

# TITLE 75: OFFICE OF THE GOVERNOR

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## SUBCHAPTER 75-20.1 EDUCATIONAL ASSISTANCE PROGRAM RULES AND REGULATIONS

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§ 75-20.1-201 Effective Date

Subchapter Authority: 3 CMC § 1316; Executive Order 94-3 § 211.

Subchapter History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011); Amdts Adopted 24 Com. Reg. 19942 (Dec. 27, 2002) (repealing and re-enacting the Educational Assistance Program Rules and Regulations); Amdts Proposed 24 Com. Reg. 19508 (Sept. 27, 2002); Adopted 23 Com. Reg. 18389 (Sept. 24, 2001); Emergency and Proposed 23 Com. Reg. 18183 (July 20, 2001) (effective for 120 days from July 13, 2001); Emergency and Proposed 21 Com. Reg. 16871 (Aug. 23, 1999) (effective for 120 days from Aug 18, 1999).

Commission Comment: 3 CMC § 1304 creates the Northern Marianas College as a nonprofit public corporation, under the general control and direction of the Board of Regents of the Northern Marianas College. See also 3 CMC § 1311. The Board of Regents is authorized to review eligibility based on established policy or criteria and to establish awards for all publicly funded financial assistance for post-secondary education of Commonwealth students within the Commonwealth. 3 CMC § 1316(d).

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 211:

Section 211. Scholarships.

(a) All functions of the Northern Marianas College Board of Regents relating to student scholarships, except those donated, bequeathed, or granted to the College by parties outside the Commonwealth Government, are transferred to the Office of the Governor.

(b) There is hereby established in the Office of the Governor a Scholarship Advisory Board consisting of nine members who shall be appointed by and serve at the pleasure of the Governor. At least two of the members shall be from Tinian, and at least two from Rota. Not more than five of the board members shall be associated with a single political party. The Board shall review applications for scholarships and make recommendations to the Governor with respect thereto. The Board shall also recommend objective standards for the award of scholarships. The provisions of [PL 8-41] shall not apply to the Board.

(c) As used in this section, the term “scholarships” includes student grants, student loans, and other programs of student financial assistance.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

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The Northern Marianas College Board of Regents first proposed a Financial Aid Policy in 1983. See 5 Com. Reg. 2458 (Oct. 20, 1983). A notice of adoption for the 1983 policy was never published. Prior to the creation of the Scholarship Advisory Board and the promulgation of the 1999 regulations, the Northern Marianas College Board of Regents administered a “Financial Aid for Off-island Students Policy” pursuant to the authority of 3 CMC § 1316(d). The history of the Financial Aid for Off-island Students Policy is as follows: Adopted 15 Com. Reg. 10718 (July 15, 1993); Proposed 15 Com. Reg. 10593 (May 15, 1993).

The 2012 amendments repealed and re-enacted a new version of this subchapter.

PL 18-6 (May 31, 2013) struck the former section 70-20.1.020, “Requirement of Attendance at NMC.”

PL 18-40 (Mar. 21, 2014) dissolved the Scholarship Office and replaced it with a new CNMI Scholarship Office, independent of the Office of the Governor. Section 5(c) of the Public Law provided, “The policies, rules and regulations of the Scholarship Office shall continue as policies, rules and regulations of the CNMI Scholarship Office until amended or repealed by the CNMI Scholarship Board of Directors.”

### **Part 001 - General Provisions**

#### **§ 70-20.1-001 Purpose**

The Scholarship Advisory Board hereby establishes an Educational Assistance Program (EAP) for the purpose of assisting applicants who desire to pursue post-secondary study, first at the Northern Marianas College (NMC), and then from within or outside of the Commonwealth of the Northern Mariana Islands (CNMI) through use of various locally funded grants and scholarships.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

#### **§ 70-20.1-005 Definition**

- (a) “Permanent Resident”: A United States citizen domiciled in the Commonwealth for two (2) consecutive years prior to enrollment in a college or university.
- (b) “Educational Assistance Grants”: Financial assistance awarded for the purpose of post-secondary studies.
- (c) “Merit Incentive Award”: An additional grant awarded to qualifying full-time and continuing undergraduate students on the basis on attainment starting with a 3.00 cumulative grade point average from a college or university (Such awards are contingent upon the availability of funds).
- (d) “Developmental Courses”: Courses that are below college level courses (Recipients who are taking developmental courses towards fulfillment of a full-time status are not eligible for merit incentive awards).
- (e) “Full-Time Status”: Full-time status for undergraduate enrollment is a semester/quarter term earning 12 or more credits, for graduates, enrollment in a semester/quarter term earning 9 or more credits or determined by the institution’s definition of semester/term. Courses that are

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repeated, as defined in subsection (i), are not counted towards fulfillment of a full-time status. Subsection (i) may be waived for applicants who are Certified Disabled, according to subsection (j).

