

# **Massachusetts Assistance for Student Success Program**

## **I. General Guidelines**

## **1.A General Guidelines**

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## **LOAN DEFAULT AND ELIGIBILITY FOR MASSACHUSETTS STATE FINANCIAL AID PROGRAMS**

Students who are in default of any education loan including a Massachusetts No Interest Loan are not eligible to receive assistance from Massachusetts State financial programs until their default status has been cleared. A student is, however, eligible to retain funds from a Massachusetts financial aid program if the institution was notified of the default status after the funds were disbursed to the student's account. The student is not eligible for any subsequent disbursement until the default status has been cleared. An updated roster of No Interest Loan defaulters is sent to schools periodically by the Massachusetts Office of Student Financial Assistance and is always available on OSFA's website at <http://www.osfa.mass.edu>

## **STUDY ABROAD PROGRAMS AND ELIGIBILITY FOR MASSACHUSETTS STATE FINANCIAL AID PROGRAMS**

In order for a student to be considered eligible for Massachusetts State financial aid programs while attending a Study Abroad program, the four following conditions must be met:

1. Student must maintain “enrolled” status at his/her “Home Institution” while attending program abroad. “Home Institution” is defined as institution that will be conferring undergraduate degree upon the student.
2. “Home Institution” must also be eligible to participate in Massachusetts State financial aid programs and have filed a Participation Agreement with the Massachusetts Office of Student Financial Assistance.
3. Financial aid has to be processed by the “Home Institution”.
4. Credits that the student earns while studying abroad must be transferable to and accepted by the “Home Institution”.

## **CHANGE IN ENROLLMENT STATUS AND ELIGIBILITY FOR MASSACHUSETTS STATE FINANCIAL AID PROGRAMS**

A student who has dropped to below full-time status can, on a term by term basis, remain eligible for a Massachusetts State Financial aid program that requires full-time enrollment status when the following conditions are true:

- Student has not withdrawn from the institution
- Student has dropped to below full-time enrollment status after he/she had begun attending his/her classes during a specific term
- Changes in student's enrollment status occur after the date for such changes to affect the charges that the student incurs at the institution for that specific term
- Institution continues to charge the student on a full-time enrolled basis after he or she has officially dropped to below full-time enrolled status
- Institution has fully defined and published policies and guidelines that guide its treatment of changes to enrollment status
- Student meets all other eligibility criteria of the Massachusetts State financial aid program

## COMPLIANCE ATTESTATION REQUIREMENTS

Institutions of higher education in Massachusetts that administer funds from Massachusetts State financial aid programs are required to perform and submit an independent compliance attestation report of Massachusetts State financial aid programs on an annual basis, **EXCEPT FOR:**

- Institutions of higher education that expend a total amount of Massachusetts State financial assistance funds equal to, or less than \$25,000, or such other amount specified by the Commissioner in any fiscal year.
- Institutions located in a state other than Massachusetts and which do not provide programs within Massachusetts to recipients of Massachusetts State financial assistance funds.
- Institutions that have been approved by the Massachusetts Office of Student Financial Assistance to participate in the every third-year Attestation Compliance Report Submission Program. Those institutions are, however, required to submit copies of any internal or external reports, and/or program reviews (i.e. A-133 Audit, State or Federally conducted program reviews, etc.) on financial aid, that take place at the institution for the rotation years when a Massachusetts State Financial Aid Program specific Compliance Attestation Report is not required by the Massachusetts Office of Student Financial Assistance.

The annual period to be reviewed coincides with the fiscal year end of the institution. Compliance attestation reports are due six months following the fiscal year end, unless otherwise agreed upon in writing by the Massachusetts Office of Student Financial Assistance (OSFA). Institutions will be advised annually of their compliance attestation requirements vis-à-vis Massachusetts State financial aid programs.

In performing compliance reviews of Massachusetts State financial assistance programs, the independent auditor shall have available, in addition to the Massachusetts Office of *Student Financial Assistance Attestation Guide*, a fiscal year specific copy of Massachusetts State Financial Assistance Programs Guidelines and Procedures, as well as any and all relevant "Dear Colleague" letters published by OSFA. The *Student Financial Assistance Attestation Guide* was revised in April 2007 and will remain in effect throughout the 2009-2010 academic year.

