



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

2012 DEC 11 AM 10:30

Office of the Governor of Guam

December 10, 2012

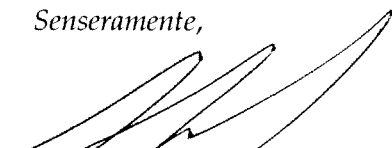
Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-12 -1970
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12/10/12
Time 5:20 PM
Received by J. Won Pat

Dear Madame Speaker:

Transmitted herewith is Bill No. 509-31 (COR) "AN ACT TO ADD A NEW CHAPTER 15A OF DIVISION 3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE STUDENT FINANCIAL ASSISTANCE PROGRAMS FOR HIGHER EDUCATION", which I signed into law on December 6, 2012 as **Public Law 31-237**.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

1970

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session**

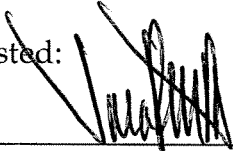
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 509-31 (COR), "AN ACT TO ADD A NEW CHAPTER 15A OF DIVISION 3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE STUDENT FINANCIAL ASSISTANCE PROGRAMS FOR HIGHER EDUCATION", was on the 26th day of November, 2012, duly and regularly passed.



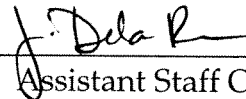
Judith T. Won Pat, Ed.D.
Speaker

Attested:




Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 28th day of Nov., 2012, at 11:10 o'clock A..M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

DEC 06 2012

Date: _____

Public Law No. 31-237

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) REGULAR SESSION

Bill No. 509-31 (COR)

As substituted by the Committee on Education and
Public Libraries; and amended on the Floor.

Introduced by:

Judith T. Won Pat, Ed.D.
T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam A. Mabini, Ph.D.
Adolpho B. Palacios, Sr.
V. C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.

**AN ACT TO ADD A NEW CHAPTER 15A OF DIVISION
3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE
TO THE STUDENT FINANCIAL ASSISTANCE
PROGRAMS FOR HIGHER EDUCATION.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that access to higher education is becoming more difficult as costs continue to rise
4 at all institutions of higher education across the nation. The biggest source of
5 financial assistance for most college students in the United States remains the

1 federal government's Title IV programs (U.S. Higher Education Act) consisting
2 mainly of the Pell Grant and the Direct Student Loan programs.

3 *I Liheslatura* further finds that while Title IV programs have been extremely
4 helpful in supplementing a student's cost of education, aid to students have steadily
5 lagged behind rising higher education costs, resulting in students and their families
6 opting to sign up for costly education loans.

7 In an effort to assist students to fill these funding gaps, most states have
8 implemented programs to assist the most needy students and families in their
9 communities with state grants to attend universities within their jurisdiction.
10 Programs such as the Cal Grant (California), the Hawaii State Incentive Grant
11 (Hawaii), and the Oregon Opportunity Act (Oregon) are examples of programs that
12 provide grants to their students that meet certain residency, financial, and academic
13 requirements. These state grants, in conjunction with Title IV programs offered by
14 the federal government, allow more students access to higher education.

15 *I Liheslatura* further finds that, although Guam currently offers financial
16 assistance to residents to pursue higher education, these programs are often
17 cumbersome and bureaucratic, requiring separate application forms with different
18 application due dates and eligibility requirements, resulting in confusion and
19 frustration on the part of the student.

20 It is, therefore, the intent of *I Liheslatura* to reform the process of the locally
21 funded financial aid programs by aligning the limited local resources with funds
22 received from the federal government. The alignment of these resources will result
23 in greater access for Guam residents to higher education by making it more
24 affordable.

25 **Section 2.** A new Chapter 15A is hereby *added* to Division 3 of Title 17,
26 Guam Code Annotated, to read as follows:

1 § 15A110. Prohibition.

2 § 15A111. Prioritization of Awards.

3 § 15A112. Reporting Requirements.

4 **§ 15A101. Definitions.** The following terms whenever used in this
5 Chapter *shall* have the following meanings, *except* when the context
6 otherwise requires:

7 (a) *Awards shall* mean awards for grants and loans provided by this
8 Chapter.

9 (b) *Board shall* mean the Board of Regents of the University of
10 Guam.

11 (c) *Fund shall* mean the Student Financial Assistance Fund.

