

STATE UNDERGRADUATE FINANCIAL AID - STATUTES

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RESIDENT STUDENT ASSISTANCE

GENERAL PROVISIONS

20-26-101. Short title. Parts 1 and 2 may be cited as "The Montana Resident Student Financial Assistance Program".

20-26-102. Purpose. The purpose of parts 1 and 2 is to establish a program to provide financial assistance to resident Montana postsecondary students.

20-26-103. Definitions. As used in parts 1 and 2, the following definitions apply:

(1) "Postsecondary institution" includes the units of the university system and any private postsecondary institution.

(2) "Resident student" means a person who was a resident of Montana prior to enrolling and who is attending a qualified postsecondary institution within Montana.

20-26-104. Resident student financial assistance program created. There is a resident student financial assistance program administered by the commissioner of higher education.

RELATED BOARD POLICY:

- [Policy 501.1](#) - Montana University System; Honor Scholarships
- [Policy 501.2](#) - 2 Plus 2 Honor Scholarship
- [Policy 940.12.1](#) - Tuition and Fee Approval; Disclosure of Total Cost of Attendance
- [Policy 940.30](#) - Montana Tuition Assistance Program Eligibility Requirements; Montana University System (Baker Grant Program)
- [Policy 940.31](#) - Policy Statement on Tuition
- [Policy 1202.1](#) - Program Guidelines [for Intercollegiate Athletics]
- [Policy 1202.2](#) - Conference Participation [for Intercollegiate Athletics]

ADMINISTRATION OF PROGRAM

20-26-201. Duties of commissioner of higher education relative to program. The commissioner of higher education shall:

- (1) adopt rules to administer the resident student financial assistance program, including the establishment of criteria for student eligibility which shall consider financial need;
- (2) determine the amount of individual grants;
- (3) establish procedures for fiscal control, fund accounting, and necessary reports; and
- (4) apply for, receive, and administer federal and private money.

20-26-202. Administrative costs. Administration costs not provided by the federal grant that are attributable to parts 1 and 2 shall be negotiated and charged to the individual participants.

20-26-203. Deposit of moneys. Funds received by the commissioner of higher education for the resident student financial assistance program, including funds for the administration of parts 1 and 2, shall be deposited in the state treasury.

SCHOLARSHIP PROGRAMS

20-26-606. Public and private sources of funding -- restrictions on use -- accounting. (1) The board may accept donations from public or private sources and shall distribute those funds in accordance with this part.

(2) Except when a donor of private funds designates that scholarship funds must be given to students attending a private college, scholarship awards are determined solely by the board or an entity designated by the board pursuant to board policy adopted under **20-26-602** and **20-26-614**.

(3) Funds from public sources may not be used to pay for scholarships for students enrolled in Montana private colleges.

(4) Funds from private sources must be deposited into an account in the state special revenue fund established in **17-2-102** to pay for scholarships for students enrolled in postsecondary institutions or, when designated by the donor, in Montana private colleges.

(5) Each postsecondary institution or Montana private college that receives scholarship payments shall prepare and submit to the board, in accordance with procedures and policies established by the board, a report of the postsecondary institution's or Montana private college's administration of the scholarships and a complete accounting of scholarship funds.

(6) Funds from a scholarship may not be used to pay for remedial or college-preparatory course work.

(7) Except for funds donated from private sources, the obligation for funding the governor's postsecondary scholarship program is an obligation of the state. This section may not be construed to require the board to provide scholarships to an eligible student without an appropriation to the board for the purposes of the governor's postsecondary scholarship program. Funds from private sources may not be used as an offset to general fund appropriations.

Governor's Post-Secondary Scholarship Program

20-26-601. Short title. Sections **20-26-601** through **20-26-605** may be cited as the "Governor's Postsecondary Scholarship Program".

20-26-602. Governor's postsecondary scholarship program -- duties of council -- duties of board. (1) There is a governor's postsecondary scholarship program administered by the board through the office of the commissioner of higher education with assistance from the council.

(2) The purpose of the governor's postsecondary scholarship program is to provide scholarships on the basis of need and merit to Montana residents toward the cost of attendance at 2-year and 4-year postsecondary institutions and to allocate some of the scholarships to specific areas of study that promote economic development or address critical workforce shortage areas in Montana.