(f) “Part-Time Status”: Part-time status for undergraduate enrollment is a semester/quarter earning 1-11 credits. Courses that are repeated, as defined on subsection (i), are not counted towards fulfillment of a part-time status. Commencing with Fall 2003, funding for part-time applicants will be determined upon availability of funds.

(g) “Correspondence School”: An educational institution offering courses (instructions, lessons, exercises, grades) through the mail.

(h) “Online Courses”: Courses available electronically or through telecommunication systems.

(i) “Repeat Course”: Course that a student repeats due to failing grades or retaking to earn a higher grade which was originally paid by the CNMI Scholarship Program.

(j) “Certified Disability”: A person who is certified disabled by a licensed physician.

(k) “Satisfactory Academic Progress (SAP)”: Coursework progress measured qualitatively (cumulative grade point average) and quantitatively (credits completed).

(l) Level of education:

(1) “Certificate”/“Diploma”: An undergraduate program less than two years.

(2) “Associate Degree”: An undergraduate degree program less than a baccalaureate level.

(3) “Baccalaureate Degree”: A four (4) or more year undergraduate degree program.

(4) “Masters Degree”: A degree program beyond a baccalaureate level.

(5) “Professional Degree”: Juris Doctorate or Medical Doctor who will directly provide health care.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission placed quotation marks around terms defined. The Commission updated internal citations in this section pursuant to 1 CMC § 3806(d).

### **§ 70-20.1-010 Scholarship Advisory Board**

The Scholarship Advisory Board (SAB) is created under Executive Order 94-3 Sec. 21 1. The Governor appoints members. The Board members serve on a voluntary basis without compensation. The duties and responsibilities of the Board are:

(a) To review and submit to the Governor recommendations pertaining to scholarship and incentive awards.

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(b) To review appeals and submit decisions on appeals of Scholarship Administrator's decision by students to the Scholarship Office.

(c) To advise and provide guidance to the Scholarship Administrator on matters concerning Rules and Regulations, student financial assistance, and budgetary matters.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

### **§ 70-20.1-015 Funding**

(a) Educational Assistance Program funding is derived from the scholarship funds appropriated by the legislature on a fiscal year basis. The level of funding is contingent on the balance of funds available after all statutory scholarship programs have been paid. Circumstances vary from year to year, so an EAP award for one year is no assurance of the same assistance in subsequent years. Thus, there may be variation in the amount of assistance offered to a student from one year to the next year because of changes in the availability of funds appropriated by the legislature or the number or amount of statutory scholarship awards.

(b) Should the Scholarship Advisory Board establish a written policy by which it determines a student's scholarship amount based on a student's financial need, there is no guarantee that individual students, other than those receiving the Merit Incentive Award, will receive the same amount of financial assistance or any financial assistance. If the Scholarship Advisory Board partners with another entity, it may also delegate determination of scholarship amount to that entity. The Office shall not be liable if a disruption or change in funding or disbursement of funds disrupts the awards.

(c) SAB shall use its best efforts to ensure that all Merit Incentive Awards granted during the same semester are similarly funded. In the absence of written policies, SAB shall also attempt to award similarly sized EAP scholarships to all recipients receiving the award in the same semester; however, recipients eligible under NMC's Early Admissions Program shall only be eligible for up to 50% of the EAP award amount.

(d) EAP and Merit Incentive awards will not be granted to fund religious studies leading to ministry correspondence school or advance non-health care degree programs. On-line programs will be determined on a case-by-case basis. However, on-line programs must be taken within the CNMI.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission corrected the spelling of "case-by-case" in subsection (d) pursuant to 1 CMC § 3806(g).