12 **§ 15A102. Administration.** The provisions of this Chapter *shall* be
13 administered by the Board of Regents of the University of Guam, and all
14 awards provided by this Chapter *shall* be granted by the Board. The Board
15 of Regents may delegate to the management of the University, its authority
16 granted under any administrative rules and regulations.

17 **§ 15A103. Fund.** There is hereby established a Student Financial
18 Assistance Fund, hereinafter referred to as the “Fund”, from which awards
19 granted pursuant to this Chapter *shall* be financed. The Board is authorized
20 to accept for the Funds gifts, devices, bequests, donations, and all other
21 kinds of contributions for the purposes of the Fund. The Fund may be
22 supplemented by annual appropriations to the extent made necessary by
23 awards granted pursuant to this Chapter. The Fund *shall* be administered by
24 the Board and all moneys appropriated for awards pursuant to this Chapter,
25 and all repayment of such awards made under this Chapter, *shall* be paid
26 directly to the Fund and dispensed by the Board. Within sixty (60) days

1 after the closing of each fiscal year, the Board *shall* transmit to *I Liheslatura*
2 (the Legislature) an annual report consistent with §15A112 of this Article.

3 **§ 15A104. Regulations.** The Board, subject to the provisions of the
4 Administrative Adjudication Law, *shall* make regulations pursuant to and
5 not inconsistent with the provision of this Chapter.

6 **§ 15A105. Application Forms and Notices.** The Board *shall*
7 prescribe by regulation necessary application forms and procedures for all
8 awards pursuant to this Chapter. The Board *shall* give notice to the
9 community in all Guam public and private high schools, the Guam
10 Community College, the University of Guam, in a newspaper of general
11 circulation and the electronic media, and other appropriate places, at least
12 once before the acceptance period is to commence, on the availability of all
13 awards. Such notice *shall* be posted and sent by the Board annually in a
14 timely manner to permit interested students, who *shall* be residents of Guam
15 and citizens of the United States of America, or a permanent resident alien,
16 an opportunity to apply for the awards granted by this Chapter.

17 **§ 15A106. Limitation on Awards.** No person receiving benefits
18 under one article of this Chapter shall be entitled to benefits under any other
19 article of this Chapter, and no person receiving benefits under any teacher
20 training program, in-service training program or other government of Guam
21 education programs shall be entitled to benefits under the provision of this
22 Chapter.

23 **§ 15A107. Discharge of Award Obligations Upon Death or**
24 **Disability.** The Board may, upon the death or disability of a student who is
25 receiving or has received an award under the provisions of this Chapter,
26 discharge in full or in part all obligations for the repayment of said award.

1 **§ 15A108. Garnishment of Income Tax Refunds in the Event of**
2 **Default.** The Board may, subject to the terms and conditions of a
3 Memorandum of Understanding with the Department of Revenue and
4 Taxation, garnish the tax refunds due to any recipients of assistance pursuant
5 to this Chapter and/or recipient's co-signer(s) who has defaulted on the
6 repayment of such assistance and a judgment has been issued. Such
7 garnishment *shall not* exceed the judgment amount.

8 **§ 15A109. Interest Computation on Financial Assistance Awarded**
9 **On or After Award Year 2013-2014 for Non-Cash (Non-Service Credit)**
10 **Repayments.** Interest on all awards of assistance made on or after Award
11 Year 2013-2014, pursuant to this Chapter, *shall* be computed on the
12 outstanding balance on a simple interest basis beginning on the date of
13 disbursement at an annual percentage rate of ten percent (10%). Repayment
14 *shall* be made in either a lump sum by which the principal and accrued
15 interest up to the date of repayment is satisfied, or through a periodic
16 payment plan under the following conditions:

17 (a) the awardee can amortize the combined balance of principal and
18 accrued interest balances over a specified term at an annual
19 percentage rate of 10 percent (10%);

20 (b) the period for repayment *shall not* exceed ten (10) years; and

21 (c) all awardees choosing to repay assistance in cash in lieu of service
22 credit must pay all accrued interest before any payments are applied to
23 the principal of the debt.

24 Repayment of awards made prior to Award Year 2013-2014 *shall* be made
25 pursuant to the provisions of Chapter 15 of this Title.

26 **§ 15A110. Prohibition.**

1 (a) No awards shall be granted under this Chapter for the purposes of
2 pursuing theological studies.

