of such information shall result in
108 the denial of any pending grant and revocation of any award
109 currently held to the extent that no further payments shall be
110 made. Any student knowingly making false statements in order to
111 receive a grant shall be guilty of a misdemeanor punishable, upon
112 conviction thereof, by a fine of up to Ten Thousand Dollars
113 (\$10,000.00), a prison sentence of up to one (1) year in the
114 county jail, or both, and shall be required to return all
115 Mississippi Resident Tuition Assistance Grants wrongfully
116 obtained.



117 (6) Eligibility for renewal of Mississippi Resident Tuition
118 Assistance Grants shall be evaluated at the end of each semester,
119 or term, of each academic year. As a condition for renewal, a
120 student shall:

121 (a) Make steady academic progress toward a certificate
122 or degree, as outlined in the school Satisfactory Academic
123 Progress Standards and certified by the institution's registrar.

124 (b) Maintain continuous enrollment for not less than
125 two (2) semesters or three (3) quarters in each successive
126 academic year, unless granted an exception for cause by the
127 administering agency; examples of cause may include student
128 participation in a cooperative program, internship program or
129 foreign study program. If a student fails to maintain continuous
130 enrollment, and is not granted an exception for cause by the
131 administering agency, the student is ineligible to receive the
132 Mississippi Resident Tuition Assistance Grant during the following
133 semester or trimester or term of the regular academic year.

134 (c) Have a cumulative grade point average of at least
135 2.50 calculated on a 4.0 scale at the end of each semester or
136 trimester or term.

137 (7) Each student, each year, must complete a Free
138 Application for Federal Student Aid form or a Statement of
139 Certification as designed by the administering board to determine
140 his/her eligibility for a Mississippi Resident Tuition Assistance
141 Grant.



142 (8) (a) The amount of the Mississippi Resident Tuition
143 Assistance Grant awarded to any one (1) student, up to the maximum
144 amount provided in subsection (3) of this section, shall be the
145 difference of the student's cost of attendance at his accredited
146 college of choice and the amount of federal aid such student may
147 receive, not to supplant but to supplement the amount of any
148 federal aid awarded to the student. Cost of attendance is the
149 tuition and fees of the applicable institution plus an allowance
150 for room and meals and books and materials.

151 (b) Payment of the Mississippi Resident Tuition
152 Assistance Grant shall be made payable to the recipient and the
153 educational institution and mailed directly to the institution, to
154 be applied first to tuition.

155 (9) In order for an institution to remain eligible for its
156 students to participate in the Mississippi Resident Tuition
157 Assistance Grant Program, the institution shall comply with the
158 following requirements:

159 (a) A complete and accurate roster of the eligibility
160 status of each awarded student shall be made to the board for each
161 term, semester or quarter of the academic year the student
162 receives a Mississippi Resident Tuition Assistance Grant.

163 (b) The institution is required to make refunds to the
164 Mississippi Resident Tuition Assistance Grant Fund for any funds
165 which have not been disbursed to the recipient, in the case of
166 students who have received a grant but who terminate enrollment



167 during the academic term, semester or quarter of the academic year
168 if an institution's refund policies permit a student to receive a
169 refund in such instance. The recipient shall be responsible for
170 the refund of any funds which have been disbursed by the
171 institution in such instance.

172 (c) If a student drops below full-time status but does
173 not terminate all enrollment during the term, semester or quarter
174 of the academic year no refund will be required for that term.
175 However, that student is ineligible to receive the Mississippi
176 Resident Tuition Assistance Grant during the following term,
177 semester or quarter of the regular academic year.

178 (d) The board may conduct its own annual audits of any
179 institution participating in the Mississippi Resident Tuition
180 Assistance Grant Program. The board may suspend or revoke an
181 institution's eligibility to receive future monies under the
182 program if it finds that the institution has not complied with the
183 provisions of this section. In determining a student's initial
184 eligibility, the number of prior semesters enrolled will not be
185 counted against the student.