### **Part 100 - Application, Eligibility, and Award**

#### **§ 70-20.1-101 Eligibility Requirements for EAP**

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(a) New Applicants – Undergraduate Students: To qualify for funding under the EAP, an applicant must:

- (1) Submit a completed and signed Application Form; and,
- (2) Ensure that the most recent sealed official transcript is mailed or hand-delivered to the Scholarship Office. (A transcript faxed directly from the institution's records may be accepted as an unofficial transcript until such time the original is received, as required); and,
- (3) Provide a letter of acceptance from NMC or a transcript or proof of degree from NMC demonstrating the requirements from Section V\* have been met. Students who wish to attend an institution other than NMC who have met the conditions in Section V\* must provide a letter of acceptance from a recognized U.S. accredited college, university or institution as proof of admission for new students. Non-US Accredited college, university or institution must be approved by the SAB; and,
- (4) Be a permanent resident of the Commonwealth with documentation of such, (an original passport or original birth certificate and CNMI Annual tax return, drivers license, CNMI affidavit card or other documents as appropriate); and,
- (5) Have graduated from high school, Advance Development Institute, General Education Development (GED) or higher; or be admitted into the Northern Marianas College Early Admissions Program no earlier than high school junior year (To be eligible for funding for the Early Admissions Program, the student shall have a minimum 3.0 high school cumulative grade point average (CGPA) and place into English 101); and
- (6) Submit a Free Application for Federal Student Aid (FAFSA) Student Aid Report (SAR).
- (7) Note: A first-time recipient of EAP will be considered for financial assistance even if his or her GPA is below the SAP requirement. However, in order to continue in the EAP program, the recipient must achieve the cumulative GPA requirements, as defined in Section IX(b)\*, at the end of the term awarded.

(b) New Applicants – Graduate Students. To qualify for funding under EAP, an applicant must:

- (1) Meet all of the requirements listed in section 70-20.1-101, excluding the requirements of attendance at NMC and the requirements of Section V\*.

(c) Continuing Students: to continue eligibility for funding students must:

- (1) Submit a completed and signed Renewal Application Form; and
- (2) Ensure that the most recent sealed official transcript is mailed or hand-delivered to the Scholarship Office. (A transcript faxed directly from the institution's records may be accepted as an unofficial transcript until such time the original is received, as required); and,
- (3) Provide a letter of acceptance from an eligible institution as proof of admissions for transferring students or those pursuing a higher degree (and, if the student first applied for EAP in Fall 2012 or later, a transcript or proof of degree demonstrating that the conditions of Section V\* have been met); and,
- (4) Maintain SAP in a course of study according to the standards established by the Scholarship Office.

(d) Former EAP Recipient: A student who did not receive Financial Assistance from the Scholarship Office for a period of one year as a result of ineligibility and/or break in attendance is considered a returnee and must provide the following:

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- (1) Submit a completed and signed Renewal Application Form; and
- (2) Ensure that the most recent sealed official transcript is mailed or hand-delivered to the Scholarship Office (A transcript faxed directly from the institution's records department may be accepted as an unofficial transcript until such time the original is received, as required); and,
- (3) Provide a letter of re-acceptance from an eligible institution for those who have taken a break in enrollment, or a letter of acceptance into the institution for transferring students; and
- (4) Maintain SAP in a course of study according to the standards established by the Scholarship Office.
- (5) If the student first applied for EAP in Fall 2012 or later, the requirements of Section V\* apply.

\*So in original; see Commission Comment.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: Section V, referenced in subsections (a)(3), (b)(1), (c)(3), and (d)(5), was repealed by PL 18-06 (May 31, 2013). Section IX(b), referenced in subsection (a)(7), does not exist in the original regulation. The Commission corrected the phrase "Institutions Records" to "institution's records" in subsections (a)(2), (c)(2), and (d)(2) pursuant to 1 CMC § 3806(g). The Commission designated subsection (a)(7) pursuant to 1 CMC § 3806(a).