3 (b) No money may be expended for awards under this Chapter *unless*
4 such awards are authorized by the Board, by resolution. Any officer who
5 disburses or certifies any expenditure from the Fund without such
6 authorization *shall* be personally liable for the restitution of such
7 expenditure to the Fund.

8 § 15A111. **Prioritization of Awards.** Beginning in the 2013-2014
9 award year, the Board *shall* adopt, by resolution, a listing of awarding
10 priorities prior to awarding students under Article 3 of this Chapter.
11 Awarding priorities *shall* be established every three (3) years or sooner if
12 requested by the President of the University.

13 § 15A112. **Reporting Requirements.** The Board *shall* submit a
14 report of the Student Financial Assistance Programs for Higher Education to
15 *I Maga'lahaen Guåhan* (the Governor of Guam) and to the Speaker of *I*
16 *Liheslaturan Guåhan* no later than one (1) month from the end of the
17 Academic Year which, at the very least, *shall* contain the following
18 information: the total number of recipients under this Chapter, sorted by new
19 and continuing recipients; the total number of students that have completed
20 their degrees under Article 3, sorted by program; the total amount expended
21 for the academic year; and any other information that *I Liheslatura* will
22 deem helpful in the review of the programs in this Chapter.

23 ARTICLE 2

24 MERIT AWARDS TO THE UNIVERSITY OF GUAM

25 (For Academic Years 2013-2014 and Thereafter)

26 § 15A201. Students Entitled to Merit Awards.

1 § 15A202. Benefits.

2 § 15A203. Service Credit.

3 § 15A204. Rules and Regulations.

4
5 **§ 15A201. Students Entitled to Merit Awards.**

6 (a) There are established annual merit awards for high school
7 students in the graduating classes of public and private high schools
8 licensed to do business on Guam, now or hereafter established. The
9 students entitled to these awards *shall* be the students having the
10 highest scholastic standing in the graduating classes of each such
11 public and non-public high school on Guam. The awards *shall* be
12 determined as follows:

13 (1) One (1) for every fifty (50) graduates or a fraction
14 thereof of a school's graduating class. If as a result of the equal
15 scholastic standing of two (2) or more graduates, there is a tie
16 for the awards granted pursuant to this Chapter, the graduates'
17 respective school *shall* provide a mechanism to break the tie.
18 Awardees are entitled to four (4) years of education at the
19 University of Guam.

20 (2) All awards *shall* be subject to the following
21 limitations:

22 A recipient must be:

23 (A) a United States citizen, or a permanent resident
24 alien, who has completed a minimum of three (3) but no
25 more than four (4) academic years, and meets all
26 academic credit requirements for graduation during

1 attendance in a public, non-public, or DODEA high
2 school on Guam; and

3 (B) a resident of Guam for a continuous period of
4 *not less than* five (5) years immediately preceding June
5 15th of the year the award is to be given.

6 (3) To be eligible for a merit award, a student must have
7 achieved a cumulative high school grade point average of *not*
8 *less than* 3.0 or its equivalent at the time of graduation.

9 (b) If any student is ineligible for an award because of failure to
10 meet the requirements contained in Subsection (a) of this Section; or
11 if any eligible student chooses *not* to accept an award when first
12 offered such award, the award *shall* be granted to the eligible student
13 with the next highest scholastic rank, or in the case of a tie, the student
14 that was eliminated by the tie-breaker. If an eligible student declines
15 to accept an award when first offered, the student may *not* accept the
16 award after it has been granted to another student. The recipient of a
17 merit award must notify the Board within thirty (30) days that the
18 award is accepted. Failure to notify the Board within thirty (30) days
19 will forfeit the award, and it *shall* be offered to the next alternate.

20 (c) Award recipients must agree that the recipient will work on
21 Guam for a period of one (1) year for each academic year the award
22 was received within six (6) months following the completion or
23 termination of the course of study for which the award was granted;
24 provided, that if the recipient continues as a full-time student at a
25 graduate or professional school, such recipient may defer work on
26 Guam until such additional studies are completed.