(3) The council shall gather information and make recommendations for the board to consider in the board's adoption of policies and procedures under **20-26-601** through **20-26-605**. The recommendations must attempt to promote efficient administration of the governor's postsecondary scholarship program.

(4) After consideration of the council's recommendations pursuant to subsection (3), the board shall adopt policies and procedures for administration of the governor's postsecondary scholarship program consistent with **20-26-601** through **20-26-605**.

(5) Subject to available funding, scholarships must be awarded on an annual basis to qualified recipients pursuant to policies adopted by the board. The board may delegate to Montana high schools and postsecondary institutions the authority to review scholarship applications and select scholarship recipients.

20-26-603. Definitions. As used in this part, the following definitions apply:

(1) "Accredited" means a school that is accredited by the board of public education pursuant to **20-7-102**.

(2) "Board" means the board of regents of higher education created by Article X, section 9(2), of the Montana constitution.

(3) "Council" means the governor's postsecondary scholarship advisory council created in **2-15-1524**.

(4) "Montana high school" means an accredited public or nonpublic high school.

(5) "Montana private college" means a nonprofit private educational institution:

(a) with its main campus and primary operations located within the state; and

(b) that offers education on the level of a baccalaureate degree and is accredited for that purpose by a national or regional accrediting agency recognized by the board.

(6) "Postsecondary institution" means:

(a) a unit of the Montana university system, as defined in **20-25-201**;

(b) a Montana community college, defined and organized as provided in **20-15-101**; or

(c) an accredited tribal community college located in the state of Montana.

(7) "Scholarship" means a payment toward the cost of attendance at a qualifying postsecondary institution, rounded up to the nearest dollar.

(8) "STEM or health care major" means a major that is related to science, technology, engineering, mathematics, or health care. Specific qualifying majors are identified in board policy.

(9) "Title IV" refers to Title IV of the Higher Education Act of 1965, as amended.

20-26-604. Types and amounts of scholarships -- criteria. (1) Scholarships must be awarded under the governor's postsecondary scholarship program in accordance with the requirements of this section and criteria established by board policy and procedures pursuant to **20-26-602** and this section.

(2) Scholarships must be awarded on the basis of merit or need. Scholarships may be for either \$1,000 or \$2,000. Merit-based and need-based scholarships must be awarded in approximately equal monetary amounts.

(3) A merit-based scholarship must be awarded to at least one graduate of every accredited high school in Montana, including accredited nonpublic high schools.

(4) A portion of the money appropriated for need-based scholarships must be designated for applicants planning to attend 2-year postsecondary institutions or 2-year programs at 4-year postsecondary institutions and who plan to focus on specific areas of study that promote economic development or address current or projected critical workforce shortage areas in Montana, such as technology, health sciences, or trades, as provided under policies established by the board pursuant to **20-26-602**.

20-26-605. Eligibility requirements -- renewals -- limited appeals. (1) Scholarships must be awarded under the governor's postsecondary scholarship program in accordance with the eligibility requirements of this section and pursuant to policies and procedures established by the board pursuant to **20-26-602** and this section.

(2) To be eligible to receive a scholarship, a student must be a Montana resident eligible for in-state tuition as determined by board policy.

(3) To be eligible to receive a merit-based scholarship, a student must have attained a minimum grade point average or numerical score on a standardized college admission test as prescribed by board policy.

(4) To be eligible to receive a need-based scholarship, a student must complete the standard free application for federal student aid form and the student's expected family contributions may not exceed the cost of attendance at the postsecondary institution that the student expects to attend.

(5) Scholarships must be awarded to students seeking their first certificate or their 2-year or 4-year degree at a postsecondary institution.

(6) Scholarships may be renewed in accordance with board policy. The policy must include proof of satisfactory academic performance.

(7) Scholarships may be terminated in accordance with board policy.

(8) The board shall establish policies and procedures:

(a) to allow a student to transfer from one postsecondary institution to another without loss of the scholarship; and

(b) to ensure compliance with **20-26-606(3)** if a student transfers from a postsecondary institution to a Montana private college.

(9) A scholarship recipient's right to receive other financial aid, awards, and scholarships may be limited as required by federal or state law or board policy.

