



RULES GOVERNING THE NURSING SCHOLARS PROGRAM

**A Program of the State of North Carolina
Administered by the State Education Assistance Authority
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PART I

SHORT TITLE, PURPOSE AND DEFINITIONS

.0100. Short Title. The Rules Governing the Nursing Scholars Program may hereinafter be cited by the State Education Assistance Authority and referred to as the “Program Rules.”

.0101. The Program and its Purpose. The Nursing Scholars Program was established by the General Assembly to provide financial assistance in the form of merit-based scholarship loans to North Carolina students pursuing degrees to become registered nurses and practice nursing in North Carolina. The program was expanded to assist North Carolina students who have a baccalaureate degree in nursing to obtain a masters degree in nursing.

.0102. Definitions. Unless the context clearly indicates some other meaning, the following capitalized words and phrases shall have the corresponding meanings in the Program Rules:

- (a) “Academic Year” means a combination of school terms consisting of two semesters, three trimesters, or the equivalent thereof, beginning with the fall term of any year.
- (b) “Approved Institution” means a postsecondary institution that offers a Qualified Education Program and has executed a Participation Agreement.
- (c) “Authority” means the State Education Assistance Authority, a political subdivision of the State of North Carolina, created and enabled under Article 23 of Chapter 116 of the North Carolina General Statutes.
- (d) “Commission” means the North Carolina Nursing Scholars Commission.
- (e) “Full-time Employment” means the employment in a Qualified Position that is verified as full-time by the employing entity.
- (f) “Half-time Employment” means employment that is verified as half-time by the employing entity.
- (g) “Loan” means the financial aid provided to a Student under the Program for payment of the Student’s cost of attendance, or a portion thereof, for one Academic Year at an Approved Institution.
- (h) “NSP Standards” means the academic standards for the Program established by the Commission.
- (i) “Participation Agreement” means the agreement, in a form acceptable to the Authority, by which an Approved Institution agrees to participate in the Program and assist the Authority in the administration of the Program in compliance with applicable State laws and the Program Rules.
- (j) “Program” means the Nursing Scholars Program.
- (k) “Promissory Note” means the legally enforceable agreement between a Student and the Authority which sets forth the terms and conditions under which the Authority advances funds to the Student for

payment of the Student's cost of attendance, or a portion thereof, at an Approved Institution and under which the Student repays the Loan or Loans in either service or cash.

- (l) "Qualified Education Program" means a degree program offered by an Approved Institution that prepares a Student for a Qualified Position.
- (m) "Qualified Position" means a position of Full-time Employment or Half-time employment that requires licensure as a registered nurse by the North Carolina Board of Nursing and (i) is in a health care delivery setting or (ii) is as a nursing instructor at a North Carolina public or private nursing program that has been approved by the North Carolina Board of Nursing.
- (n) "Residence Manual" means the most current edition of *A Manual to Assist the Public Institutions of North Carolina in the Matter of Student Residence Classification for Tuition Purposes* containing the definitions of residency for tuition purposes as adopted from time to time by the Board of Governors of The University of North Carolina.
- (o) "State" means the State of North Carolina.
- (p) "Student" means the student who receives a Loan under the Program in accordance with the Program Rules.

PART II

ELIGIBILITY REQUIREMENTS

.0200. General Rule. An applicant for a Loan is eligible to be considered by the Commission if the applicant:

- (a) has complied with the application procedures set forth in Part III of the Program Rules;
- (b) is accepted for enrollment, or is at least a half-time in a Qualified Education Program;
- (c) qualifies as a North Carolina resident for tuition purposes under N.C.G.S. § 116-143.1 and the Residence Manual;
- (d) meets or exceeds the NSP Standards;
- (e) has complied with the registration requirements of the Military Selective Service Act or is exempt from the registration requirements; and
- (f) is not in default, or does not owe a refund, under any federal or state loan or grant program.