1 (d) Awards granted on or subsequent to the effective date of
2 this Section *shall* be cancelled if a recipient:

3 (1) fails to maintain a cumulative grade point average of
4 3.0 or its equivalent, *except* that a recipient may be allowed one
5 (1) academic term to regain the required grade point average
6 without cancellation of the award; or

7 (2) fails to meet the academic and/or other requirements
8 governing full-time students at the University of Guam, *except*
9 that a recipient *shall* be allowed one (1) academic term to
10 regain full-time status before cancellation of recipient's award.

11 **§ 15A202. Benefits.** Students entitled to awards pursuant to this
12 Article *shall* receive the following benefits:

13 (a) Tuition and Fees at the University of Guam. Tuition and
14 fees for each academic year to be paid by the Student Financial
15 Assistance Fund for a period of *not more than* four (4) years in an
16 undergraduate program at the University of Guam.

17 (b) Stipend. Award recipients are entitled to a monthly stipend
18 to be disbursed in nine (9) monthly installments during the academic
19 year, as follows:

20 (1) First Year and Second Year Students: Three Hundred
21 Dollars (\$300.00) per month.

22 (2) Third Year and Fourth Year Students: Five Hundred
23 Dollars (\$500.00) per month.

24 (c) Allowance for Textbooks. Each student receiving an award
25 under this Article *shall* be entitled to an additional Three Hundred
26 Fifty Dollars (\$350.00) per semester for textbooks.

1 (d) Optional Inter-Session Allowed.

2 (1) Summer Semester. Each student *shall* be entitled to
3 tuition for full time enrollment, fees, and textbooks.

4 (2) Between Fall and Spring Semesters. Each student
5 *shall* be entitled for tuition for full time enrollment, fees, and
6 textbooks. Students attending inter-session between Fall and
7 Spring Semesters *shall not* be entitled to an additional stipend.

8 **§ 15A203. Service Credit.** The financial assistance granted under
9 this Article *shall* be repaid on a one-to-one basis for each year that assistance
10 was provided through employment on Guam. In the event that any portion
11 of the assistance is *not* repaid through service credit, the amount unpaid in
12 service credit *shall* become due and payable.

13 (a) In calculating the amount due and payable for failure to pay
14 through service credit, the amount due *shall* be the total amount of
15 assistance minus the number of years repaid through service credit.
16 For purposes of this Section, a year of service credit is twelve (12)
17 months. The Board may also extend payments of cash repayment by
18 executing a promissory note for a term *not to exceed* ten (10) years at
19 an annual percentage rate of *not less than* ten percent (10%). No
20 amounts shall be considered due and payable during the time which
21 the awardee is repaying service credit pursuant to the provisions in
22 this Article.

23 (b) The Board may allow deferrals of repayment through
24 service for the following reasons:

25 (1) pursuit of a graduate degree;

26 (2) a family or medical emergency; or

1 (3) Military service.

2 (c) Any awardee granted an award pursuant to the provisions
3 of this Article must commence work on Guam within six (6) months
4 following the completion of studies, *unless* extended by the Board for
5 extenuating circumstances, or will be considered in default of their
6 obligation as of the date classes ended. The permanent transfer to an
7 off-Guam office or branch of a Guam employer *shall not* count
8 towards service credit *and shall* result in default on the date of
9 transfer, and interest *shall* begin accruing on such a date of default.
10 Permanent transfers, for purposes of this Section, are those that are
11 longer than six (6) months. The Board *shall* establish such policies
12 prescribing the length and terms of repayment, the interest rates to be
13 charged, and the collection of delinquent accounts.

14 (d) Death or total disability of the student *shall* terminate any
15 obligations herein. Total disability for purposes of this Section is
16 defined as any physiological or psychological condition that will
17 prevent the student from obtaining or maintaining any form of gainful
18 employment for a period of *not less than* three (3) years. The Board
19 may defer repayment for temporary disability. Total and permanent
20 disability requires the certification by two (2) physicians licensed to
21 practice in the United States.

22 § 15A204. **Rules and Regulations.** The Board *shall* develop
23 appropriate rules and regulations for the administration of this Article.
24

25 **ARTICLE 3**

26 **JESUS U. TORRES PROFESSIONAL AND TECHNICAL AWARDS**

1 (For Academic Years 2013-2014 and Thereafter)

2
3 § 15A301. Students Entitled to Awards.

4 § 15A302. Benefits.

5 § 15A303. Repayment of Benefits and Service Credit.

6 § 15A304. Forfeiture of Awards.

