

Virginia Administrative Code

State Council of Higher Education for Virginia

Chapter 140

Virginia Vocational Incentive Scholarship Program for Shipyard Workers Regulations

8VAC40-140-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Academic year" means the 12-month enrollment period, during which the college holds classes, comprised of the college's fall and spring semesters and summer session.

"Apprenticeship program" means a three-year program combining educational instruction and on-the-job training that is established for the purpose of enhancing the education and skills of shipyard workers and that is registered with the Virginia Department of Labor and Industry.

"Award year" means the period of time in which a scholar receives a scholarship during the academic year. Receipt of the scholarship during at least two of the three periods constitutes one full award year while enrollment in one period constitutes one half of an award year.

"College" means Tidewater Community College.

"Council" means the State Council of Higher Education for Virginia or its designated staff.

"Domiciliary resident of Virginia" means a student determined by the college to meet the domicile eligibility requirements specified by § 23.1-502 or 23.1-505 of the Code of Virginia and augmented by the Domicile Guidelines.

"Eligible course of study" means an Associate in Applied Science degree program or an apprenticeship program registered with the Virginia Department of Labor and Industry.

"Program" means the Virginia Vocational Incentive Scholarship Program for Shipyard Workers.

"Scholar" means a recipient of program funds from the Virginia Vocational Incentive Scholarship Program for Shipyard Workers.

"Scholarship" means a grant from state funds appropriated for the Virginia Vocational Incentive Scholarship Program for Shipyard Workers.

"Shipyard worker" means any person employed full time on a salaried or wage basis whose tenure is not restricted as to temporary or provisional appointment at a ship manufacturing or ship repair company located in the Commonwealth of Virginia.

8VAC40-140-20. Use of funds.

A. The college shall establish and maintain financial records that accurately reflect all program transactions as they occur. The college shall establish and maintain general ledger control accounts and related subsidiary accounts that identify each program transaction and separate those transactions from all other institutional financial activity.

B. Funds may be paid to the college on behalf of shipyard workers who have been awarded scholarships pursuant to § 23.1-2912 of the Code of Virginia and this chapter. Funds also may be used by the college for the implementation and administration of the program. Funds used by the college to implement and administer the program shall not exceed in any given year 5.0% of that year's allocation for the program.

8VAC40-140-30. Application procedures and selection of scholarship recipients.

To apply for a scholarship under the program, a student must follow the procedures established by the college and approved by the council. Recipients will be selected by the college using a process approved by the council.

8VAC40-140-40. Eligibility criteria for an initial scholarship.

In order to receive a scholarship, the student must be:

1. A domiciliary resident of Virginia;
2. Employed full time as a shipyard worker; and
3. Enrolled in an eligible course of study.

8VAC40-140-50. Renewability of scholarships.

Scholarships may be renewed for up to two academic years provided that the student continues to meet the initial eligibility criteria specified in 8VAC40-140-40 and maintains a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent at the completion of each academic year.

8VAC40-140-60. Scholarship conditions.

To receive initial and renewal scholarships, the student must enter into an agreement with the college to:

1. Continue full-time employment as a shipyard worker until successful completion of the eligible course of study;
2. Continue pursuing an eligible course of study;
3. Upon successful completion of the eligible course of study, work continuously in Virginia as a shipyard worker at the rate of one calendar year for each award year received;
4. Provide evidence of compliance with subdivision 3 of this section in the form of a statement from the human resources director of the shipyard in which the scholar is working, certifying that the scholar is employed full time as a shipyard worker; and

5. Repay the total amount of funds received, or the appropriate portion thereof, and any accrued interest, if the scholar fails to honor the requirements specified in subdivisions 1, 2, and 3 of this section.

8VAC40-140-70. Scholarship amount.

A. In no case may a student receive a scholarship under the program that exceeds the cost of full tuition and required fees relating to the eligible course of study.

B. If a scholar ceases full-time employment as a shipyard worker or withdraws from all courses during a term, the amount of the scholarship must be reclaimed by the college.

8VAC40-140-80. Noncompliance with scholarship agreement.

A. A scholar found to be in noncompliance with the scholarship agreement entered shall:

1. Repay the amount of scholarship funds received, prorated according to the fraction of the work obligation not completed, as determined by the college;
2. Pay a simple, per annum interest charge of 5.0% on the outstanding principal as determined by the college; and
3. Pay all reasonable collection costs as determined by the college.

B. A scholar required to repay the scholarship shall:

1. Enter repayment status on the first day of the first calendar month after:
 - a. The college has determined that the scholar is no longer enrolled in an eligible course of study, but not before six months has elapsed since the scholar was enrolled in such course of study;
 - b. The date the scholar informs the college that the scholar does not plan to fulfill the work obligation; or
 - c. The latest date on which the scholar must have begun working in order to have completed the work obligation within 10 years after completing the postsecondary education for which the scholarship was awarded, as determined by the college.

2. Make monthly payments to the college that cover principal, interest, and any collection costs according to a schedule established by the college that calls for minimum payments of \$100 per month and to complete repayment within 10 years after the scholar enters repayment status.

C. The interest charge specified in subdivision A 2 of this section accrues from:

1. The date of the initial scholarship payment if the college has determined that the scholar is no longer enrolled in an eligible course of study or completed an eligible course of study but never became employed as a shipyard worker; or
2. The day after the last day of the scholarship period for which the work obligation is required.

D. The college shall capitalize any accrued interest at the time it establishes a scholar's repayment schedule.

E. The college may approve less than \$100 minimum monthly payments or forgive partial interest charges due to extenuating circumstances.

F. The college may approve a reduction in interest charges for scholars making consistent on-time monthly payments that meet or exceed the minimum required amount.

G. A scholar is not considered in violation of the repayment schedule established by the college during the time the scholar is:

1. Serving on active duty as a member of the armed services of the United States or serving as a member of VISTA or the Peace Corps for a period not in excess of three years;
2. Accompanying a spouse who is serving on active duty as a member of the armed services of the United States or serving as a member of VISTA or the Peace Corps for a period not in excess of three years;
3. Experiencing health conditions that impede the scholar's ability to perform requisite service in a shipyard setting for a period not to exceed three years;
4. Unable to secure employment by reason of the care required by a disabled child, spouse, or parent for a period not in excess of 12 months; or
5. Unable to satisfy the terms of the repayment schedule established by the council and is also seeking and unable to find full-time employment as a shipyard worker in Virginia for a single period not to exceed 27 months.

H. To qualify for any of the exceptions in subsection G of this section, a scholar must notify the college of a claim to the exception and provide supporting documentation as required by the college.

I. During the time a scholar qualifies for any of the exceptions specified in subsection G of this section, the scholar need not make the scholarship repayments and interest does not accrue.

J. The college shall extend the 10-year scholarship repayment period by a period equal to the length of time a scholar meets any of the exceptions in subsection G of this section or if a scholar's inability to complete the scholarship repayments within this 10-year period because of a financial condition has been established to the college's satisfaction.

K. The college shall cancel a scholar's repayment obligation if it determines that:

1. On the basis of a sworn affidavit of a qualified physician, the scholar is unable to work on a full-time basis because of an impairment that is expected to continue indefinitely or result in death; or
2. On the basis of a death certificate or other evidence conclusive under state law, the scholar has died.

8VAC40-140-90. Responsibility of the college.

The college shall:

1. Comply with all requests from the council for reports or information necessary to carry out the operation of the program;
2. Retain a copy of each signed promissory note; and
3. Notify the council if a scholar fails to meet the terms of the promissory note and enters repayment status.