

Senate Amendments to House Bill No. 771

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

9 **SECTION 1.** Section 37-106-75, Mississippi Code of 1972, is
10 amended as follows:

11 37-106-75. (1) The Legislature hereby establishes the
12 Higher Education Legislative Plan Grant Program.

13 (2) For purposes of this section:

14 (a) "Institution of higher education" shall mean any
15 state institution of higher learning or public community or junior
16 college, or any regionally accredited, state-approved, nonprofit
17 two-year or four-year college or university located in the State
18 of Mississippi approved by the board.

19 (b) "Tuition" shall mean the semester or trimester or
20 term charges and all required fees imposed by an institution of
21 higher education as a condition of enrollment by all students.
22 However, for a two-year nonpublic institution of higher education
23 defined in paragraph (a), the tuition payments shall not exceed
24 the average charges and fees required by all of the two-year
25 public institutions of higher education defined in paragraph (a),

26 and for a four-year public and nonpublic institution of higher
27 education defined in paragraph (a), the tuition payments shall not
28 exceed the * * * the lowest amount of charges and fees required
29 by * * * any four-year public institutions of higher education
30 defined in paragraph (a).

31 (3) Subject to the availability of funds, the state may pay
32 the tuition of students who enroll at any state institution of
33 higher education to pursue an academic undergraduate degree who
34 apply for the assistance under the program and who meet all of the
35 following qualifications:

36 (a) Resident of the State of Mississippi. Resident
37 status for the purpose of receiving assistance under this chapter
38 shall be determined in the same manner as resident status for
39 tuition purposes in Sections 37-103-1 through 37-103-29, with the
40 exception of Section 37-103-17;

41 (b) Graduate from high school within the two (2) years
42 preceding the application with a minimum cumulative grade point
43 average of 2.5 calculated on a 4.0 scale;

44 (c) Successfully complete, as certified by the high
45 school counselor or other school official, high school coursework
46 which includes the College Preparatory Curriculum (CPC) approved
47 by the Board of Trustees of State Institutions of Higher Learning
48 and required for admission into a state university;

49 (d) Have a composite score on the American College Test
50 of at least twenty (20) on the 1989 version or an equivalent
51 concordant value on an enhanced version of such test;

52 (e) Have no criminal record, except for misdemeanor
53 traffic violations; and

54 (f) Be in financial need.

55 (4) Subject to the availability of funds, the state may pay
56 the tuition of students who enroll at any state institution of
57 higher education to pursue an academic undergraduate degree or
58 associate degree who apply for assistance under the program and
59 who meet the qualifications in paragraphs (a), (e) and (f) of
60 subsection (3) but who fail to meet one (1) of the particular
61 requirements established by paragraph (b), (c) or (d) of
62 subsection (3) by an amount of ten percent (10%) or less.

63 (5) To maintain continued state payment of tuition, once
64 enrolled in an institution of higher education, a student shall
65 meet all of the following requirements:

66 (a) Make steady academic progress toward a degree,
67 earning not less than the minimum number of hours of credit
68 required for full-time standing in each academic period requiring
69 such enrollment;

70 (b) Maintain continuous enrollment for not less than
71 two (2) semesters or three (3) quarters in each successive
72 academic year, unless granted an exception for cause by the board;

73 (c) Have a cumulative grade point average of at least
74 2.5 calculated on a 4.0 scale at the end of the first academic
75 year and thereafter maintain such a cumulative grade point average
76 as evaluated at the end of each academic year;

77 (d) Have no criminal record, except for misdemeanor
78 traffic violations; and

79 (e) Be in financial need.

80 (6) The provisions of this section shall be administered by
81 the board. The board may promulgate rules for all matters
82 necessary for the implementation of this section. By rule, the
83 board shall provide for:

84 (a) A mechanism for informing all students of the
85 availability of the assistance provided under this section early
86 enough in their schooling that a salutary motivational effect is
87 possible;

88 (b) Applications, forms, financial audit procedures,
89 eligibility and other program audit procedures and other matters
90 related to efficient operation;

91 (c) A procedure for waiver through the 1996-1997
92 academic year of the program eligibility requirement for
93 successful completion of a specified core curriculum upon proper
94 documentation by the applicant that failure to comply with the
95 requirement is due solely to the fact that the required course or
96 courses were not available to the applicant at the school
97 attended.