7 § 15A305. Rules and Regulations.

8
9 § **15A301. Students Entitled to Awards.** There is established the
10 Jesus U. Torres Professional and Technical Awards for graduate studies. To
11 qualify for these awards, applicants must meet the following criteria:

12 (a) The applicant must be a bona fide resident of Guam for a period of
13 *not less than* ten (10) years prior to application, and a United States citizen,
14 or a permanent resident alien, and must have achieved an overall grade point
15 average of 3.00 in undergraduate studies if pursuing a master's degree or a
16 professional degree, or a 3.33 grade point average in a master's degree or
17 professional degree program if pursuing a doctoral degree or an irrevocable
18 letter of acceptance from a U.S. accredited institution as recognized by the
19 Council for Higher Education Accreditation (CHEA) or its successors or an
20 irrevocable letter of acceptance from a foreign medical school as listed in the
21 World Health Organization (WHO) listing of medical schools, which was
22 approved by the Board of Medical Examiners or the Council on Medical
23 Education and hospitals of the American Medical Association or by a private
24 non-profit accrediting body approved by the Guam Board of Medical
25 Examiners.

1 (b) The applicant must agree to the repayment terms as specified in
2 §15A303 and §15A304;

3 (c) The applicant must present to the Board, prior to granting of the
4 award, satisfactory proof that such applicant has been accepted by a U.S.
5 accredited college or university, as recognized by the Council for Higher
6 Education Accreditation (CHEA), or its successors, or satisfactory proof that
7 such applicant has been accepted by a foreign medical school as listed in the
8 World Health Organization (WHO) listing of medical schools, which was
9 approved by the Board of Medical Examiners or the Council on Medical
10 Education and hospitals of the American Medical Association or by a private
11 non-profit accrediting body approved by the Guam Board of Medical
12 Examiners as a full-time student pursuing a program of study in the field
13 applied for; and

14 (d) The college or university must be properly accredited as
15 recognized by the Council for Higher Education Accreditation (CHEA), or
16 its successors, or the foreign medical school must be properly accredited as
17 listed in the World Health Organization (WHO) listing of medical schools,
18 which was approved by the Board of Medical Examiners or the Council on
19 Medical Education and hospitals of the American Medical Association or by
20 a private non-profit accrediting body approved by the Guam Board of
21 Medical Examiners, and must be approved by the Board; however, that no
22 award shall be granted for studies at an off-Guam institution in a program
23 that is available at the University of Guam.

24 (e) The Board *shall* select the recipients of the awards based upon the
25 basis of scholastic ability, financial need, and aptitude. The Board may also
26 use work or life-time experience and achievement criteria in place of the

1 aptitude criteria, if it can be reasonably determined that the applicant will
2 succeed in a course of study funded by an award herein.

3 (f) In determining financial need, the applicant must submit a Free
4 Application for Federal Student Aid (FAFSA) to determine level of need.

5 (g) No benefits as specified in §15A302 shall be continued beyond the
6 number of years normally required to complete studies in the specific
7 academic degree program for which the award was granted, *except* under
8 exceptional circumstances, as determined by the Board.

9 **§ 15A302. Benefits.** Students entitled to awards pursuant to this
10 Article *shall* receive the following benefits:

11 (a) payment of tuition and fees *up to* Ten Thousand Dollars
12 (\$10,000) per year, to be determined by the Board of Regents.

13 (b) an annual grant loan of *not more than* Ten Thousand Dollars
14 (\$10,000) per year to be used for room and board, books and
15 educational supplies, to be determined by the Board of Regents. Such
16 grant loans are to be non-interest bearing, *except* as to unpaid
17 delinquent amounts; and

18 (c) cost of an economy, one (1)-way airfare to the school of
19 attendance, and the cost of an economy, one (1)-way airfare to return
20 to Guam upon completion of studies for which an award was given
21 under this Article.

22 **§ 15A303. Repayment of Benefits and Service Credit.** The
23 financial assistance granted under this Article *shall* be repaid on a two-to-
24 one (2:1) basis for each year that assistance was provided through
25 employment on Guam. In the event that any portion of the assistance is *not*

1 repaid through service credit, the amount unpaid in service credit *shall*
2 become due and payable.

