

88-9b-1. Definitions. Each of the following terms, when used in this article of the board of regents' regulations in reference to the Kansas adult learner grant act, shall have the meaning specified in this regulation:

(a) "Academic year" means the period of time beginning with July 1 of one calendar year and ending with June 30 of the next calendar year. There are two semesters in an academic year: a fall semester and a spring semester.

(b) "Continuously enrolled" means successfully completing at least six credit hours per academic year in successive academic years.

(c) "Adult learner grant eligible institution" means an "eligible postsecondary educational institution," as defined in K.S.A. 2023 Supp. 74-32,281, and amendments thereto, that has entered into an agreement with the board of regents authorizing the board to enter into adult learner grant agreements with eligible students on the institution's behalf.

(d) "Adult learner grant eligible program" has the meaning set out in K.S.A. 2023 Supp. 74-32,281, and amendments thereto.

(e) "Adult learner grant" means the award of student financial aid under the Kansas adult learner grant act, K.S.A. 2023 Supp. 74-32,281, et seq., and amendments thereto.

(f) "Within 6 months after graduation from the adult learner grant eligible program" means within 6 months of the last day of the semester in which an adult learner grant recipient received a bachelor's degree in an adult learner grant eligible program for which the recipient received grant funds. (Authorized by K.S.A. 2023 Supp. 74-32,282, implementing K.S.A. 2023 Supp. 74-32,281, K.S.A. 2023 Supp. 74-32,282, and K.S.A. 2023 Supp. 74-32,286; effective P-
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88-9b-2. Application. (a) Each application shall be for an academic year.

(b) Each student shall submit a renewal application for any subsequent academic year for which the student seeks an adult learner grant.

(c) Applications and renewal applications shall be submitted by deadlines established by the board of regents president and CEO.

(d) Each adult learner grant eligible institution shall use the electronic link to the board of regents' application form and any electronic or paper application materials made available by the board. No changes shall be made to the board of regents' application form. (Authorized by K.S.A. 2023 Supp. 74-32,282, implementing K.S.A. 2023 Supp. 74-32,282 and K.S.A. 2023 Supp. 74-32,286; effective P-_____.)

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88-9b-3. Appeal Procedure. (a) If an adult learner grant institution denies a student's application for an adult learner grant or revokes an award of an adult learner grant, the adult learner grant institution must notify the student of the denial or revocation and the reasons for the denial or revocation. If a student whose application for an adult learner grant is denied or whose award of an adult learner grant is revoked disagrees with the denial or revocation, the student may file a written appeal with the adult learner grant eligible institution's financial aid office within 30 days of notification of denial or revocation.

(b) The financial aid office of each adult learner grant eligible institution shall provide an appeal form on request.

(c) If a student fails to file an appeal in the time frame and manner specified in this regulation, the denial or revocation of the adult learner grant as determined by the adult learner grant eligible institution's financial aid office shall become final upon expiration of the appeal period.

(d) If a student files a timely appeal, the adult learner grant eligible institution shall decide the appeal. At minimum, the appeal must be decided by the director of the adult learner grant eligible institution's financial aid office or their equivalent; the appeal must be decided based on the student's written appeal form and any supporting documentation, together with all other relevant information available to the institution; the decision must be issued within 30 days of the student filing the appeal form; and, if the denial or revocation is upheld, the decision must be in writing, must explain why the student's appeal was unsuccessful, and must be supported by a preponderance of the evidence. Nothing in this subsection shall prevent an adult learner grant institution from employing a process that affords greater appeal rights to a student than those required by this subsection. (Authorized by and implementing K.S.A. 2023 Supp. 74-32,282; effective P-_____.)

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88-9b-4. Scholarship terms and conditions. (a) Each student who receives an adult learner grant shall meet all eligibility requirements set out in K.S.A. 2023 Supp. 74-32,284. For the purposes of K.S.A. 2023 Supp. 74-32,284(b), “the date the grant was first awarded” means the grant recipient’s first day of class in the semester for which any part of the student’s tuition, fees, books, or supplies are first funded by the adult learner grant.