98 (7) An applicant shall be found to be in financial need if:

99 (a) The family has one (1) child under the age of
100 twenty-one (21), and the annual adjusted gross income of the
101 family is less than Forty-two Thousand Five Hundred Dollars
102 (\$42,500.00); or

103 (b) The family has an annual adjusted gross income of
104 less than Forty-two Thousand Five Hundred Dollars (\$42,500.00)
105 plus Five Thousand Dollars (\$5,000.00) for each additional child
106 under the age of twenty-one (21).

107 The annual adjusted gross income of the family shall be
108 verified by completion of the Free Application for Federal Student
109 Aid (FAFSA) and the completion of the verification process if the
110 applicant is selected for it.

111 As used in this subsection, the term "family" for an
112 unemancipated applicant means the applicant, the applicant's
113 parents and other children under age twenty-one (21) of the
114 applicant's parents. The term "family" for an emancipated
115 applicant means the applicant, an applicant's spouse, and any
116 children under age twenty-one (21) of the applicant and spouse.

117 (8) No student shall receive a grant under this section in
118 an amount greater than the tuition charged by the school. The
119 student must apply for a federal grant prior to receiving state
120 funds.

121 **SECTION 2.** Section 37-106-29, Mississippi Code of 1972, is
122 brought forward as follows:

123 37-106-29. (1) There is established the Mississippi
124 Resident Tuition Assistance Grant Program for college or
125 university freshmen, sophomores, juniors and seniors to be
126 administered by the Mississippi Postsecondary Education Financial
127 Assistance Board established under Section 37-106-9, Mississippi
128 Code of 1972, which shall set the dates and deadlines for applying

129 for an award under this section. The board shall establish such
130 rules and regulations as it deems necessary and proper to carry
131 out the purposes and intent of this section.

132 (2) The board shall approve grants to full-time freshmen,
133 sophomore, junior and senior Mississippi residents who meet the
134 general requirements for student eligibility as provided in
135 subsection (4) of this section.

136 (3) Mississippi Resident Tuition Assistance Grants shall be
137 for Mississippi resident students from any Mississippi family
138 whose prior year adjusted gross income (AGI) exceeds the maximum
139 allowed to qualify for full Pell Grant eligibility and
140 campus-based federal aid. Those Mississippi students qualifying
141 for less than the full Pell Grant award shall receive a
142 Mississippi Resident Tuition Assistance Grant in an amount not to
143 exceed the maximum Pell Grant allowable for that individual
144 student. The award shall be applied to tuition, rooms and meals,
145 books, materials and fees not to exceed One Thousand Dollars
146 (\$1,000.00) for junior and senior students attending state
147 institutions of higher learning in Mississippi or four-year
148 regionally accredited, state-approved, nonprofit colleges and
149 universities in Mississippi, and Five Hundred Dollars (\$500.00)
150 for freshmen and sophomores attending state institutions of higher
151 learning or public community or junior colleges in Mississippi, or
152 regionally accredited, state-approved, nonprofit two-year or
153 four-year colleges in Mississippi, which will be prorated per
154 term, semester or quarter of the academic year for costs of

155 attendance, calculated according to the formula specified in
156 subsection (8) of this section.

157 (4) The general requirements for initial eligibility of
158 students for Mississippi Resident Tuition Assistance Grants
159 consist of the following:

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

163 (b) Acceptance for enrollment at any state institution
164 of higher learning or public community or junior college located
165 in Mississippi, or any regionally accredited, state-approved,
166 nonprofit two-year or four-year college or university located in
167 Mississippi and approved by the board.

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

169 (i) Graduation from high school verified by the
170 institution before disbursement of award with a minimum grade
171 point average of 2.5 calculated on a 4.0 scale after seven (7)
172 semesters as certified by the high school counselor or other
173 authorized school official on the application; or

174 (ii) Attendance at a home education program during
175 grade levels 9 through 12; or

176 (iii) Satisfactory completion of the High School
177 Equivalency Diploma; or

178 (iv) Successful completion of the International
179 Baccalaureate Program.

180 (d) A minimum score of fifteen (15) on the ACT test
181 except that any student entering a vocational or technical program
182 of study, or who has satisfactorily completed the High School
183 Equivalency Diploma Test and attends a community or junior college
184 will not be required to have a test score under the ACT unless a
185 student enrolls in courses of academic study.