(10) A student is ineligible to receive a scholarship under the governor's postsecondary scholarship program if the student:

(a) has been awarded a Montana university system honor scholarship;

(b) has failed to meet the federal Title IV selective service registration requirements;

(c) is in default on a Title IV or state of Montana educational loan or owes a refund to a federal Title IV or state of Montana student financial aid program; or

(d) is incarcerated. Upon release, the student may begin receiving scholarship payments if the student meets all other eligibility requirements. If approved by the board, credits earned during incarceration may be counted toward eligibility.

(11) (a) Except as provided in subsection (11)(b), scholarship awards are not subject to appeal.

(b) A student may appeal the termination of a scholarship based on extenuating circumstances in accordance with board policy.

RELATED BOARD POLICY:

- [Policy 501.3](#) - Governor's Post-Secondary Scholarship Program

Montana STEM Scholarship Program

20-26-614. Montana STEM scholarship program. (1) There is a Montana STEM scholarship program. The program is administered by the board through the office of the commissioner of higher education.

(2) The purpose of the Montana STEM scholarship program is to provide an incentive for Montana high school students to prepare for, enter into, and complete degrees in postsecondary fields related to science, technology, engineering, mathematics, and health care, with the goal of increasing the number of STEM degree recipients participating in Montana's workforce.

(3) The board shall adopt policies and procedures for the administration of the Montana STEM scholarship program consistent with **20-26-614** through **20-26-617**.

20-26-615. Eligibility requirements -- ineligibility. (1) To be eligible for the Montana STEM scholarship, a student must:

(a) be a Montana resident who graduated from a Montana high school with a cumulative grade point average of at least 3.25;

(b) be eligible for in-state tuition pursuant to the board's policies;

(c) have completed a rigorous college preparation program, including 4 years of mathematics and 3 years of science;

(d) be enrolled full time in at least 15 credit hours at a postsecondary institution in the fall semester immediately following the student's graduation from high school;

(e) be seeking the student's first certificate or 2-year or 4-year degree at a postsecondary institution; and

(f) have declared a STEM or health care major as the student's intended course of study.

(2) A student is ineligible for the Montana STEM scholarship if the student:

(a) has failed to meet the federal Title IV selective service registration requirements;

(b) is in default on a Title IV or state of Montana educational loan or owes a refund to a federal Title IV or state of Montana student financial aid program; or

(c) is incarcerated. A student may receive a Montana STEM scholarship upon release if the student meets all other eligibility requirements.

20-26-616. STEM scholarship amounts -- renewal requirements. (1) A student who meets the requirements of **20-26-615** will receive a \$1,000 scholarship for the first academic year the student is enrolled at a postsecondary institution.

(2) A student who meets the requirements of this subsection will receive a \$2,000 scholarship for the student's second academic year. To be eligible for the STEM scholarship in the student's second academic year, the student must:

(a) have completed at least 30 credit hours in the first academic year;

(b) have maintained a grade point average of at least 3.0;

(c) be enrolled full time at the postsecondary institution in the current academic year; and

(d) continue to pursue a STEM or health care major.

(3) The board shall adopt a policy regarding the award of scholarships when the funds in the account established in **20-26-617** are insufficient to fully fund the STEM scholarship program. The policy must prioritize scholarships in the following order:

(a) Renewals for qualified applicants of scholarships that were previously awarded have the highest priority.

(b) If funds remain after renewal scholarships are awarded pursuant to subsection (3)(a), then the number of new scholarships must be reduced but the individual award amounts must meet the requirements of subsections (1) and (2).

20-26-617. Montana STEM scholarship program state special revenue account. (1) There is a Montana STEM scholarship program account within the state special revenue fund established in **17-2-102**. The purpose of the account is to fund the Montana STEM scholarship program. The account is administered by the board through the office of the commissioner of higher education.

(2) There must be paid into the account the lottery net revenue calculated pursuant to **23-7-402**. Every student who is eligible under the provisions of **20-26-615** and **20-26-616** must be awarded a Montana STEM scholarship.

(3) If the amount in this account is greater than the amount required to fund the scholarships as required by subsection (2), the excess funds may be carried over and used to fund scholarships in the next fiscal year.

(4) The board may use up to 1% of the funds transferred into the account in each fiscal year for costs related to administering the Montana STEM scholarship program.

(5) This account is statutorily appropriated, as provided in **17-7-502**, to the board for the Montana STEM scholarship program established in **20-26-614** through **20-26-616**.