(b) Each student who receives an adult learner grant shall meet all eligibility requirements set out in K.S.A. 2023 Supp. 74-32,285. As used in that section,

(1) “complete the free application for federal student aid” (FAFSA) means that the student has a completed FAFSA application on file with the institution at which the student is applying for an adult learner grant. A completed FAFSA application is one that has produced a valid institutional student information record (ISIR). A valid ISIR is one that has not been rejected and has been assigned an expected family contribution (EFC) or student aid index (SAI).

(2) “Kansas resident” means domiciliary resident, as defined in K.S.A. 71-407 and amendments thereto.

(3) In addition to the grade point average requirement specified in K.S.A. 2023 Supp. 74-32,285(b), “maintain satisfactory academic progress” means that the student’s academic work in the adult learner grant eligible program is satisfactory, as determined by the adult learner grant eligible institution at which the student is enrolled based on the institution’s general academic policies.

(c) Each student who an adult learner grant eligible institution has determined to be eligible for an adult learner grant shall enter into an adult learner grant agreement with the institution. The agreement shall be on a form approved by the board of regents and shall:

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(1) require the student to meet the requirements set out in K.S.A. 2023 Supp. 74-32,286(a), and amendments thereto; and

(2) obligate the student, upon failure to satisfy the agreement's requirements, to repay any grant funds the student received together with interest as set out in K.S.A. 2023 Supp. 74-32,286(b).

(d) Adult learner grant funds may only be used for the purposes authorized by K.S.A. 2023 Supp. 74-32,284(d). As used in that subsection, "required materials" means those educational materials that are required by adult learner grant eligible institution, as a condition of enrollment, for every student in each course within the adult learner grant eligible program and not deemed required for only students who are awarded an adult learner grant. (Authorized by K.S.A. 2023 Supp. 74-32,282; implementing K.S.A. 2023 Supp. 74-32,284, K.S.A. 2023 Supp. 74-32,285, and K.S.A. 2023 Supp. 74-32,286; effective P-_____.)

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88-9b-5. Postponement of or release from adult learner grant agreement

requirements. (a) Any adult learner grant recipient may request that one or more requirements of the adult learner grant agreement be postponed during any period if the recipient meets any of the following conditions:

(1) is serving in volunteers in service to America (VISTA);

(2) is serving in the peace corps;

(3) has a service commitment to any branch of the United States armed services, United States military reserves or national guard of any state;

(4) has a service commitment to the United States public health service;

(5) is performing religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code;

(6) is determined by the board of regents to be unable to commence or continue performance in satisfaction of the obligation because of temporary medical disability;

(7) is on job-protected leave under the family and medical leave act of 1993 (FMLA);

(8) is unable to meet the requirement of the agreement due to good cause, as determined by the board of regents; or

(9) is enrolled and actively engaged on a full-time basis in a graduate program leading to a degree which is higher than that formerly attained.

(b) Except for paragraphs (a)(6), (a)(7), and (a)(8), a recipient's obligation under the adult learner grant agreement shall not be postponed more than five years from the time that performance of the obligation was to have commenced under the agreement. Each obligation under any adult learner grant agreement shall be postponed under paragraph (a)(6) during the period of time that the medical disability exists.

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(c) For purposes of paragraph (a)(7), the recipient's obligation under the adult learner grant agreement shall not be postponed for more than the duration of the recipient's FMLA leave.

(d)(1) For purposes of paragraph (a)(8), "good cause" shall include the following:

(A) Inability to secure employment in Kansas within six months of completing the adult learner grant eligible program or any postponement granted pursuant to subsection (a) after making the best possible effort to do so;

(B) inability to retain employment in Kansas for two consecutive years after completing the adult learner grant eligible program or any postponement granted under subsection (a) after making the best possible effort to do so;

(C) inability to reside in Kansas for the two consecutive years immediately succeeding completion of the adult learner grant eligible program or any postponement granted under subsection (a) after making the best possible effort to do so; and

(D) inability to meet any other requirement of the adult learner grant after making the best possible effort to do so.