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

189 (5) By accepting a Mississippi Resident Tuition Assistance
190 Grant, the student is attesting to the accuracy, completeness and
191 correctness of information provided to demonstrate the student's
192 eligibility. Falsification of such information shall result in
193 the denial of any pending grant and revocation of any award
194 currently held to the extent that no further payments shall be
195 made. Any student knowingly making false statements in order to
196 receive a grant shall be guilty of a misdemeanor punishable, upon
197 conviction thereof, by a fine of up to Ten Thousand Dollars
198 (\$10,000.00), a prison sentence of up to one (1) year in the
199 county jail, or both, and shall be required to return all
200 Mississippi Resident Tuition Assistance Grants wrongfully
201 obtained.

202 (6) Eligibility for renewal of Mississippi Resident Tuition
203 Assistance Grants shall be evaluated at the end of each semester,
204 or term, of each academic year. As a condition for renewal, a
205 student shall:

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

209 (b) Maintain continuous enrollment for not less than
210 two (2) semesters or three (3) quarters in each successive
211 academic year, unless granted an exception for cause by the
212 administering board; examples of cause may include student
213 participation in a cooperative program, internship program or
214 foreign study program. If a student fails to maintain continuous
215 enrollment, and is not granted an exception for cause by the
216 administering board, the student is ineligible to receive the
217 Mississippi Resident Tuition Assistance Grant during the following
218 semester or trimester or term of the regular academic year.

219 (c) Have a cumulative grade point average of at least
220 2.50 calculated on a 4.0 scale at the end of each semester or
221 trimester or term.

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

227 (8) (a) The amount of the Mississippi Resident Tuition
228 Assistance Grant awarded to any one (1) student, up to the maximum
229 amount provided in subsection (3) of this section, shall be the
230 difference of the student's cost of attendance at his accredited
231 college of choice and the amount of federal aid such student may

232 receive, not to supplant but to supplement the amount of any
233 federal aid awarded to the student. Cost of attendance is the
234 tuition and fees of the applicable institution plus an allowance
235 for room and meals and books and materials.

236 (b) Payment of the Mississippi Resident Tuition
237 Assistance Grant shall be made payable to the recipient and the
238 educational institution and mailed directly to the institution, to
239 be applied first to tuition.

240 (9) In order for an institution to remain eligible for its
241 students to participate in the Mississippi Resident Tuition
242 Assistance Grant Program, the institution shall comply with the
243 following requirements:

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

248 (b) The institution is required to make refunds to the
249 Mississippi Resident Tuition Assistance Grant Fund for any funds
250 which have not been disbursed to the recipient, in the case of
251 students who have received a grant but who terminate enrollment
252 during the academic term, semester or quarter of the academic year
253 if an institution's refund policies permit a student to receive a
254 refund in such instance. The recipient shall be responsible for
255 the refund of any funds which have been disbursed by the
256 institution in such instance.

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

263 (d) The board may conduct its own annual audits of any
264 institution participating in the Mississippi Resident Tuition
265 Assistance Grant Program. The board may suspend or revoke an
266 institution's eligibility to receive future monies under the
267 program if it finds that the institution has not complied with the
268 provisions of this section. In determining a student's initial
269 eligibility, the number of prior semesters enrolled will not be
270 counted against the student.

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

275 (11) No student receiving a Mississippi Eminent Scholars
276 Grant as provided in Section 37-106-31 shall be eligible to
277 receive the Mississippi Resident Tuition Assistance Grant pursuant
278 to this section unless he is eligible for such award after the
279 Mississippi Eminent Scholars Grant has been considered by the
280 board when conducting an assessment of the financial resources
281 available to the student. In no case shall any student receive

282 any combination of student financial aid that would exceed the
283 cost of attendance, as defined in subsection (8)(a).

284 For purposes of this section, certificated shall mean, but
285 not be limited to, all postsecondary vocational programs in
286 eligible institutions approved by the board.

287 **SECTION 3.** This act shall take effect and be in force from
288 and after July 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-106-75, MISSISSIPPI CODE OF 1972,
2 TO SET THE MAXIMUM TUITION AMOUNT FOR INSTITUTIONS OF HIGHER
3 EDUCATION FOR THE HIGHER EDUCATION LEGISLATIVE PLAN (HELP) GRANT
4 PROGRAM BY REVISING THE DEFINITION OF "TUITION"; TO BRING FORWARD
5 SECTION 37-106-29, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
6 THE MISSISSIPPI RESIDENT TUITION ASSISTANCE GRANT PROGRAM (MTAG);
7 AND FOR RELATED PURPOSES.

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Eugene S. Clarke
Secretary of the Senate