

**BOARD OF HIGHER EDUCATION**  
**REQUEST FOR COMMITTEE AND BOARD ACTION**

**COMMITTEE:** Fiscal Affairs and Administrative Policy                      **NO.:** FAAP 13-16  
**COMMITTEE DATE:** October 09, 2012  
**BOARD DATE:** October 16, 2012

---

**AMENDED GUIDELINES FOR THE ADOPTED CHILDREN TUITION WAIVER PROGRAM,  
AS REQUIRED BY CHAPTER 15A, SECTION 19.**

**MOVED:**            The Board of Higher Education hereby adopts the following guidelines for the  
Adopted Children Tuition Waiver and Fee Assistance Program.

**Authority:**            Massachusetts General Laws Chapter 15A, Section 19; Section 2 of Chapter  
139 of the Acts of 2012  
**Contact:**            Dr. Clantha McCurdy, Senior Deputy Commissioner, Access and Student  
Financial Assistance

## **BACKGROUND**

In July 2008, the Massachusetts Legislature amended Chapter 15A, Section 19 - Public Education Tuition Waiver, of the General Laws to provide full tuition and fee waivers for children who were adopted while in the custody of the Department of Children and Families, and who choose to attend a Massachusetts public college or university. The Board of Higher Education was required to establish guidelines for these waivers. Section 19 also states, "The commonwealth, not the institutions of public higher education, shall bear the cost of these waivers, after all reimbursement from the federal government has been exhausted."

The Adopted Children Tuition Waiver and Fee Assistance Program is designed to lessen the financial burden on adopting parents in the Commonwealth, and extends eligibility to all children and young adults, age twenty-four or under, adopted through the Department of Children and Families by state employees or eligible Massachusetts residents, regardless of the date of adoption. The tuition and fee waiver encompasses 100% of tuition and fees for state-supported courses, subject to budgetary appropriation, at all of the Massachusetts public institutions of higher education, excluding graduate courses and courses in the MD program at the University of Massachusetts Medical Center. Since 2008, an average of 400 students receive assistance under this program annually. The annual appropriation, however, has fallen short of covering 100 percent of fees for all eligible students.

The Fiscal Year 2013 budget appropriation language links student eligibility to a specific Expected Family Contribution (EFC), should the appropriation be insufficient to cover full and fees for all eligible students, as determined by the Free Application for Federal Student Aid (FAFSA), and allows the Board of Higher Education to adopt guidelines for this purpose. The attached guidelines have been amended to comply with the FY 2013 budget language.

**SECTION P: DEPARTMENT OF CHILDREN AND FAMILIES  
ADOPTED CHILDREN TUITION WAIVER AND FEE ASSISTANCE PROGRAM**

**PURPOSE:**

In July 2008, the Massachusetts Legislature amended Chapter 15A, Section 19 - Public Education Tuition Waiver, of the General Laws. This law provides for full tuition and fee waivers for foster children in the custody of the Department of Children and Families and children adopted through this agency that choose to attend a Massachusetts public institution of higher education, and it requires the Board of Higher Education to establish guidelines for these waivers. Section 19 also states, "The commonwealth, not the institutions of public higher education, shall bear the cost of these waivers, after all reimbursement from the federal government have been exhausted."

**DEFINITIONS:**

***ELIGIBLE INSTITUTION:***

An institution within the system of public higher education under Section 5 of Chapter 15A of the General Laws.

***ELIGIBLE PROGRAM:***

Any eligible state-supported undergraduate degree or certificate program offered by the institution.

***ELIGIBLE STUDENT:***

Eligible students shall include children who were in the custody of the Department of Children and Families who were:

- adopted by an eligible Massachusetts state employee through the Department of Children and Families; or
- adopted by an eligible Massachusetts resident through the Department of Children and Families;
- and who meet the following criteria:
  - a) Is a permanent legal resident of Massachusetts or was a permanent resident of the Commonwealth at the time of adoption
  - b) Is a U.S. citizen or non-citizen eligible under Title IV regulations
  - c) Is under the age of twenty-five (25) at the start of the academic year
  - d) Is enrolled in an undergraduate degree, certificate or short-term certificate program, or is taking noncredit courses
  - e) Has applied for financial aid, using the Free Application for Federal Student Aid (FAFSA) and,

- f) Is in compliance with applicable law regarding Selective Service
- g) Is not in default of any Federal or State Student Loans for attendance at any institution or owe a refund for any previous financial aid received
- h) Is in good standing and meets the institution's requirements for Satisfactory Academic Progress

***ELIGIBLE STATE EMPLOYEE AND RESIDENTS:***

Eligible state employees shall include all individuals determined to be Massachusetts state employees at the time of adoption of the eligible student including:

- All full- and part-time employees employed at the time of the adoption by Massachusetts State government at least six months,
- Employees who are working for the state at the time of the adoption and who continue to be employed by the state for at least six months after the adoption.

Eligible Massachusetts residents shall include:

- All individuals determined to be Massachusetts state residents at the time of the adoption of the eligible student.

***ELIGIBLE COURSE:***

Any state-supported course offered by an institution at a public college or university, excluding all graduate courses and courses in the M.D. program at the University of Massachusetts Medical Center. Eligible courses include those toward an undergraduate degree program, certificate program, short-term certificate program, and non-credit courses.

***AWARD VALUE:***

Subject to budget appropriation, the award under this program shall be equal to 100 percent of all tuition and fees at the resident rate as follows:

- a) a waiver of tuition for all students who qualify for a waiver of tuition under this section of the Commonwealth Tuition Waiver Program, plus 100 percent of all fees for all state-supported courses or program of study.

Whenever the fiscal year appropriation is not sufficient to permit reimbursement of 100 percent of fees, the DHE will prioritize assistance to students meeting the legislatively mandated EFC, up to 100 percent. Students with an EFC of \$10,000 and above will be reimbursed for fall/spring fees subject to available funding, and only after 100% of all fees are reimbursed for students with an EFC below \$10,000, as required by the appropriation language. In all cases, all awards are subject to appropriation, and assistance under this program is awarded after consideration of all other federal scholarship and grant resources. Institutions may not use this tuition and fee assistance program to supplant other state, federal or institutional aid previously awarded to the student. Wherever possible, institutions are encouraged to use the Tuition and Fee Assistance Program to reduce student education loan debt.

***INSTITUTIONAL DISBURSEMENT OF GRANT:***

Each participating institution must provide information to the Board of Higher Education regarding the student's financial aid award for the current academic year. This information will be used to determine the student's Tuition and Fee assistance. Institutions must disburse funds in compliance with guidelines governing all state financial aid programs.

***PARTICIPATION AGREEMENT:***

All institutions receiving the Massachusetts Tuition and Fee Assistance funds for eligible Adopted and Foster Children must have an active State Financial Aid Participation Agreement on file with the Office of Student Financial Assistance.

***AUDIT REQUIREMENTS:***

- a) The Commissioner shall require each campus to furnish annually by August 31 a report detailing the number of Department of Children and Families recipients for the previous year and the corresponding amount of tuition waived.
- b) All financial books, records and documents pertaining to this program shall at all times be open to inspection, review and audit by the Commissioner, the State Auditor or their authorized representatives who shall have access to the premises wherever such books, records and documents are located. The institution shall retain such financial books, records and documents for seven years. An institution may retain such records and documents for a period of five years if approval is received from the Records Conservation Board in accordance with General Laws, Chapter 30, and Section 42.