# **94-457 FINANCE AUTHORITY OF MAINE**

**Chapter 608: TUITION WAIVER PROGRAM**

**Summary**: This rule establishes the eligibility criteria to be met and procedures to be followed for participation in a tuition waiver program at state postsecondary educational institutions for spouses and children of firefighters, emergency medical services persons and law enforcement officers killed in the line of duty, and for foster children.

**1. General Rules**

A. Definitions

Definitions used in this rule shall have the following meanings;

1. Chief Executive Officer. "Chief Executive Officer" means the Chief Executive Officer of the Finance Authority of Maine, or a person acting under the supervisory control of the Chief Executive Officer.

2. Emergency Medical Services Person. “Emergency medical services person” means a person who: (1) is licensed to provide emergency medical treatment under Title 32, chapter 2-B and is serving a governmental entity as defined in Title 24, section 8102, subsection 2 or a political subdivision as defined in Title 14, section 8102, subsection 3, in an official capacity as an officially recognized or designated employee or member of a rescue squad or ambulance crew, with or without compensation; or (2) is an employee of a nonprofit, incorporated ambulance service or non-transporting emergency medical service licensed under Title 32, chapter 2‑B receiving full or partial financial support from or officially recognized by the State, a municipality, or county or an entity created under Title 30‑A, chapter 115 or 119 when acting within the scope of activities expressly authorized by the State, municipality, county or entity created under Title 30-A, chapter 115 or 119.

3. Firefighter. "Firefighter" means a person who is an active member of a municipal fire department or a volunteer firefighter's association in this state and who aids in the extinguishing of fires regardless of whether the person has administrative or other duties as a member of the department or association.

4. Foster Child. “Foster Child’ means (a) a person in the custody of the Maine Department of Health and Human Services residing in foster care, or (b) an adopted person whose adoptive parent(s) receive a subsidy from the Maine Department of Health and Human Services, or (c) a person who is a minor ward of a permanency guardian as provided in 22 M.R.S.A. §4038-D which guardian receives a subsidy from the Maine Department of Health and Human Services.

5. Law Enforcement Officer. "Law Enforcement Officer" means an active state police officer, municipal police officer, county sheriff or deputy sheriff in this state. “Law Enforcement Officer” shall also include an active game warden, fire marshal, liquor enforcement officer, or marine patrol officer, if employed on a full-time basis in that position in this state.

6. Local government official. "Local government official" shall mean any elected or appointed member of a local government.

7. Maine Resident. "Maine Resident" means a person who is a resident of Maine at the time of application and who is not a resident of any other state.

8. State Post Secondary Educational Institution. "State Post Secondary Educational Institution" means the University of Maine, the Maine Maritime Academy, and the Maine Community Colleges.

9. Tuition Charges. "Tuition Charges" means the tuition established by the governing body of the state postsecondary educational institution.

10. Undergraduate Degree. "Undergraduate Degree" means Associate Degree (2-year) and Baccalaureate Degree (4-year), and with respect only to foster child participants, other degree or certificate programs of at least one year.

B. Tuition Waiver

1. An eligible spouse or child of a firefighter, emergency medical services person or law enforcement officer who has been killed or who has received an injury during the performance of his duties within this State which results in death may attend any state postsecondary educational institution free of tuition charges. For the purpose of this Rule, the phrase "who has been killed or who has received an injury during the performance of his duties which results in death" means that the decedent shall have died as the proximate and direct result of injuries received from external causes as the result of the active performance of the firefighter's or law enforcement officer's official duties.

2. An eligible foster child who has not been enrolled in a postsecondary educational institution for more than 5 years or the equivalent, and who each year completes an application for federal financial aid programs for which they may be eligible, may attend any state post-secondary educational institution free of tuition charges.

3. Once notified of an applicant's eligibility, the postsecondary educational institution shall waive a student's tuition during that academic year and/or summer school if the summer school offerings provide sufficient credit hours to allow the student to be classified as full time.

4. The tuition waiver shall be limited to undergraduate degree programs and shall be limited to the earlier to occur of not more than 5 years of full-time enrollment or its equivalent, or receipt of a Baccalaureate Degree.

**2. Eligibility**

A. Initial Eligibility

All the following requirements must be met by the applicant to be eligible for a tuition waiver.