### **§ 70-20.1-105 Eligibility Requirements for Merit Incentive Award**

The merit incentive award is given in addition to the EAP grant. To be considered for a merit incentive award, a recipient of the EAP grant must satisfy the following requirements:

- (a) Must be a full-time and continuing undergraduate student.
- (b) On a 4.0 scale, a student must maintain a cumulative grade point average of 3.00 to 3.49 to receive a merit incentive award up to \$1,000.00 per academic year.
- (c) On a 4.0 scale, a student must maintain a cumulative grade point average of 3.50 or higher to receive a merit incentive award up to \$2,000.00 per academic year.
- (d) Note: Merit incentive awards are contingent upon availability of funds. Lesser amounts may be granted. All individuals receiving the merit incentive award will receive the same amount. Students taking developmental courses in fulfillment of a full-time status are not eligible for a merit incentive award.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission designated subsection (d) pursuant to 1 CMC § 3806(a).

### **§ 70-20.1-110 Eligibility Requirements for Part-Time Students**

Undergraduate students must meet the following criteria:

- (a) EAP requirements for New Applicants, Continuing Students, or Returning Students; and,

- (b) Be employed full-time in the Private or Public Sector within the CNMI throughout his/her educational pursuit. This may be waived for applicants with a Certified Disability. Employment Verification Form must be completed and submitted each enrollment period; and,
- (c) Be accepted and enrolled for one to eleven credits in an accredited college or institution. Proof of enrollment must be provided.
- (d) Awards for part-time recipients will be prorated.
- (e) Note: Part-time EAP, graduate program, and merit incentive awards are contingent upon availability of funds. Eligibility awards will be determined after September 15<sup>th</sup> for fall term; February 15<sup>th</sup> for winter and spring term.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission corrected the capitalization of “new applicants,” “continuing students,” “returning students,” “private or public sector,” and “certified disability” pursuant to 1 CMC § 3806(f). The Commission struck the figures “1” and “11” pursuant to 1 CMC § 3806(e). The Commission designated subsection (e) pursuant to 1 CMC § 3806(a). The Commission inserted a comma after the word “program” in subsection (e) pursuant to 1 CMC § 3806(g).

#### **§ 70-20.1-115 Application Deadline**

- (a) It is the student’s responsibility to obtain and complete forms by the established deadline in order to be considered for EAP. Complete and signed applications must be received or post-marked by: July 1<sup>st</sup> for fall term; December 15<sup>th</sup> for winter/spring term. Denial of EAP awards based on the receipt of a late application is not subject to appeal.
- (b) Note: If the deadline falls on a weekend or a holiday, the deadline will be the next working day.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission corrected the capitalization of “fall,” “winter,” “spring,” and “term” pursuant to 1 CMC § 3806(f).

#### **§ 70-20.1-120 Satisfactory Academic Progress (SAP)**

A student is qualified to receive EAP only if both quantitative and qualitative SAP is being maintained. SAP for EAP is defined as:

- (a) Quantitative measure is completing the following number of non-repeat credits:
  - (1) EAP Undergraduate Full-time: Twelve (12) credits
  - (2) EAP Undergraduate Part-time: Credits awarded\*
  - (3) Graduate & Professional Full-time: Nine (9) credits or as defined by the institution.

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- (b) Qualitative measure is maintaining the following grade point average (GPA):
- (1) EAP Undergraduate: 2.75 Cumulative GPA
  - (2) Merit Incentive Awards: As defined in section 70-20.1-105(a), (b), & (c)
  - (3) Graduate & Professional: As required by the institution to remain enrolled.

(c) Note: First-time recipient of EAP will be considered for financial assistance even if his/her GPA is below the SAP requirement. However in order to continue in the EAP program the recipient must achieve the cumulative GPA requirement, as defined in Section IX(b)\*, at the end of the term awarded.

\* So in original. See Commission Comment.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission updated the citation in subsection (b)(2) pursuant to 1 CMC § 3806(d). The Commission designated subsection (c) pursuant to 1 CMC § 3806(a). Section IX(b), cited in subsection (c), does not exist in the original regulation.

### **§ 70-20.1-125 Students Who Either Drop or Withdraw From Classes**

(a) An EAP recipient who either drops or withdraws from classes and fails to complete the minimum required number of credits will be suspended from the program and disqualified from further participation until he or she fulfills the requirement of the award given. A student on suspension may be reinstated upon completion of hours lacking from the last term awarded.