186 (10) No student may receive a Mississippi Resident Tuition
187 Assistance Grant for more than the equivalent semesters or
188 quarters required to complete one (1) baccalaureate degree or one
189 (1) certificate or associate degree program per institution.

190 (11) Subject to the availability of funds specifically
191 appropriated therefor, it is the intent of the Legislature to



192 fully fund grant awards to eligible students. If funds are
193 insufficient to fully fund grant awards to eligible students,
194 grant awards shall be prorated among all eligible students. No
195 student shall receive any combination of student financial aid in
196 excess of the cost of attendance as defined in subsection (8)(a).

197 (12) No student receiving a Mississippi Eminent Scholars
198 Grant as provided in Section 37-106-31 shall be eligible to
199 receive the Mississippi Resident Tuition Assistance Grant pursuant
200 to this section * * * unless he is eligible for such award after
201 the Mississippi Eminent Scholars Grant has been considered by the
202 board when conducting an assessment of the financial resources
203 available to the student. In no case shall any student receive
204 any combination of student financial aid that would exceed the
205 cost of attendance, as defined in subsection (8)(a).

206 For purposes of this section, certificated shall mean, but
207 not be limited to, all postsecondary vocational programs in
208 eligible institutions as identified in subsection (4)(* * *g) of
209 this section.

210 **SECTION 2.** Section 37-106-31, Mississippi Code of 1972, is
211 amended as follows:

212 37-106-31. (1) There is created a Mississippi Eminent
213 Scholars Fund, to be administered by the Mississippi Postsecondary
214 Education Financial Assistance Board established under Section
215 37-106-9. The board shall set the date that will serve as the



216 deadline for applying for an award under this section and award
217 scholarships to each Mississippi student who:

218 (a) (i) Is recognized by the merit or achievement
219 programs of the National Merit Scholarship Corporation or the
220 National Achievement Scholarship as a semifinalist or finalist,
221 and has obtained a minimum cumulative grade point average of 3.5
222 calculated on a 4.0 scale in high_school subjects acceptable for
223 credit toward a diploma, after seven (7) semesters certified by
224 the high_school counselor or other authorized school official on
225 the application and graduation from high school verified by the
226 institution before disbursement of award; or

227 (ii) Has scored twenty-nine (29) on the American
228 College Testing Program or its equivalent and has obtained a
229 minimum cumulative grade point average of 3.5 calculated on a 4.0
230 scale after seven (7) semesters certified by the high_school
231 counselor or other authorized school official on the application
232 and graduation from high school verified by the institution before
233 disbursement of award, or the equivalent in highschool subjects
234 acceptable for credit toward a diploma; or

235 (iii) Has attended a home education program during
236 grade levels 9 through 12 and has scored twenty-nine (29) on the
237 American College Testing Program or its equivalent; and

238 (iv) Has been certified by the college or
239 university to the Mississippi Postsecondary Education Financial
240 Assistance Board as a Mississippi Eminent Scholar.



241 (b) Meets the general requirements for student
242 eligibility, except as otherwise provided in this section.

243 (c) Dependents of Mississippi residents who are on
244 military or public service assignments away from Mississippi when
245 such dependents live with such Mississippi residents and receive
246 high-school diplomas from non-Mississippi schools shall be
247 exempted.

248 (d) Files, before the deadline, an application for an
249 award during his last year in high school, or before the
250 expiration of the third school year succeeding the year of his
251 high-school graduation.

252 (e) Attends, on a full-time basis, any state
253 institution of higher learning or public community or junior
254 college, or any regionally accredited, state-approved,
255 nonprofit * * * two-year or four-year college or university
256 located in the State of Mississippi as listed in subsection
257 (4) (* * *g) of Section 37-106-29.

258 (f) Enrolls for the first time as a college student in
259 Mississippi. Any student who earns postsecondary academic credit
260 prior to or during the summer immediately subsequent to receiving
261 a high-school diploma, who is dually enrolled in secondary and
262 postsecondary educational institutions, or who is enrolled in the
263 early admission program of a postsecondary institution shall be
264 exempt from this requirement.