23-7-202. Powers and duties of commission. The commission shall:

(1) establish and operate a state lottery and may not become involved in any other gambling or gaming;

(2) determine policies for the operation of the state lottery, supervise the director and the staff, and meet with the director at least once every 3 months to make and consider recommendations, set policies, determine types and forms of lottery games to be operated by the state lottery, and transact other necessary business;

(3) maximize the net revenue paid to the state general fund and to the Montana STEM scholarship program special revenue account under **23-7-402** and ensure that all policies and rules adopted further revenue maximization;

(4) subject to **23-7-402**(1), determine the percentage of the money paid for tickets or chances to be paid out as prizes;

(5) determine the price of each ticket or chance and the number and size of prizes;

(6) provide for the conduct of drawings of winners of lottery games;

(7) carry out, with the director, a continuing study of the state lotteries of Montana and other states to make the state lottery more efficient, profitable, and secure from violations of the law;

(8) study and may enter into agreements with:

- (a) other lottery states and countries to offer lottery games; or
 - (b) an association for the purpose of participating in multistate lottery games or games offered in other states and other countries;
- (9) prepare quarterly and annual reports on all aspects of the operation of the state lottery, including but not limited to types of games, gross revenue, prize money paid, operating expenses, net revenue to the state, contracts with gaming suppliers, and recommendations for changes to this part, and deliver a copy of each report to the governor, the department of administration, the legislative auditor, the president of the senate, the speaker of the house of representatives, and each member of the appropriate committee of each house of the legislature as determined by the president of the senate and the speaker of the house; and
- (10) adopt rules relating to lottery staff sales incentives or bonuses and sales agents' commissions and any other rules necessary to carry out this part.

23-7-402. (Temporary) Disposition of revenue. (1) A minimum of 45% of the money paid for tickets or chances must be paid out as prize money. The prize money is statutorily appropriated, as provided in **17-7-502**, to the lottery.

(2) Commissions paid to lottery ticket or chance sales agents are not a state lottery operating expense.

(3) Lottery contractor fees, which are fees paid to contracted lottery vendors based on sales, must be paid from the state lottery enterprise fund. The money to pay lottery contractor fees is statutorily appropriated, as provided in **17-7-502**, to the lottery.

(4) (a) Except as provided in subsection (4)(b), that part of all gross revenue not used for the payment of prizes, commissions, and operating expenses, together with the interest earned on the gross revenue while the gross revenue is in the enterprise fund, is net revenue. Net revenue must be transferred quarterly from the enterprise fund established by **23-7-401** to the state general fund. Once the amount of net revenue transferred to the general fund during a fiscal year equals the amount transferred to the general fund in fiscal year 2015, any additional net revenue must be transferred to the Montana STEM scholarship program special revenue account established in **20-26-617**.

(b) For fiscal year 2016, prior to any net revenue being transferred to the general fund from the enterprise fund, \$400,000 of net revenue must be transferred from the enterprise fund to the Montana STEM scholarship special revenue account established in **20-26-617** for the purpose of distributing STEM scholarships pursuant to **20-26-614** through **20-26-617** during the 2015-2016 school year.

(5) The spending authority of the lottery may be increased in accordance with this section upon review and approval of a revised operation plan by the office of budget and program planning. (*Terminates June 30, 2019--sec. 3, Ch. 2, L. 2013.*)

23-7-402. (Effective July 1, 2019) Disposition of revenue. (1) A minimum of 45% of the money paid for tickets or chances must be paid out as prize money. The prize money is statutorily appropriated, as provided in **17-7-502**, to the lottery.

(2) Commissions paid to lottery ticket or chance sales agents are not a state lottery operating expense.

(3) That part of all gross revenue not used for the payment of prizes, commissions, and operating expenses, together with the interest earned on the gross revenue while the gross revenue is in the enterprise fund, is net revenue. Net revenue must be transferred quarterly from the enterprise fund established by **23-7-401** to the state general fund. Once the amount of net revenue transferred to the general fund during a fiscal year equals the amount transferred to the general fund in fiscal year 2015,

any additional net revenue must be transferred to the Montana STEM scholarship program special revenue account established in **20-26-617**.

(4) The spending authority of the lottery may be increased in accordance with this section upon review and approval of a revised operation plan by the office of budget and program planning.