(b) An EAP recipient who falls below the required SAP will be suspended from the program and disqualified from further participation until he or she meets the required cumulative GPA.

(c) Letter grades for incomplete courses must be submitted to the Scholarship Office prior to the first day of the following instructional term. Awards will not be released until the letter grade is submitted to the Scholarship Office.

(d) A recipient who received an award and is not enrolled will be required to return the funds immediately. Failure to repay/return the funds will result in immediate referral to a collection agency.

(e) EAP will not fund any courses taken during the summer term.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission corrected the capitalization of “letter grades,” “incomplete courses,” and “collection agency” pursuant to 1 CMC § 3806(f).

### **§ 70-20.1-130 Repayment**



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(a) All recipients are required to return to the CNMI no later than three months after completion of their degree program. The recipient further agrees to perform Commonwealth work for a period equal to the period for which the recipient received scholarship assistance from the SAB. For each such six month period of Commonwealth work, SAB will consider the recipient to have repaid the equivalent value of the scholarship assistance the recipient accepted for one academic term.

(b) A recipient who fails to complete his or her educational degree program will be required to repay the amount of scholarship awarded. The amount may either be repaid in full or in installments, as determined by the CNMI Scholarship Office.

(C) Legal proceedings will be taken to recover the total amount of scholarships awarded. The recipient shall also pay all legal expenses and fees incurred by the government in the effort to recover scholarship awards.

(d) No penalty shall be imposed on a recipient who obtain their baccalaureate degree and decides to enter a post-graduate degree program. The repayment or cancellation of such scholarship will be deferred until the student obtains of their post-graduate degree whether or not the student is receiving scholarship funds. However, should the student cease his/her post-graduate program, he/she must return to the CNMI within three months to commence work. Failure to return will result in the student being required to repay all scholarship awards previously received.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission corrected the capitalization of “work,” “recipient,” and “degree program” pursuant to 1 CMC § 3806(f). The Commission struck the figures “3” and “6” pursuant to 1 CMC § 3806(e).

### **§ 75-20.1-135 Duration of Award**

All programs that the Scholarship Office administers will be considered in determining the duration of the award. No EAP will be awarded once a recipient has completed a “Level of Education,” as defined in section 75-20.1-005(k)(1). EAP grants will then only be awarded for the next level of education.

(a) Undergraduate Degrees

(1) Two and a half academic years for full-time undergraduate program leading toward an associate’s degree.

(2) Four academic years for part-time undergraduate programs leading toward an associate’s degree.

(3) Four and a half academic years for full-time undergraduate programs leading toward a bachelor’s degree. A maximum of five years is allowed for completion of specialized majors, as required by the Institution.

(4) Eight academic years for part-time undergraduate programs leading toward a bachelor’s degree. A maximum of ten years is allowed for completion of specialized majors, as required by the Institution.

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(5) EAP Assistance provided for Certificate and Associate's Degree will be included when determining the duration of award for a bachelor's degree program.

(6) Note: Full-time first year students enrolled in developmental course, as required by the institution, may be eligible for financial assistance for a total of 12 paid credits. However, this does not exempt the recipient in completing the program within the established duration period. Duration of awards will not apply to students with certified disabilities.

(b) Graduate Degrees

(1) Two academic years for graduate level students, leading to a master's degree or registry and licensure.

(2) Four academic years for a Juris Doctor degree.

(3) Six and a half academic years for an advanced degree directly providing health care (not administrative), e.g. MD, DDS, DO which generally require additional years of study, as specified in the catalog enforced at the time the student is enrolled.

(4) Note: Commencing with academic year 2003-04, financial assistance for all levels of graduate programs will only be made\* upon availability of funds.

(c) Extending Duration of Award: Upon the written request of an EAP scholarship recipient who demonstrates that he or she cannot complete his or her degree during the above-stated period due to restraints put in place by the academic institution, the SAB may, upon a majority vote, choose to extend assistance for that student for a period to be determined by the Board. In determining whether to extend assistance, the Board should consider what steps the student could have taken to prevent the restraint.

\* So in original.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission updated the citation to Section II(k)(1) in the initial paragraph to section 75-20.1-005(k)(1) pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of the words "bachelor's," "certificate," "associates," and "degree" in subsection (a)(5), "registry" and "licensure" in subsection (b)(1), and "degree" in subsection (b)(2) pursuant to 1 CMC § 3806(f). The Commission designated subsections (a)(6) and (b)(4) pursuant to 1 CMC § 3806(a).