Compliance Attestation Reports should be mailed to:

**Massachusetts Office of Student Financial Assistance  
Compliance Attestation Division  
454 Broadway, Suite 200  
Revere, MA 02151**

## 2009-2010 MASSACHUSETTS STATE FINANCIAL AID PROGRAMS REFUND POLICY

In calculating refunds to Massachusetts State financial aid programs, institutions shall apply the following rules:

- a) refund policy shall apply to any student who withdrew from all classes but attended the institution for at least one day during the period of enrollment or payment period for which refunds to state financial aid programs are due;
- b) consider state financial aid that is already disbursed as well as financial aid that could be disbursed in calculating the amount earned by the student. Financial aid that could be disbursed primarily refers to No Interest Loans that are to be disbursed on a "Late Disbursement" basis and meet the requirements, or any other financial aid programs that are subject to post-withdrawal disbursement;
- c) percentage of state aid to be retained by the student shall be the same as earned under Title IV programs for the same period of enrollment or payment period, however;
- d) if the student received Title IV aid and has an unpaid tuition and mandatory fees balance to the institution (for the same enrollment period during which he/she withdrew or took an approved leave of absence) as a result of the application of the Return of Title IV Funds policy, the institution may use additional State financial aid (beyond the percentage earned under the Return of Title IV Funds policy) to cover the unpaid tuition and mandatory fees balance, **but not before** all other aid, including aid from direct institutional funds as well as any scheduled cash payment have been used in the payment of the same tuition and mandatory fees balance;
- e) if the student did not receive any Title IV funds during the same period of enrollment or payment period for which refunds to State aid are due, the institution shall employ the Return of Title IV Funds policy to determine the percentage of State aid the student earned during the period of enrollment or payment period for which he/she is being charged. State aid can be retained **only** after all other non-state aid (including aid from direct institutional funds) disbursed to the student for the same period, as well as any scheduled cash payment have been used in the payment of charges that the student incurred for the same period during which he/she withdrew or took an approved leave of absence;
- f) the institution is responsible for collecting and refunding unearned State aid in excess of \$25 that was disbursed directly to the student. If the institution is unable to collect the unearned State fund(s) from student after three (3) documented attempts, it shall refer the amount to the Massachusetts Office of Student Financial Assistance. Such three (3) attempts to collect unearned State aid shall be in the form of three (3) separate letters to the student, within a 45 day period, requesting the unearned amount
- g) unearned State financial aid shall be refunded in the following order:
  1. Tuition Waiver (Need Based and Categorical)
  2. Massachusetts No Interest Loan
  3. Tomorrow's Teachers Scholarship
  4. General Scholarship (MASSGrant)
  5. Christian A. Herter Memorial Scholarship
  6. Foster Child Grant Program
  7. Gilbert Grant
  8. Public Service Scholarship
  9. Cash Grant (Access Grant Program)

10. Part-Time Grant

11. Early Childhood Educator's Scholarship
12. One Family Inc. Scholarship
13. GEAR UP Scholarship
14. Paraprofessional Teacher Preparation Grant
15. Massachusetts Educational Rewards Grant
16. Math & Science Teachers Scholarship
17. Scholar-Internship Match Fund
18. National Guard Tuition & Fee Assistance

In calculating refunds to Massachusetts State financial aid programs, the institution **must** use the 2009-2010 Massachusetts State Financial Aid Programs Refund Worksheet. Please refer to Exhibit 7 in the MASSGrant section for a copy of the Refund Worksheet. Institutions also have the option and are encouraged to use the Massachusetts State Financial Aid Program electronic Refund Worksheet. Such a worksheet can be found under the School Information section at: <http://www.osfa.mass.edu>

## STUDENT-OWED REFUND POLICY

Institutions are responsible for collecting and refunding **unearned** State financial aid in excess of \$25 that is disbursed directly to a student. If the institution is unable to collect the unearned State aid from a student after three (3) documented attempts, it is obligated to refer the student-owed refund to the Massachusetts Office of Student Financial Assistance (OSFA). Such three (3) attempts to collect unearned State aid must be in the form of three separate letters to the student, within a 45 day period, requesting the unearned aid. Please refer to the *2008-2009 Massachusetts State Financial Aid Program Refund Policy*.