3 (a) Every student granted an award pursuant to this Article *shall*
4 execute a promissory note agreeing to repay said loan over a period to
5 be determined by the Board, but *not* in excess of ten (10) years from
6 the contemplated date of the termination or the completion of the
7 course of study for which the award was approved. The amount of the
8 note *shall* be left blank until the completion of studies, in which the
9 amount of the note will be the total monetary amount of assistance
10 provided by the award. Said promissory note *shall* be non-interest
11 bearing, *except* as to amounts unpaid by service credit that are due and
12 payable under the note, which *shall* be subject to interest at the annual
13 rate of ten percent (10%). No amounts shall be considered due and
14 payable during the time in which the awardee is repaying service
15 credit pursuant to the provisions herein.

16 (b) Any student granted an award pursuant to this Article *shall*
17 receive service credit against amounts due under the promissory note
18 as follows:

19 (1) The amount of the note *shall* be the total amount of
20 assistance provided. Service credit *shall* be applied in against
21 the note in monthly installments.

22 (2) The number of monthly installments to be paid *shall*
23 be based on the number of months for which assistance was
24 provided multiplied by two (2).

25 (3) In the event of default, the balance due in monetary
26 terms *shall* be the amount of assistance provided less the

1 amount repaid through service credit. The amount repaid
2 through service credit *shall* be the total amount of assistance
3 provided divided by the number of installments of service credit
4 due as calculated in Subsection (b)(2) multiplied by the number
5 of installment paid through service credit.

6 (c) Any awardee granted an award pursuant to the provisions of
7 this Article must commence work on Guam within six (6) months
8 following the completion of studies, *unless* extended by the Board for
9 extenuating circumstances, or will be considered in default of their
10 obligation as of the date classes ended. The permanent transfer to an
11 off-Guam office or branch of a Guam employer *shall not* count
12 towards service credit and *shall* result in default on the date of
13 transfer, and interest *shall* begin accruing on such a date of default.
14 Permanent transfers, for purposes of this Section, are those that are
15 longer than six (6) months. The Board *shall* establish such policies
16 prescribing the length and terms of repayment, the interest rates to be
17 charged, and the collection of delinquent accounts.

18 (d) If any temporary leave of absence is expected to last longer
19 than forty-five (45) days, the awardee *shall* inform the Board of the
20 length of time expected to be off-island, the reason for such time off-
21 island, and the awardee's address while off-island. As long as the
22 employee remains employed on Guam while off-island temporarily,
23 the employee *shall* receive service credit for such employment, during
24 the time the employee is off-island for the purposes described herein.

25 (e) Death or total disability of the student *shall* terminate any
26 obligations herein. Total disability for purposes of this Section is

1 defined as any physiological or psychological condition that will
2 prevent the student from obtaining or maintaining any form of gainful
3 employment for a period of *not less than* three (3) years. The Board
4 may defer repayment for temporary disability. Total and permanent
5 disability requires the certification by two (2) physicians licensed to
6 practice in the United States.

7 (f) The Board may grant deferrals of repayment through service
8 in cases where a family medical emergency arises.

9 (g) In the event a student forfeits an award defined in §15A404,
10 no service credit shall be granted and repaid according to the
11 provisions herein for those years in which assistance was provided
12 and all awards plus interest shall be repaid according to the provisions
13 herein.

14 **§ 15A304. Forfeiture of Awards.** Expulsion from a school or
15 institution attended, or suspension for a period of the same or greater than
16 one (1) academic semester, or its equivalent, in such school or institution, or
17 failure to complete the program for which the award was granted, or failure
18 to comply with the regulations of the Board, *shall* result in a forfeiture of the
19 award provided by this Article. For purposes of this Article, a person *shall*
20 be considered to have completed the course of studies upon the event or
21 events of forfeiture as provided in this Section.

22 **§ 15A305. Rules and Regulations.** The Board *shall* develop rules
23 and regulations pursuant to the Administrative Adjudication Law for the
24 administration of the program enacted by this Article. In addition to the
25 administration of the program, such rules and regulations *shall* include
26 provisions for:

- 1 (a) conditions for continuance of an award;
2 (b) construction of applicable promissory notes;
3 (c) time frames for the completion of program studies; and
4 (d) provisions for the temporary suspension of completion of a
5 degree program or repayment of awards for cases beyond the control
6 of the scholarship recipient, such as personal illness, or death or
7 illness of a family member.