RELATED BOARD POLICY:

- [Policy 501.4](#) - Montana STEM Scholarship Program

Montana Promise Act

20-26-621. Short title. Sections **20-26-621** through **20-26-623** may be cited as the "Montana Promise Act".

20-26-622. Purpose. The purpose of **20-26-621** through **20-26-623** is to increase college affordability and attainment for and decrease the amount of college debt incurred by Montana residents who utilize community and tribal colleges and 2-year institutions of the Montana university system.

20-26-623. Montana promise grant program -- student eligibility -- administration. (1) There is a Montana promise grant program for the purpose of providing grants to students who meet the criteria for certain postsecondary programs pursuant to subsection (2). The program is administered by the board of regents through the office of the commissioner of higher education. The board of regents shall adopt policies for the administration of the program consistent with **20-26-621** through **20-26-623**.

(2) To be eligible for a grant under the program, a student must:

(a) be enrolled at least half-time in a community or tribal college located in the state of Montana or in a 2-year institution of the Montana university system and taking courses that lead to:

(i) the ability to transfer to another postsecondary institution entering as at least a second-year student;

(ii) an associate degree offered by the institution; or

(iii) a professional credential offered by the institution;

(b) have been a resident of Montana for at least 12 months prior to applying for the grant program;

(c) have graduated from high school or received a secondary education equivalency certificate;

(d) have demonstrated academic ability through earning a cumulative grade point average of at least 2.5 in high school or through other measures as determined by the board of regents;

(e) have completed and submitted the free application for federal student aid for the current academic year and accepted all federal and state aid grants available; and

(f) have not completed more than 60 credit hours or the equivalent at a postsecondary institution or earned an associate degree.

(3) A student awarded a grant under the Montana promise grant program may receive a grant for no more than 2 years and is eligible for grants only if the student is making satisfactory progress as determined by the board of regents in courses described in subsection (2)(a), maintaining a cumulative grade point average of at least 2.7, and contributing a minimum of 8 hours of community service each semester.

(4) Montana promise grants must be awarded based on each term for which a student is eligible. The amount of the grant must be the greater of \$75 per enrolled credit or the amount of tuition remaining due after any other federal, state, or private aid grants or waivers have reduced the tuition amount.

(5) (a) Except as provided in subsection (5)(b), the total amount in grants awarded under this section may not exceed \$2 million in each fiscal year or any lesser amount appropriated by the legislature.

(b) The board of regents may accept donations from private or out-of-state public sources for this program and shall distribute any funding received in accordance with **20-26-621** through **20-26-623**.

(6) If the amount of funding is not sufficient to provide grants to all eligible students, the board of regents may adopt policies for the prioritization of grants based on the following criteria in order:

(a) previous participation in the grant program with students who have previously received grants through the program receiving priority;

(b) financial need;

(c) students in programs for professional credentialing in high-demand labor markets; and

(d) recency of graduation from high school or completion of secondary education equivalency certification, with priority to more recent graduates and completers.

QUALITY EDUCATOR LOAN ASSISTANCE PROGRAM

20-4-501. Quality educator loan assistance program -- purpose. (1) There is a quality educator loan assistance program administered by the board of regents through the office of the commissioner of higher education. The program must provide for the direct repayment of educational loans of eligible quality educators in accordance with policies and procedures adopted by the board of regents in accordance with this part.

(2) The purpose of this program is to aid quality educator recruitment and retention for those schools most impacted by critical quality educator shortages. The program must be implemented in a manner that maximizes recruitment and retention assistance to impacted schools.

20-4-502. Definitions. For purposes of this part, unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in **20-7-451**.

(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the current school year, who:

(i) holds a valid certificate under the provisions of **20-4-106** and is employed by an entity listed in subsection (4)(b) in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under **37-8-405**, **37-8-415**, **37-11-301**, **37-15-301**, **37-17-302**, **37-22-301**, **37-23-201**, **37-24-301**, or **37-25-302** and is employed by an entity listed in subsection (4)(b) of this section to provide services to students.

(b) For purposes of subsection (4)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in **20-8-101**;

(iv) the Montana youth challenge program; and

(v) a state youth correctional facility, as defined in **41-5-103**.

(5) "School district" means a public school district, as provided in **20-6-101** and **20-6-701**.