.0201. Renewal Loans. A Student is eligible to receive a Loan for an Academic Year immediately following the Academic Year for which the Student previously received a Loan if, as of the date of application for a renewal Loan, the Student:

- (a) has not received the maximum total Loan amount established by the Authority for the Program;
- (b) is honoring the terms of the Student's Promissory Note and remains otherwise eligible for a Loan under the Program Rules;
- (c) is maintaining progress in a Qualified Education Program as defined by the Commission;
- (d) if, the Student is scheduled to repeat any course, the repeated course is necessary in order for the Student to maintain progress in a Qualified Education Program and the repeated course does not constitute more than one-fourth of the academic credits for the semester, or equivalent term; and
- (e) is not in default, or does not owe a refund, under any federal or state loan or grant program.

PART III

APPLICATION PROCEDURES; SELECTION OF STUDENTS AND LOAN APPROVAL

.0300. Application and Supporting Documentation.

- (a) *Application.* An applicant for a Loan under the Program must complete and submit an application to the Authority on a form acceptable to the Authority.
- (b) *Academic Year Covered by an Application for a Loan.* An application for the Loan shall not be submitted for more than one Academic Year at a time.
- (c) *Supporting Documentation.* The Authority may require an applicant to submit documentation or additional information in support of the applicant's application or in order to substantiate information presented in the application before the Authority approves a Loan for disbursement under Rule .0305.
- (d) *Applications for Renewal Loans.* A Student seeking a Loan to continue in the Program in the Academic Year immediately following the Academic Year for which the Student received a Loan must submit an application for a renewal Loan, in a form acceptable to the Authority, and in a manner consistent with the procedures set forth in this Rule .0300.
- (e) *Responsibility to Update an Application.* If, at any time before an applicant is approved for a Loan under Rule .0304 of the Program Rules, any information presented on the applicant's application changes, the applicant is responsible for notifying the Authority of any such change.

.0301. Application Deadlines. The Authority is hereby authorized and directed to set the application deadlines for the Program for each Academic Year. An application for a Loan that is received after the applicable deadline may not be considered for a Loan.

.0302. Loan Amount. Each Loan shall be in the amount established by the General Assembly or set by the Authority, based on enrollment status and the total appropriations for the Program.

.0303. Promissory Note. A Loan shall be evidenced by a Promissory Note, properly executed by the Student and the notary public who witnesses the Student's signature. The Promissory Note shall include a provision by which the Student agrees to accept employment in a Qualified Position upon graduation from the Qualified Education Program for which the Loan was advanced.

.0304. Loan Approval. The Authority shall approve a Loan for disbursement to a Student if:

- (a) the Student is eligible for the Program in accordance with the Program Rules;

- (b) the Promissory Note is negotiated in accordance with Rule .0303; and
- (c) the Student has complied with the Program Rules, the terms of the Promissory Note and any Program procedures implemented by the Approved Institution or the Authority to facilitate the application process consistent with the Program Rules.

.0305. Transfers between Approved Institutions. A Loan under the Program is laterally transferable from one Approved Institution to another Approved Institution provided that the Student is accepted for enrollment in a Qualified Education Program at the Approved Institution to which the Student is transferring and the Authority approves the transfer of the Loan.

.0306. Loan Disbursement Procedures.

- (a) *Method of Disbursement.* The Authority shall disburse the proceeds of a Loan by master check or by electronic funds transfer to a clearing account maintained by the Approved Institution.
- (b) *Roster Required.* A roster identifying the Students and the Loan amount for each Student will be sent to the approved institution at the time of the master check or electronic funds transfer.
- (c) *Timing of Disbursements.* The Approved Institution shall post the Loan amount to each Student's account within ten (10) business days after the receipt of the roster or within ten (10) business days after the beginning date of the term for which the proceeds of the Loan were disbursed, whichever is later.
- (d) *Refund Procedure.* Loan proceeds that are not disbursed to the Student shall be returned to the Authority within thirty (30) days of the beginning date of the term for which the proceeds were to be disbursed.
- (e) *Certification of Receipts.* The Approved Institution shall to certify the Student's eligibility for the Program and certify that Loan funds received by master check or electronic funds transfer have been credited to the Student's account.
- (f) *Policies.* The Authority is hereby authorized to develop, adopt and implement such policies and procedures as may be necessary from time to time to disburse Loan funds in accordance with the Program Rules and applicable requirements of State law.