1. The person must be: (a) a natural or legally adopted child of a firefighter, emergency medical services person or law enforcement officer, and be less than 21 years old at the time of the death of the parent firefighter, emergency medical services person or law enforcement officer, or (b) legally married to a firefighter, emergency medical services person or law enforcement officer at the time of the firefighter’s, emergency medical service person’s or law enforcement officer’s death, or (c) a foster child at the time such person graduates from high school or successfully completes a general educational development examination or its equivalent under 20‑A M.R.S.A. § 257;

2. The person must be a Maine resident;

3. The person must be a high school graduate or can demonstrate equivalent instruction; and

4. The person must have been accepted for admission to a state postsecondary educational institution.

B. Continuation

The tuition waiver shall be awarded annually, and shall continue to be available for so long as the following requirements are met:

1. The person remains eligible under requirements established in Section 2(A).

2. The person remains in satisfactory academic standing under standards of the postsecondary institution.

3. The person files an application annually prior to the first semester of the academic year with the authority and includes with the application a letter from the Registrar indicating that the requirement of 2(B)(2) has been met.

C. Limitation on number of foster children participants

No more than 30 waivers may be awarded for any academic year to eligible foster children who have not already participated in the program. The first 25 such waivers shall be available to eligible persons attending any state postsecondary educational institution, and of the last 5 such waivers, 3 shall be available to eligible persons attending educational institutions in the University of Maine System, and 2 shall be available to eligible persons attending educational institutions in the Maine Community College System. New awards will be made on a first come, first served basis. Once awarded a tuition waiver, an eligible foster child shall be entitled, upon application, to a waiver for succeeding academic years so long as they continue to meet the eligibility criteria and remain in good academic standing at a state postsecondary educational institution, as determined by the standards of the institution.

**3. Application Process**

A. Form

A person desiring to obtain a tuition waiver shall make application to the authority on a form provided by the authority.

B. Determination of Eligibility

The authority shall determine the applicants' eligibility utilizing requirements as established in Section 2(A) and by taking all steps necessary to determine that the requirements are met. In addition, the following information shall be provided by the applicant to the authority in order to assist the authority in the determination of eligibility.

(1) Copy of birth certificate, marriage certificate or other legal documents showing that the applicant is either a natural or legally adopted child of the deceased less than 21 years of age at the time of death, or a spouse at the time of death together with a copy of death certificate of the firefighter, emergency medical services person or law enforcement officer; or

(2) a letter from the Maine Department of Health and Human Services indicating that the applicant was a foster child, as defined in this rule, at the time he or she graduated from high school or completed a general educational development exam or its equivalent together with a copy of such applicant’s federal financial aid forms with evidence of proper filing of same.

(3) Notarized statement from a local government official in the community where the applicant currently resides attesting to the fact that the applicant is a Maine resident, and in the case of applicant seeking a waiver under Section 1(B)(1), a notarized statement from local government official of the community in which the deceased parent firefighter or law enforcement officer was employed at the time of death attesting to the fact that the deceased parent firefighter or law enforcement officer was (a) employed by the community as a firefighter or law enforcement officer at the time of death, (b) was engaged in the performance of the duties of a firefighter or law enforcement officer at the time of death and (c) was killed or received injuries resulting in death in the performance of such duty.

(4) Copy of the applicant's high school transcript demonstrating that the applicant has graduated from high school or other documentation demonstrating that the applicant has achieved an equivalent level of instruction.

(5) Copy of letter from the admissions officer at the state postsecondary educational institution the applicant has chosen to attend indicating that the applicant has been accepted for enrollment.

Note: Although an applicant may be accepted at several different institutions, the required letter must come only from the institution to which the applicant has chosen to attend.

C. Notification

1. The authority shall notify the applicant of the applicant's eligibility status.

2. The authority will also notify the postsecondary educational institution of the applicant's eligibility for a tuition waiver.

3. The authority will notify the postsecondary educational institute of any change in the eligibility status of the applicant.

**4. Reporting**

A. The postsecondary educational institution, in which the recipient is enrolled, shall report annually to the authority on forms provided by the authority the granting of the tuition waiver and the amount of funds the waiver represents.

B. The postsecondary educational institution in which the recipient is enrolled shall report to the authority when it is determined that the recipient has left the institution or has been dismissed from the institution for failure to meet academic standards.

C. The authority shall maintain all initial and renewal applications and related documentation necessary for the administration of the tuition waiver program.

STATUTORY AUTHORITY: 10 M.R.S.A Chapter 110, including but not limited to §§ 969‑A (14) and 1014, and 20-A M.R.S.A., §§ 12551-12554 & 12571-12573

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