265 (g) Is a resident of the State of Mississippi.
266 Residency status for purposes of receiving grants under this
267 section shall be determined in the same manner as resident status
268 for tuition purposes as set forth in Sections 37-103-1 through
269 37-103-29, with the exception of Section 37-103-17.

270 (2) (a) Students who apply for awards but do not accept
271 their initial awards may reapply to receive awards during
272 subsequent application periods occurring before the expiration of
273 the third school year succeeding the year of their high-school
274 graduation. Similarly, students who receive initial awards and
275 who later do not accept renewal awards may reapply to receive
276 awards during subsequent application periods occurring before the
277 expiration of the third school year succeeding the year of their
278 high-school graduation. The institution shall accept
279 reinstatement applications according to dates set by the
280 Mississippi Postsecondary Education Financial Assistance Board and
281 shall determine the eligibility of such applicants in the same
282 manner as first-time applicants, except that students who apply
283 pursuant to this paragraph shall be required to have maintained
284 the equivalent of a 3.5 cumulative grade point average on a 4.0
285 scale for all college work attempted. The board shall not make
286 awards to reinstatement applicants who submit applications that
287 are received after the deadline set by the Mississippi
288 Postsecondary Education Financial Assistance Board.



289 (b) The board shall create a renewal application for
290 each student who received the award for one or more terms during
291 the immediately preceding academic year.

292 (3) (a) The annual award to a student shall be up to Two
293 Thousand Five Hundred Dollars (\$2,500.00) for tuition and fees.
294 Payment of the Mississippi Eminent Scholars Grant shall be made
295 payable to the recipient and the educational institution and
296 mailed directly to the institution, to be applied first to
297 tuition.

298 (b) Within six (6) weeks of the end of regular
299 registration, inclusive of a drop-add period, institutions shall
300 certify to the board the eligibility status of each awarded
301 student. The eligibility status of each student to receive a
302 disbursement shall be determined by each institution as of this
303 date. Institutions shall not be required to reevaluate a
304 student's eligibility status after this date for purposes of
305 amending eligibility determinations previously made. However, an
306 institution shall be requested to make refunds for students who
307 receive award disbursements and terminate enrollment for any
308 reason during the academic term when an institution's refund
309 policies permit a student to receive a refund under the
310 circumstances.

311 (c) Institutions shall certify to the board the amount
312 of funds disbursed to each student and shall remit to the board



313 any undisbursed advances within sixty (60) days of the end of
314 regular registration.

315 (4) A recipient shall maintain the equivalent of a 3.5
316 cumulative grade point average on a 4.0 scale, or shall maintain
317 an approved equivalent student progress evaluation plan, on at
318 least twelve (12) hours per quarter, trimester or semester in
319 order to be eligible for a continuation of the award. No student
320 may receive a Mississippi Eminent Scholars Fund award for more
321 than the equivalent semesters or quarters required to complete one
322 (1) degree or certificate program per institution. The award may
323 be renewed annually upon certification of eligibility by the
324 eligible institutions that the recipient meets the necessary
325 qualifications. If any recipient transfers from one university,
326 community college or junior college to another, his award will be
327 transferable, provided he is otherwise eligible for the award. If
328 a student fails to maintain continuous enrollment, and is not
329 granted an exception for cause by the administering agency, the
330 student is ineligible to receive the Mississippi Eminent Scholars
331 Grant during the following semester or trimester or term of the
332 regular academic year.

333 (5) The board may conduct its own annual audits of any
334 institution participating in the Mississippi Eminent Scholars
335 Grant Program. The board may suspend or revoke an institution's
336 eligibility to receive future monies under the program if it finds



337 that the institution has not complied with the provisions of this
338 section.

339 (6) For purposes of this section, certificated shall mean,
340 but not be limited to, all postsecondary vocational programs in
341 eligible institutions as identified in subsection (4) (* * *g) of
342 Section 37-106-29.

343 **SECTION 3.** This act shall take effect and be in force from
344 and after July 1, 2014.