.0307. Use of Loan Proceeds. Loans shall be used only for payment of the cost of attendance at an Approved Institution as defined in Section 472 of the Higher Education Act of 1965, as amended (20 U.S.C. §108711).

PART IV

SCHOLARSHIP LOAN FORGIVENESS

.0400. Forgiveness through Service; General Rule. The Authority shall forgive a Loan, and any interest accrued on such Loan under Rule .0502, if, within seven years of graduation from an Approved Institution, exclusive of any authorized deferment for extenuating circumstances, the Student works in a Qualified Position of Full-time Employment for one year for each Loan received, and the Student otherwise complies with the Program Rules. The Authority may forgive a Loan, and any interest accrued on such Loan under Rule .0502, if, within seven years of graduation from an Approved Institution, exclusive of any authorized deferment for extenuating circumstances, the Student works in a Qualified Position of Half-time Employment in a geographic or nursing specialty area designated by the Authority for two years for each Loan received, and the Student otherwise complies with the Program Rules. The Authority shall apply this Rule .0400 sequentially, forgiving each Loan in the order that it was made to the Student. The Authority may in its discretion provide for pro-rata forgiveness on a schedule approved by the appropriate division director.

.0401. Eligibility for Forgiveness through Service. To be eligible for Loan forgiveness, a Student must graduate from an Approved Institution with a degree in a Qualified Education Program and work in a Qualified Position.

.0402. Procedure for Obtaining Service Forgiveness; Specific Employment Requirements.

- (a) *Notice of Intent to Seek Service Forgiveness.* Within ninety (90) days after graduation from an Approved Institution, the Student shall notify the Authority, in writing and in a form acceptable to the Authority, of the Student's intent to seek, or to forego, the opportunity for Loan forgiveness.
- (b) *Required Documentation.* Within thirty (30) days of accepting a Qualified Position, the Student shall submit written verification of that employment to the Authority in a form acceptable to the Authority. Thereafter, the Student shall provide the Authority with verification of employment in each ensuing year until all Loans are forgiven or the Student commences cash repayment under Rule .0501, whichever occurs first. Notwithstanding the foregoing provisions of this Rule .0402(b), the Authority reserves the right to conduct independent inquiries with regard to whether or not a Student's employment qualifies for service forgiveness under Part IV of the Program Rules.
- (d) *Concurrent Employment Obligations.* The Authority shall forgive a Loan under Rule .0400 when the Student's employment in a Qualified Position satisfies the requirements under Part IV of the Program Rules for forgiveness through service and such employment also fulfills the Student's obligation to another education or scholarship program only upon finding that:

- i. such other program is not funded by the State or any of its agencies or political subdivisions;
and
- ii. the Student's obligations to the other program will not interfere with the Student's ability to comply with the Program Rules.

.0403. Authorized Deferment for Extenuating Circumstances.

- (a) *Procedure.* At any time after graduation from an Approved Institution, but no later than seven years from such graduation, or at any time while enrolled at an Approved Institution, in the case of a Student who is no longer receiving a Loan, the Student may apply to the Authority for an authorized deferment for extenuating circumstances. The application for an authorized deferment shall contain documentation, satisfactory to the Authority, of the reason for the deferment and specify the period of time, by beginning and ending dates, covered by the deferment request.
- (b) *Extenuating Circumstances.* The Authority may authorize a deferment if one of the following extenuating circumstances is substantiated by the Student's request:
 - i. personal illness for a period not to exceed twelve (12) months per each occurrence;
 - ii. family medical leave, which for the purpose of the Program Rules means maternity or paternity leave upon the birth or adoption of a child or leave to provide necessary care for a member of the Student's immediate family, who is sick or disabled, in either case for a period not to exceed twelve (12) months per each occurrence;
 - iii. unemployment during any period of time not to exceed twelve (12) months per each occurrence during which the Student is also conscientiously seeking and unable to obtain employment that qualifies for service forgiveness under Part IV of the Program Rules;
 - iv. full-time enrollment, immediately succeeding the Student's enrollment in or graduation from an Approved Institution, at the same Approved Institution or any accredited postsecondary institution located within the United States for a period not to exceed twenty-four (24) months;
 - v. .a member of the National Guard or a reserve component who is ordered to report for military service as that term is defined in 50 U.S.C.S. Appx § 511(2); and
 - vi. .residing in or employed in an area that is a major disaster area as that term is defined in 42 U.S.C. § 5204(2).
- (c) *Effect of Authorized Deferment.* The Authority's approval of a deferment under this Rule.0403 shall operate to extend the period of time during which the Student must complete the Student's service under Rule .0400 by the amount of time for which the Authority authorized the deferment under subsection (b) of this Rule.