20-4-503. Critical quality educator shortages. (1) The board of public education, in consultation with the office of public instruction, shall identify:

(a) specific schools that are impacted by critical quality educator shortages; and

(b) within the schools identified in subsection (1)(a), the specific quality educator licensure or endorsement areas that are impacted by critical quality educator shortages.

(2) In identifying impacted schools under subsection (1)(a), the board of public education, in consultation with the office of public instruction, shall consider including the following:

- (a) special education cooperatives;
 - (b) the Montana school for the deaf and blind, as described in **20-8-101**;
 - (c) the Montana youth challenge program, as established in **10-1-1401**;
 - (d) state youth correctional facilities, as defined in **41-5-103**;
 - (e) public schools that are located on an American Indian reservation; and
 - (f) public schools that, driving at a reasonable speed for the road surface, are located:
 - (i) more than 45 minutes from a city with a population greater than 10,000 based on the most recent federal decennial census; or
 - (ii) more than 30 minutes from a city with a population greater than 4,300 based on the most recent federal decennial census.
- (3) The board of public education shall publish by December 1 an annual report listing the schools and the licensure or endorsement areas identified as impacted by critical quality educator shortages, explaining the reasons that specific schools and licensure or endorsement areas have been identified and providing information regarding any success in retention. The report must apply to the school year that begins July 1 following the publication of the report in order to assist recruitment by impacted schools. For the school year beginning July 1, 2017, eligibility for the program may be governed by the report adopted by the board of public education by December 1, 2017.
- (4) A quality educator working at a school identified in subsection (1) is eligible for repayment of all or part of the quality educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established under this part.

20-4-504. Loan repayment assistance. Loan repayment assistance may be provided on behalf of a quality educator who:

- (1) is employed in an identified school described in **20-4-503**(1); and
- (2) has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 at the time of application.

20-4-505. Loan repayment assistance documentation. (1) A quality educator shall submit an application for loan repayment assistance to the board of regents in accordance with policies and procedures adopted by the board of regents. The application must include official verification or proof of the applicant's total unpaid accumulated educational loan debt and other documentation required by the board of regents that is necessary for verification of the applicant's eligibility.

(2) The board of regents may require a quality educator who is eligible for loan repayment assistance to provide documentation that the quality educator has exhausted repayment assistance from other federal, state, or local loan forgiveness, discharge, or repayment incentive programs.

(3) A quality educator is eligible for loan repayment assistance for no more than 3 years, with the maximum annual loan repayment assistance not to exceed:

- (a) \$3,000 after the first complete year of teaching in an impacted school;
- (b) \$4,000 after the second complete year of teaching in the same impacted school or another impacted school within the same school district; and

(c) \$5,000 after the third complete year of teaching in the same impacted school or another impacted school within the same school district.

(4) The board of regents may remit payment of the loan on behalf of the quality educator in accordance with the requirements of this part and policies and procedures adopted by the board of regents.

20-4-506. Funding -- priorities. (1) If the funding for this part in any year is less than the total amount for which Montana quality educators qualify, the board of regents shall provide preference in the award of loan repayment assistance to quality educators working in the specific licensure or endorsement areas that are most impacted by quality educator shortages identified as provided in **20-4-503**.

(2) If the funding for this part in any year is greater than the total amount for which Montana quality educators qualify, the board of public education shall consider expanding the number of impacted schools included in subsequent reports pursuant to **20-4-503**.

(3) This part may not be construed to require the provision of loan repayment assistance without an express appropriation for that purpose.

RELATED BOARD POLICY:

- [Policy 940.14](#) - Quality Educator Loan Assistance Program

WORK-STUDY PROGRAMS

20-25-701. Definitions and purpose. (1) As used in this part, unless the context otherwise requires, the following definitions apply:

(a) "Institution" means any public institution of postsecondary education governed, supervised, or coordinated by the board of regents of higher education.

(b) "Student" means any Montana resident, as established by the board of regents of higher education, who has met the qualifications for enrollment as a full-time student at an institution or who is presently enrolled as a full-time student in good standing, as determined by the institution.

(2) It is the purpose of this part to help ensure that no resident of Montana be denied attendance at institutions governed, supervised, or coordinated by the board of regents of higher education because of financial barriers and further to provide low-cost supplemental assistance for all governing units within Montana. The legislature intends that any Montana resident wishing to gain admittance to such institutions in Montana, within necessary budgetary limitations as provided by law, shall be allowed the opportunity to earn in part or in total sufficient money to pay the costs accompanying such attendance through employment by state and local governing units and certain public interest organizations.

