

## **Title 6. Education**

### **Chapter IV. Division of Higher Education, Department of Education**

#### **Subchapter A. Generally**

#### **Part 371. Rules Governing the Financial Aid Appeals Process**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Effective Date: October 31, 2024"

#### **Subpart 1. Generally**

##### **6 CAR § 371-101. Definitions.**

As used in this part:

- (1) "Appeals process" means, without limitation:
  - (A) The completion and submission of an appeals application as drafted by the Financial Aid Appeals Committee;
  - (B) The confirmation of eligibility to appeal and the intention to retain appeals eligibility under Arkansas Code § 6-81-1901 et seq.; and
  - (C) The completion of a review by the committee that shall include a determination of eligibility and a final appeals decision;
- (2) "Eligibility" means, without limitation, the applicant:
  - (A) Is a bona fide resident of the State of Arkansas;
  - (B) Is enrolled or will be enrolled in a program of study at an eligible postsecondary institution;
  - (C) Is currently in good standing; and
  - (D) Is not currently under probationary restrictions for financial aid; and
- (3) "Financial aid" means scholarships or grants awarded to a student from public funds, including without limitation:
  - (A) The Arkansas Academic Challenge Scholarship under Arkansas Code § 6-85-201 et seq.; and
  - (B) Other division scholarship and grant programs, state general

revenues, tuition, and local tax revenue.

**Authority.** Arkansas Code § 6-81-1903.

**6 CAR § 371-102. Financial Aid Appeals Committee.**

(a) The Financial Aid Appeals Committee is composed of five (5) representatives of the Division of Higher Education, which shall be responsible for administering the division's appeal process, appointed by the Commissioner of the Division of Higher Education.

(b) The committee is authorized to:

(1)(A) Resolve disputes arising out of or relating to a student who is no longer considered eligible to receive a scholarship or grant.

(B) An appeal application may be filed by a parent or guardian, or a student if the student is over eighteen (18) years of age, who has been notified that he or she is no longer considered eligible to receive a scholarship under this part.

(C) An appeal application:

(i) Must be received by the division or postmarked no later than ten (10) calendar days after the student or the student's parent, guardian, or person standing in loco parentis to the student (hereafter "appealing party") receives a notice of scholarship ineligibility; and

(ii) Shall be delivered or mailed to:

Division of Higher Education  
Attn: Legal Services  
Four Capitol Mall  
Little Rock, AR 72201

(D) The committee may waive the deadline to file an appeal if the:

(i) Notice of ineligibility does not inform the petitioner of the:

(a) Right to appeal; and

(b) Deadline to file an appeal; or

(ii) Petitioner makes a good faith attempt to file a timely appeal.

(E) The committee shall either grant or deny an appeal filed not less than forty-five (45) days after the day the appeal is received.

(F) If the committee overturns the determination of scholarship eligibility on appeal, the committee shall notify the appealing party of the basis for the board's decision;

(2) Prescribe forms for and regulate the submission of appeals applications;

(3) Determine eligibility of applicants;

(4) Approve or reject appeals applications;

(5) Manage, operate, and control all funds appropriated or otherwise contributed for this purpose;

(6) Administer final determinations of financial aid appeals made by the committee; and

(7) Report annually to the General Assembly the number of applications for appeals:

(A) Received; and

(B) Approved.

**Authority.** Arkansas Code § 6-81-1903.

### **6 CAR § 371-103. Eligibility for appeals.**

The Financial Aid Appeals Committee may make appeals decisions for an applicant, with each appeal being expressly made subject to the provisions of this section and Arkansas Code § 6-81-1905, if the committee finds that reinstating the appealed scholarship or grant will benefit the student and finds that:

(1) The applicant is a bona fide resident of Arkansas;

(2) The applicant is enrolled or will be enrolled in a program of study at an eligible postsecondary institution;

(3) The applicant is currently in good standing;

(4) The applicant is not currently under probationary restrictions for financial aid; and

(5) The application for appeal is submitted within two (2) academic semesters following the initial decision.

**Authority.** Arkansas Code § 6-81-1903.

**6 CAR § 371-104. Exclusions and conditions.**

(a)(1) In the event an applicant submits an appeal on the basis of failure to maintain full-time enrollment or the necessary grade point average during a previous term, the Financial Aid Appeals Committee may approve proportionate financial aid to be awarded within one (1) semester following the term during which the applicant failed to maintain full-time enrollment or the necessary grade point average.

(2) Proportionate financial aid awarded following failure to maintain full-time enrollment under subdivision (a)(1) of this section is limited to six (6) hours.

(b) The committee shall not provide reimbursement for previous terms.

**Authority.** Arkansas Code § 6-81-1903.

**6 CAR § 371-105. Financial Aid Appeals Committee hearing procedures.**

(a) All persons wishing to testify before the Financial Aid Appeals Committee shall first be placed under oath by the Chair of the Financial Aid Appeals Committee.

(b)(1) Each party that wishes to participate in the hearing may take up to fifteen (15) minutes to present its case, beginning with a member of the committee and then the appealing party.

(2) The chair may allow the parties additional time to present their cases.

(c)(1) The committee, at its discretion, shall have the authority to require any person associated with the scholarship application to appear in person before the committee as a witness during the hearing.

(2) The committee may accept testimony by:

- (A) Affidavit;
- (B) Declaration;
- (C) Deposition transcript; or
- (D) Hearing transcript.

(d) The committee will resolve the appeal based upon the totality of evidence presented.

(e) On appeal, the committee denying scholarship eligibility:

- (1) Bears the burden of justifying its decision; and
- (2) Must overcome that burden with a clear and convincing reason for that decision.

(f) When hearing an appeal, the committee may take one of the following actions:

- (1) Affirm denial of a scholarship eligibility by the institution;
- (2) Overturn the institution's determination and grant the scholarship; or
- (3) Table the petition for consideration at a future meeting.

(g) The consideration of a petition under this part shall be conducted in an open meeting.

(h) The committee shall provide a written decision to the institution and the appealing party within fourteen (14) days of announcing its decision under this section.

(i) An order from the committee is immediately appealable to the circuit court, pursuant to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

**Authority.** Arkansas Code § 6-81-1903.