(2) "The best possible effort" shall be determined by the board of regents' director of student financial assistance in consultation with the board of regents' chief executive officer, upon the adult learner grant recipient's submission of a request supported by documentation, which may include any of the following as relevant:

(A) Written communications from employers confirming the recipient's applications for employment;

(B) a verifiable list of employers, with contact information, to whom the recipient has applied;

(C) records establishing the reason for the recipient's inability to reside in Kansas; or

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(D) records establishing the reason for the recipient's inability to retain employment for two consecutive years.

(e)(1) An adult learner grant recipient shall have met the requirements of the adult learner grant agreement and shall be released from repayment of the grant award if the recipient meets any of the following conditions:

(A) Successfully completes the requirements of the agreement;

(B) commences service as a military servicemember at any time after receiving an adult learner grant award;

(C) fails to meet the requirements of the agreement only after making the best possible effort to do so; or

(D) is unable to meet the requirements of the agreement due to disability or death of the recipient.

(2) "The best possible effort" shall be determined by the board of regents' director of student financial assistance in consultation with the board of regents' chief executive officer, upon the scholarship recipient's submission of documentation, which may include any of the following as relevant:

(A) Written communications from employers confirming the recipient's applications for employment;

(B) a verifiable list of employers, with contact information, with which the recipient has applied;

(C) records establishing the reason for inability to reside in Kansas; or

(D) a signed statement from an appropriate administrator of the adult learner grant eligible institution explaining the circumstances of the adult learner grant recipient's inability to graduate from the adult learner grant eligible program.

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(f) Each adult learner grant award recipient who wants to postpone or be released from any obligation of the recipient's adult learner grant agreement shall submit to the board of regents a written request for postponement or release on a form provided by the board.

(g) Each request for postponement or release shall be made by submitting a completed postponement or release form to the board of regents. Each request for postponement or release shall be mailed or electronically mailed to the address indicated, with an attention subject line of "Kansas adult learner grant repayment." The request shall include the recipient's full legal name, the adult learner grant eligible institution from which the recipient received the adult learner grant, and the recipient's dates of attendance at that institution.

(h) If an adult learner grant recipient requests a postponement under subsection (a) that would correspond with the recipient's absence from an adult learner grant eligible institution, the board of regents shall coordinate with the institution in determining whether to grant the request and the duration of any approved absence. The final decision on the request lies with the board of regents. (Authorized by K.S.A. 2023 Supp. 74-32,282, implementing K.S.A. 2023 Supp. 74-32,282 and K.S.A. 2023 Supp. 74-32,286; effective P-_____.)

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88-9b-6. Repayment. (a) Each adult learner grant recipient who fails to meet the requirements of the adult learner grant agreement and has not timely sought and received a postponement or release from the obligations of the agreement shall repay the total amount of adult learner grant funds disbursed to or on behalf of the recipient, plus interest at the rate prescribed by K.S.A. 2023 Supp. 74-32,286, and amendments thereto.

(b) Repayment of all funds shall become due immediately upon failure to meet the adult learner grant agreement terms, conditions, and requirements.

(c) Repayment shall be made to the Kansas board of regents' designated loan servicer or collections agency. All payments shall be made in the manner required by the loan servicer or collections agency.

(d) Any recipient may repay the grant and interest in monthly installments of at least 1/60 of the total amount owed. Each recipient who chooses to make installment payments shall make those payments as follows:

(1) Payments owed shall commence within 180 days of the board's designee's determination of failure to comply with the adult learner grant agreement obligation and shall be completed within five years following the date of the act or circumstance that causes the recipient to fail to remain eligible and qualified or to meet the obligations of the adult learner grant agreement.

(2) If an installment payment becomes 10 days overdue, the entire amount outstanding shall become immediately due and payable, including all interest, without further notice or opportunity to remedy the default.

(3) The total repayment obligation may be met at any time by making a single lump-sum payment equal to the total of the following:

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(A) The entire amount to be repaid upon failure to meet the obligations under the adult learner grant agreement; and

(B) all amounts of interest at the rate prescribed in K.S.A. 2023 Supp. 74-32,286, and amendments thereto, accrued on or before the date of full payment. (Authorized by K.S.A. 2023 Supp. 74-32,282, implementing K.S.A. 2023 Supp. 74-32,286; effective P-_____.)

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