(d) *Interest Accrual.* Interest on the Loan shall continue to accrue during any period of authorized deferment.

.0404. Reinstatement of Forgiveness through Service.

- (a) A Student who has been required to commence cash repayment of a Loan after graduation from an Approved Institution may apply for reinstatement of the opportunity for forgiveness through service provided that the Student is:
- i. current with cash payments on the Loan;
 - ii. eligible for forgiveness through service under Rule .0401; and
 - iii. otherwise in compliance with the Program Rules.
- (b) A Student for whom the opportunity for forgiveness is reinstated under this Rule .0404 may have the balance of the Student's Loan forgiven under Rule .0400 provided that the Student complies with Rule .0402.
- (c) If the Authority reinstates the Student's opportunity for forgiveness in accordance with this Rule .0404, the Authority shall not refund any cash payments remitted prior to the reinstatement.

PART V

CASH REPAYMENT

.0500. Cash Repayment, Generally. When the Authority determines that a Loan, or any portion thereof, cannot be forgiven under Part IV of the Program Rules, the Student shall repay the Loan to the Authority in cash in accordance with this Part V and the terms of the Promissory Note.

.0501. Commencement of Cash Repayment.

- (a) *After Graduation from an Approved Institution.* If the Student graduates from the Approved Institution, the Student shall commence repayment of principal and interest no later than ninety (90) days following the earliest of:
- i. the graduation date, unless the Student has provided notice of intent to seek service forgiveness in accordance with Rule .0402(a); or
 - ii. the date on which the Authority notifies the Student that the Student's employment does not qualify for forgiveness of service under Part IV of the Program Rules; or
 - iii. the date on which the Student notifies the Authority that the Student does not intend to seek forgiveness through service; or
 - iv. the date on which the Authority determines that the Student will not be able to satisfy the requirements of Part IV of the Program Rules with regard to any portion of the Student's outstanding Loan.
- (b) *Upon Termination of the Loan.* If the Loan is terminated prior to the Student's graduation, the Student shall commence cash repayment no later than ninety (90) days following the date on which the Loan is terminated. For the purpose of this Rule .0501(b), a Loan is terminated upon the occurrence of any of the following events:
- i. the Student withdraws from the Qualified Education Program for which the Loan was advanced without requesting an authorized deferment under Rule .0403 within ninety (90) days of such withdrawal; or
 - ii. the Student declines further funding under the Program without requesting an authorized deferment under Rule .0403; or
 - iii. determination by the Approved Institution or the Authority that the Student is no longer eligible for a Loan under Part II of the Program Rules and the Student does not request an authorized deferment under Rule .0403 within ninety (90) days of such determination; or
 - iv. the Student does not graduate from an Approved Institution with a degree from a Qualified Education Program.

.0502. Accrual of Interest. Each Loan shall bear and accrue interest at the rate set forth in the Promissory Note beginning ninety (90) days after graduation from the Qualified Education Program supported by the Loan or the date on which cash repayment is required under Rule .0501, whichever is earlier.

.0503. Repayment Period and Terms.

- (a) *Repayment Period; Monthly Installments.* When a Loan matures for cash repayment under Part V of the Program Rules, the Student shall be required to repay the Loan in each case according to a schedule of monthly installments established by the Authority that provides for payment of the Loan in full within ten years of the date on which cash repayment is commenced pursuant to Rule .0501.
- (b) *Extension of the Repayment Period.* The Authority may, upon the request of a Student, grant an authorized deferment based on documentation of an extenuating circumstance under Rule .0403(b) and thereby extend the repayment period for a Loan by the period of time covered by the authorized deferment.
- (c) *Forbearance at the Discretion of the Authority.* If the Student documents extenuating financial circumstances for the Authority, the Authority may reduce the Student's monthly payment temporarily and thereby extend the total period of time within which the Student will be required to repay the Loan in full.