20-25-702. Montana work-study program. The Montana work-study program is hereby established to be administered by the board of regents of higher education as provided by this part.

20-25-703. Limitation on use of funds. At least 70% of the funds allocated to the program must be used to provide job opportunities for students with demonstrated financial need. The remainder of the funds allocated to this program may be used to provide job opportunities on a basis other than financial need. The other bases include but are not limited to:

- (1) laboratory, teaching, and tutorial assistantships requiring particular skills; and
- (2) cases in which a student's family cannot demonstrate financial need but in which the student has a desire to contribute toward the student's education through employment.

20-25-704. Funds supplemental to other funds. All funds allocated through this program are supplemental in nature and are not meant to replace existing federal and state student financial assistance funds or any other funds that would otherwise be appropriated for student assistance.

20-25-705. Administration. The board of regents of higher education shall promulgate rules for the allocation of program funds among the institutions.

20-25-706. Eligibility. Any local governing body; state or local administrative agency, department, board, commission; judicial, legislative, or other governmental unit; or nonprofit private organization is eligible to employ Montana students under the program as determined by the board of regents of higher education and within the funding limitations of the program, which eligibility:

- (1) will not result in the displacement of employed workers or impair existing contracts for services;

(2) will not involve any partisan or nonpartisan political activity associated with a candidate or contending group or faction in an election for public or party office;

(3) will not involve the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place of worship; and

(4) in the case of nonprofit organizations other than governmental units, will result in employment which is in the general public interest rather than in the interest of a particular group.

20-25-707. Antidiscrimination. An employer is not eligible to employ any person under this program if the employer practices discrimination in employment against any individual because of race, creed, religion, color, political ideas, sex, age, marital status, physical or mental disability, ancestry, or national origin.

20-25-708. Approval of salaries. The salaries paid to students employed under this program and the number of hours each student works shall be approved by institution officers administering the program, subject to guidelines promulgated by the board of regents of higher education; provided that in no case will any student employed under the program be paid less than the minimum wage as provided by law.

20-25-709. Contributions from employers. Each employer must contribute toward the salary of each student employed under the program at a level determined by the board of regents of higher education but at a level no less than 30% of the student's hourly wage.

RELATED BOARD POLICY:

- [Policy 504.2](#) - Montana Work Study Program

TUITION WAIVERS

20-25-421. Charges for tuition -- waivers. (1) The regents may prescribe tuition rates, matriculation charges, and incidental fees for students in institutions under their jurisdiction.

(2) The regents may utilize waivers in tuition and fees to aid in the recruitment of students to units of the university system and to promote the policy of assisting the categories of students specified in this subsection. The regents may:

(a) waive or discount nonresident tuition for selected and approved nonresident students, including nonresident students who enroll under provisions of any WICHE-sponsored state reciprocal agreements that provide for the payment, when required, of the student support fee by the reciprocal state;

(b) waive resident tuition for students at least 62 years of age;

(c) waive tuition and fees for:

(i) persons who have one-fourth Indian blood or more or are enrolled members of a state-recognized or federally recognized Indian tribe located within the boundaries of the state of Montana and who have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system;

(ii) persons designated by the department of corrections pursuant to **52-5-112** or **53-1-214**;

(iii) residents of Montana who served with the armed forces of the United States in any of its wars and who were honorably discharged from military service;

(iv) children of residents of Montana who served with the armed forces of the United States in any of its wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the service of the armed forces of the United States;

(v) the spouses or children of residents of Montana who have been declared to be prisoners of war or missing in action; or

(vi) the spouse or children of a Montana national guard member who was killed or died as a result of injury, disease, or other disability incurred in the line of duty while serving on state military duty;

(d) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets the entrance requirements at the state university or college of the person's choice and is the surviving spouse or child of any of the following who were killed in the course and scope of employment:

(i) a paid or volunteer member of a municipal or rural fire department;

(ii) a law enforcement officer as defined in **7-32-201**; or

(iii) a full-time highway patrol officer.

RELATED BOARD POLICY:

- [Policy 940.13](#) - Tuition Waivers
- [Policy 940.32](#) - Tuition Waiver for Dependents