### § 75-20.1-140 Memorandum of Agreement

When accepting an award, the recipient will receive and sign the Memorandum of Agreement outlining the applicable Terms and Conditions established by law, rules and regulations promulgated by the Scholarship Program, and as follows:

(a) In recognition of the scarcity of trained manpower in the Commonwealth, each recipient of grants and/or incentives is required to return to the CNMI within three (3) months after completion of his/her degree plan or non-enrollment from school and work in the CNMI public or private sector for a period of one year for each year of financial assistance received, unless otherwise specified by law.

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(b) A recipient who, after a good-faith effort, is unsuccessful in finding employment in the Commonwealth within the three months after completion of his/her degree plan or non-enrollment from school may request, in writing, an extension of time to secure employment in the Commonwealth. Documentation justifying non-employment must accompany the request for a deferment.

(c) Recipients who do not comply with the Memorandum of Agreement (MOA) shall repay the total amount of funds awarded. The amount may be paid in full or in installments. The Scholarship Program Administrator will arrange a payment schedule after reviewing the recipient's financial statement.

(d) Legal proceedings will be taken to recover the total amount of EAP and/or incentive awarded should a recipient fail to return to the CNMI within three months or request an extension pursuant to Section XXII(b)\* after receipt of his/her degree or the conclusion of his/her educational pursuit. The recipient shall pay all fees and interest charged by the collection agency, including legal expenses incurred by the government in an effort to recover EAP and/or merit incentive awards.

(e) No penalty shall be imposed on a recipient who decides to return to the CNMI and find employment in the CNMI before the completion of study; the appropriate cancellation rates shall be applied. However, should the recipient return to school, the cancellation shall cease immediately and the amount owing shall be added toward the new EAP.

\* So in original. See Commission Comment.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission corrected the capitalization of "public or private sector" in subsection (a) and of "financial statement" in subsection (c) pursuant to 1 CMC § 3806(f). The Commission struck the figure "3" from subsections (c) and (d) pursuant to 1 CMC § 3806(e).

Subsection (d) cites to Section XXII(b) of the regulation. No such section exists.

### **§ 75-20.1-145 Fraudulent Information**

All documents received by the Scholarship Office are subject to verification. The applicant is personally responsible for the integrity of these documents. Recipients and/or their authorized representative who submit documents that are false or tampered with in any way will result in the recipients' immediate and permanent removal from any of the programs administered by the Scholarship Office. Documents include, but are not limited to, application, supporting documents, grade reports, transcripts, letters of reference or letters of recommendation, etc.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

### **§ 75-20.1-150 Appeals**

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- (a) A recipient who is denied EAP has the right to appeal a decision of the Scholarship Office.
- (b) Appeals must be in writing, addressed to the Chairperson of the Scholarship Advisory Board.
- (c) Appeals must be postmarked or hand-delivered no later than twenty-one calendar days after notification of the decision by the Scholarship Administrator. Notification of denial if mailed shall be given via certified mail, return receipt requested.
- (d) Appeals to the Scholarship Advisory Board shall be heard and decided pursuant to applicable CNMI law, including, but not limited to, the CNMI Administrative Procedure Act, 1 CMC § 9101 et seq.
- (e) All decisions by the Scholarship Advisory Board on appeals are final regarding the administrative review process.
- (f) Denials based on late submission of an application or due to a repeated course are not subject to the appeal process.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).

Commission Comment: The Commission struck the figure “21” from subsection (c) pursuant to 1 CMC § 3806(e). The Commission removed the period after the word “et” in subsection (d) pursuant to 1 CMC § 3806(g).

### **Part 200 - Miscellaneous Provisions**

#### **§ 75-20.1-201 Effective Date**

These rules and regulations shall take effect upon adoption by the SAB and publication in the Commonwealth Register.

History: Adopted 34 Com. Reg. 32406 (Apr. 29, 2012); Proposed 34 Com. Reg. 32315 (Feb. 29, 2012); Emergency 33 Com. Reg. 32116 (Dec. 29, 2011).