PART VI

LOAN CANCELLATION DUE TO DEATH OR DISABILITY

.0600. Death of Student.

- (a) While the Student is Enrolled in a Qualified Education Program. If a Student dies while the Student is enrolled in the Qualified Education Program supported by the Loan, the Authority shall cancel the Loan and not pursue a claim against the Student's estate.
- (b) After Graduation from a Qualified Education Program. If a Student dies after graduating from a Qualified Education Program, the Authority shall cancel the Loan and not pursue a claim against the Student's estate provided that the Student was either eligible for or pursuing forgiveness through service under Part IV of the Program Rules.
- (c) After Commencement of Cash Repayment. If the Student is required to repay any Loan in cash under Part V of the Program Rules, the outstanding balance on the Loan may be recovered from the Student's estate or cancelled in the discretion of the Authority.

.0601. Disability. The Authority is authorized to cancel an outstanding Loan upon a finding that the permanent disability of a Student creates the impossibility that the Student will be able to satisfy the requirements of Part IV of the Program Rules within ten years of graduation from or termination of enrollment in the Program. This finding must be documented by the opinion of a doctor of medicine or osteopathy that is legally licensed to practice in a state on a form prescribed by the Authority.

PART VII

APPROVED INSTITUTIONS

.0700. Participation Agreement Required.

- (a) In order to administer the Program on behalf of applicants for and Students receiving Loans, an Approved Institution shall enter into a Participation Agreement with the Authority by which the Approved Institution agrees to provide such assurances, certifications, performances, reports, information, and documents as required by the terms of the Participation Agreement, the Program Rules and upon request of the Authority.
- (b) Each Participation Agreement between the Authority and an Approved Institution, upon proper execution, shall remain in effect until it is terminated pursuant to the terms of the Agreement.

.0701. Responsibilities of Approved Institutions. In addition to the responsibilities set forth in Part III of the Program Rules, each Approved Institution shall be responsible for:

- (a) designating the director of financial aid or other designee as the primary contact between the Approved Institution and the Authority for ensuring the Approved Institution's compliance with Part III of the Program Rules;
- (b) providing for the dissemination of information about and applications for the Program as directed by the Authority;
- (c) counseling applicants and Students about the Program as directed by the Authority;
- (d) determining residency status for tuition purposes; and
- (e) informing potential applicants of the purpose of the Program and the requirements for Loan forgiveness under Part IV of the Program Rules.

.0702. Audit Requirements. Each Approved Institution shall be subject to examination by the State Auditor and the Authority to determine, among other things, whether the Approved Institution has complied with the terms of the Participation Agreement and the applicable provisions of the Program Rules.

PART VIII

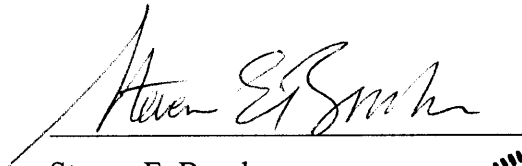
PROGRAM ADMINISTRATION

.0800. The Authority as Program Administrator. The Authority is hereby authorized and directed to develop, adopt and implement such policies, procedures and forms as necessary from time to time in order for the Authority to administer the Program in accordance with the Program Rules and in compliance with applicable State law.

.0801. Interpretive Guidance. The Authority may, from time to time, issue guidance for interpreting the Program Rules in the form of policy memoranda or questions and answers. The Authority shall disseminate such interpretive guidance to all Approved Institutions. All interpretive guidance shall have the force and effect of the Program Rules pursuant to Rule .0800.

I, Steven E. Brooks, Executive Director and Secretary of the Board of Directors of the Authority, DO HEREBY CERTIFY that the foregoing is a true and exact copy of the Rules Governing the Nursing Scholars Program as adopted by the Board of Directors of the Authority, and as approved as final pursuant to the authority delegated to me; these Rules are in full force and effect and have not been amended or rescinded.

WITNESS my hand and seal of the Authority, this the 20th day of July, 2007.



Steven E. Brooks
Executive Director

