

TITLE 5 POST-SECONDARY EDUCATION
CHAPTER 7 TUITION AND FINANCIAL AID
PART 6 FIRE FIGHTER AND PEACE OFFICER SURVIVORS SCHOLARSHIP

5.7.6.1 ISSUING AGENCY: State of New Mexico Higher Education Department.
[5.7.6.1 NMAC - N, 08/29/2014]

5.7.6.2 SCOPE: Provisions of 5.7.6 NMAC apply to New Mexico residents that apply to and are selected to participate in the fire fighter and peace officer survivors scholarship program ~~[described in this rule, the state of New Mexico higher education department, and public post-secondary institutions in New Mexico].~~
[5.7.6.2 NMAC - N, 08/29/2014; **A, 7/24/2018**]

5.7.6.3 STATUTORY AUTHORITY: Sections 21-21F-1 through 21-21F-5 NMSA 1978.
[5.7.6.3 NMAC - N, 08/29/2014]

5.7.6.4 DURATION: Permanent.
[5.7.6.4 NMAC - N, 08/29/2014]

5.7.6.5 EFFECTIVE DATE: August 29, 2014, unless a later date is cited at the end of a section.
[5.7.6.5 NMAC - N, 08/29/2014]

5.7.6.6 OBJECTIVE: The objective and purpose of 5.7.6 NMAC is to provide a guideline for implementing the Fire Fighters and Peace Officer Survivors Scholarship Act. The purpose of this act is to provide a scholarship opportunity to the eligible dependents of fire fighters and peace officers who lost their lives in the line of duty.
[5.7.6.6 NMAC - N, 08/29/2014]

5.7.6.7 DEFINITIONS:

A. “Academic year” means any consecutive period of two semesters, three quarters or other comparable units commencing with the fall term each year.

B. “Cost of attendance” means the price of attendance, the publication of which is required by federal law, and includes tuition and fees, books and supplies, room and board, transportation and any additional costs for a program in which a student is enrolled.

~~[B.]~~ **C. “Department”** means the New Mexico higher education department.

~~[C.]~~ **D. “Educational institution” or “institution”** means any ~~[New Mexico]~~ public post-secondary institution in the United States.

~~[D.]~~ **“Eligible course for reimbursement”** means a course for credit included in a student's official transcript and creditable toward a certificate or degree granting program.]

E. “Fire Fighter” means any member of a fire department that is part of or administered by the state or any political subdivision of the state.

F. “Line of duty” means any action which a member is obligated or authorized by law, rule, regulation, written condition of employment or authorized volunteer membership to perform.

~~[G.]~~ **“Master's degree course”** means a class for students who hold a bachelor's degree who have been admitted to a graduate school for the purpose of pursuing a master's degree and has not yet completed a master's degree.]

~~[H.]~~ **G. “Member”** means a full-time or part-time paid employee or a paid or unpaid volunteer who is authorized by the police department, sheriff's department or fire department to be involved in and perform the duties and responsibilities of the department.

~~[I.]~~ **H. “Peace officer”** means any member of a police or sheriff's department that is part of or administered by the state or any political subdivisions of the state and officers in the department of corrections.

~~[J.]~~ **I. “Political subdivision”** means any entity of the state or local government, created under either general or special act, that receives or expends public money from whatever source derived, including counties, county institutions, boards, bureaus or commissions; municipalities; drainage, conservancy, irrigation or other special districts; and school districts.

~~[K.]~~ **J. “Recipient”** means a student awarded the fire fighter peace officer survivors scholarship.

K. “Research institution” means the university of New Mexico, New Mexico state university or New Mexico institute of mining and technology.

L. “Satisfactory academic progress” means maintaining the required academic progress toward degree completion as determined by the institution.

M. “Survivor” means a spouse, adopted child, or natural child of a fire fighter or peace officer who was killed in the line of duty. The survivor, if a child, must have been 21 years of age or under at the time of the qualifying parent’s death.

N. “Tuition” is the basic educational charge that all students are required to pay as a condition of admission and attendance for academic services or the course fee charged for certificate programs. The actual rate per semester or year is set by each institution.

~~**O.** “Undergraduate post-secondary student” means a matriculated student who has been admitted to the college and has not yet completed a bachelor's degree.~~

[5.7.6.7 NMAC - N, 08/29/2014; **A, 7/24/2018**]

5.7.6.8 STUDENT ELIGIBILITY: All determinations of survivors of peace officers, fire fighters or other similar decedents employed by a political subdivision of the state of New Mexico shall be made by the department’s financial aid director. Appeal of any such determination shall be determined by the cabinet secretary of the higher education department.

[5.7.6.8 NMAC - N, 08/29/2014]

5.7.6.9 DURATION OF SCHOLARSHIP: The scholarship shall continue for such time as the recipient maintains satisfactory academic progress at the educational institution, but in no event shall any recipient receive the scholarship for more than ~~[five]~~ six academic years.

[5.7.6.9 NMAC - N, 08/29/2014; **A, 7/24/2018**]

5.7.6.10 AMOUNT OF SCHOLARSHIP: The amount of the scholarship awarded to a recipient shall be [equal to the amount of tuition charged by the educational institution attended by the recipient] based on the location of the eligible institution the recipient chooses to attend:

A. New Mexico institutions: If the institution is in New Mexico, the amount of the scholarship shall be equal to the amount of tuition, room and board charged by the institution attended.

B. Institution outside of New Mexico: If the institution is not in New Mexico, the amount of the scholarship shall not exceed the average cost of attendance at New Mexico research institutions.

[5.7.6.10 NMAC - N, 08/29/2014; **A, 7/24/2018**]

5.7.6.11 ADMINISTRATION OF FIRE FIGHTER AND PEACE OFFICER SURVIVORS SCHOLARSHIP:

A. The department shall authorize payments to ~~[public]~~ educational institutions, for recipients, upon receipt of documentation required by the department.

B. Awards shall be limited for reimbursements to educational institutions for ~~[tuition costs]~~ cost of attendance actually incurred at institutions outside of New Mexico and tuition, room and board at New Mexico institutions. No cash shall be released by an educational institution to a recipient except to reimburse actual payments.

C. Money shall be allocated in the order that payment requests are received and approved.

D. To request payment institutions shall invoice the department on a semester basis; institutions shall provide supporting documents for each recipient including class schedule, ~~[degree/certificate]~~ degree or certificate program catalog requirements and any additional documentation the department may require to process the request.

E. Reimbursement payments may also be authorized by administrative rulings under specific conditions.

[5.7.6.11 NMAC - N, 08/29/2014; **A, 7/24/2018**]

5.7.6.12 TERMINATION OF SCHOLARSHIP: A scholarship is terminated upon the occurrence of one or more of the following:

A. Withdrawal by the recipient from the institution to which the recipient was granted the scholarship to attend.

~~**B.** Failure to remain enrolled in a satisfactory academic activity.~~

~~[C.]~~ **B.** Failure to achieve satisfactory academic progress by the recipient as determined by the educational institution.

~~[D.]~~ **C.** Substantial noncompliance by the scholarship recipient with the fire fighters and peace officer survivors scholarship act or the rules, regulations or procedures promulgated by the state of New Mexico higher education department.

[5.7.6.12 NMAC - N, 08/29/2014; **A, 7/24/2018**]

HISTORY of 5.7.6 NMAC: [RESERVED]

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