8 **ARTICLE 4**

9 **ACCESS TO HIGHER EDUCATION FINANCIAL**

10 **ASSISTANCE PROGRAM**

11 § 15A401. Students Entitled to Award.

12 § 15A402. Benefits.

13 § 15A403. Repayment of Benefits and Service Credit.

14 § 15A404. Programs for Teachers, Nurses, and Other Specialized
15 Awards.

16 § 15A405. Rules and Regulations.

17 **§ 15A401. Students Entitled to Award.** There is hereby established
18 the Access to Higher Education Financial Assistance Program. The award
19 *shall* be made available to any student meeting the qualification herein, for
20 the purpose of supplementing the cost of attending the University of Guam.
21 To qualify for these awards, applicants must meet the following criteria:

22 (a) The applicant must have a minimum 2.50 high school Grade
23 Point Average (GPA) or 2.50 undergraduate GPA;

24 (b) the applicant must be a United States citizen, or a permanent
25 resident alien, who has been a resident of Guam for a continuous

1 period of *not less than* four (4) years immediately preceding June 15th
2 of the year the award is to be given, and must *not* be incarcerated;

3 (c) the applicant must be pursuing their first undergraduate
4 degree (grant is not available for students pursuing a second
5 undergraduate degree or a graduate level degree);

6 (d) the applicant must be enrolled as a full-time student at the
7 University of Guam; and

8 (e) the applicant must have completed the Free Application for
9 Federal Student Aid (FAFSA) and an Access to Higher Education
10 Financial Assistance Grant application by a date to be determined by
11 the Board.

12 **§ 15A402. Benefits.** Students entitled to grants pursuant to this
13 Article *shall* receive the following benefits:

14 (a) A grant amount between Five Hundred Dollars (\$500) to
15 Three Thousand Dollars (\$3,000) per year based on financial need.
16 "Financial need" means the difference between the student's cost of
17 attendance at the University of Guam and the student's expected
18 family contribution (EFC). Expected Family Contribution (EFC) *shall*
19 be determined using the federal methodology pursuant to subdivision
20 (a) of Section 69506 (as established by Title IV of the federal Higher
21 Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.) and
22 applicable rules and regulations adopted by Board.

23 (1) Final awards *shall* be determined by the Board based
24 on a combination of fund availability, financial need and
25 application priority due dates.

1 (2) Award recipients *shall* remain eligible for award
2 renewal *only* if he or she remains a Guam resident, in
3 attendance, and making satisfactory academic progress at the
4 University of Guam, as determined by the Board.

5 (3) Award recipients *shall not* receive more than one (1)
6 type of award concurrently under this Chapter.

7 **§ 15A403. Repayment of Benefits and Service Credit.** The
8 financial assistance granted under this Article *shall* be repaid on a one-to-
9 one (1:1) basis for each year that assistance was provided through
10 employment on Guam. In the event that any portion of the assistance is *not*
11 repaid through service credit, the amount unpaid in service credit *shall*
12 become due and payable.

13 **§ 15A404. Programs for Teachers, Nurses, and Other Specialized**
14 **Awards.** The Board *shall* continue to award programs identified in 17 GCA
15 Chapter 15, specifically, Article 9 (Doc Sanchez Scholarships), Article 10
16 (Nursing Training), Article 13 (The Doctor Antonio C. Yamashita Teacher
17 Corps), and Article 14 (The Every Child is Entitled to a Higher Education
18 Scholarship Program), consistent with rules and regulations promulgated by
19 the Board as authorized by this Chapter. The rules and regulations for
20 programs authorized under this Section must contain provisions for
21 repayment of benefits and service credit.

22 **§ 15A405. Rules and Regulations.** The Board *shall* promulgate rules
23 and regulations prior to the granting of any award under this Chapter.
24 Notwithstanding 5 GCA §9303(c), said rules and regulations shall be
25 effective upon filing with the Legislative Secretary in accordance with 5
26 GCA §9303(a) and (b).”

1 **Section 3. Sunset Provision.** After Award Year 2012-2013, no other
2 awards shall be granted under Chapter 15 of Title 17 Guam Code Annotated *except*
3 as provided for in Chapter 15A. However, the provisions of Chapter 15 of Title 17
4 *shall* remain in effect for all awards granted in Award Year 2012-2013 and prior.