Students who owe refunds on previously received Massachusetts State financial aid funds are not eligible to receive assistance from Massachusetts State financial aid programs until the outstanding refund has been paid.

OSFA periodically mails an updated list of students who owe refunds on previously received State financial aid funds to all institutions that participate in Massachusetts State financial aid programs.

This list is also available in the "School" section of OSFA's web site.

## **STATE FINANCIAL AID PROGRAMS RECORD RETENTION REQUIREMENT**

Institutions that participate in Massachusetts State financial aid programs are required to maintain records pertaining to their administration of such financial aid programs for a period of seven (7) years following the academic year during which those records were created, unless such records are included in the disposal schedules approved by the Records Conservation Board upon the request of the Office of Student Financial Assistance in accordance with M.G.L.c. 66,s.8.

## **BOARD OF HIGHER EDUCATION IMMIGRATION AND NATURALIZATION NOTIFICATION**

**MOVED:** It is the policy of the Board of Higher Education that public institutions of higher education in the Commonwealth of Massachusetts notify the Immigration and Naturalization Service (INS) immediately of the name and last known address of any international student requiring a student visa whenever such student does not enroll, enrolls for less than full-time, withdraws or graduates from the institution. The public institutions of higher education shall forward copies of any such INS notifications to the Board of Higher Education.

In accordance with this policy, it is requested that the public institutions of higher education commence in the INS notification process effective October 2, 2001.

Authority: Massachusetts General Laws, Chapter 15A, Section 9.

### **Background:**

Recent media reports have identified problems in the oversight of the international student visa programs in light of the September 11 attack on the World Trade Center. On Sunday, September 23, 2001, the CBS news program, "60 Minutes", ran a story about one of the individuals who committed a terrorist attack on the World Trade Center in 1993. The story said that this person had been allowed into the United States on a student visa to attend one of the public universities in Kansas but was no longer enrolled when the attack occurred. The Globe (9/30/01, p. A30) reported that the Immigration and Naturalization Service gave "only token attention to a monitoring program" of the status and activities of the more than 284,000 international students currently in the United States with student visas for academic or language programs.

As of 1999, the latest year for which data are available, there were approximately 4,500 international students requiring visas enrolled in Massachusetts public higher education institutions.

When a student who lives abroad applies to and is accepted for enrollment into Massachusetts' public institutions, (s)he must apply to the U.S. State Department for a student visa application Form I-20. Students who already live in our country under a different visa must complete and submit Form I-539 to change to student status. The embassy of the student's country of origin and the State Department must both approve the visa application.

If a student does not enroll or enrolls for less than full-time status, (s)he is considered out of compliance with the terms of the student visa. Under current policy and procedure, when a student fails to comply, the institution may notify the student and the INS of his/her lack of compliance. The federal law does not mandate that institutions automatically notify INS; it stipulates only that the institution provide such information whenever asked by the INS. Anecdotal evidence suggests such requests do not occur regularly; for example, Salem State College has not been asked for such information since the late 1980s. Some campuses consider it "good practice" to notify INS whenever a student is no longer in compliance. If a student who was out of compliance wishes to re-enroll, (s)he must begin with a new I-20 or I-539 application before re-admittance.

The Immigration and Naturalization Service (the Service) regulations (in 8 CFR 214.3(g)(2)) state that: *at intervals specified by the Service but not more frequently than once a term or session, the Service's processing center shall send each school (to the address given on Form I-17 as that to which the list should be sent) a list of all F-1 and M-1 students who, according to Service records, are attending school.*

*A designated school official at the school must note on the list whether or not each student on the list is pursuing a full course of study and give, in addition to the above information, the names and current address of all F-1 or M1 students, or both, not listed, attending the school and other information specified by the Service as necessary to identify the students and to determine their immigration status. The designated school official must comply with the request, sign the list, state his or her title, and return the list to the Service's processing center within sixty days of the date of the request.*

The lack of reliable information about non-citizens living in the United States on a temporary basis has impeded the investigation into the attacks. The proposed new BHE policy to enhance the reporting requirements supports both existing law and good practice. By establishing this policy, it is our intent to be proactive in responding to this threat.