

This rule was filed as 5 NMAC 7.10.

TITLE 5 POST-SECONDARY EDUCATION
CHAPTER 7 TUITION AND FINANCIAL AID
PART 10 STATE WORK STUDY PROGRAM

5.7.10.1 ISSUING AGENCY: State of New Mexico Commission on Higher Education, 1068 Cerrillos Road, Santa Fe, New Mexico, 87501-4295, (505) 827-7383.
[7/15/98; Recompiled 10/31/01]

5.7.10.2 SCOPE: Provisions of 5 NMAC 7.10 [now 5.7.10 NMAC] apply to public or selected private non-profit post-secondary institutions in New Mexico.
[7/15/98; Recompiled 10/31/01]

5.7.10.3 STATUTORY AUTHORITY: Laws of 1982, Chapter 88, Sections 21-21B-1 to 9, NMSA 1978.
[7/15/98; Recompiled 10/31/01]

5.7.10.4 DURATION: Permanent.
[7/15/98; Recompiled 10/31/01]

5.7.10.5 EFFECTIVE DATE: July 15, 1998 [unless a later date is cited at the end of a section].
[7/15/98; Recompiled 10/31/01]

5.7.10.6 OBJECTIVE: The objective and purpose of 5 NMAC 7.10 [now 5.7.10 NMAC] is to provide a financial aid program for resident needy students; therefore, a distribution formula reflecting changing demographics of such students is to be used for allocating appropriated funds.
[7/15/98; Recompiled 10/31/01]

5.7.10.7 DEFINITIONS:

A. "Academic year" means a period of time during which a full-time student is expected to complete the equivalent of one of the following:

- (1) two semesters;
- (2) two trimesters; or
- (3) three quarters of instruction;

B. "Act" means the Work Study Act;

C. "Commission" means the New Mexico commission on higher education;

D. "Cost of education" means the cost of attending an institution as defined by the institution and approved by the commission;

E. "Dependent student" is a student who does not qualify as self-supporting or independent student;

F. "Eligible institution" means any state post-secondary educational institution and any private nonprofit post-secondary educational institution within New Mexico;

G. "Expected family contribution of a dependent student" means the sum of the amounts which reasonably may be expected from the student and his or her spouse to meet the student's cost of education and the amount which reasonably may be expected to be provided by his or her parents for such purpose;

H. "Expected family contribution of an independent or self-supporting student" means the amount which reasonably may be expected from the student and his or her spouse to meet the student's cost of education;

I. "Fund" means the New Mexico work study fund;

J. "Half-time student" means a student carrying a [sic] at least six semester hours during regular session and three semester hours during summer session as work-load, other than by correspondence, as measured by both of the following:

- (1) coursework or other required activities, as determined by the institution that the student attends or by the state;
- (2) the tuition and fees normally charged for half-time study by that institution;

K. "Monetary need" is established when a student's expected family contribution as determined by the federal methodology is less than the cost of attendance determined by the institution.
[7/15/98; Recompiled 10/31/01]

5.7.10.8 STUDENT ELIGIBILITY: A student is eligible to receive New Mexico work study funds if the student:

A. is a resident (for tuition purposes) of New Mexico;
B. is a citizen of the United States or a permanent resident alien;
C. is enrolled at least six semester hours during regular session and three semester hours during summer session as a student at an eligible institution;
D. is in compliance with the institution's satisfactory academic progress requirements; and
E. is eligible according to a standard needs analysis or when a financial aid officer exercises professional judgment in accordance with the institution's and applicable federal financial aid standards to determine that circumstances, for which documentation exists in the student's file, warrant adjusting the cost of attendance, expected family contribution or other factors to make the program responsive to a student's special financial circumstances, within the parameters authorized for this program.
[7/15/98; Recompiled 10/31/01]

5.7.10.9 ADMINISTRATION AND ALLOCATION OF FUNDS:

A. The commission shall assure that expenditures from the work study fund are apportioned equitably among eligible institutions.
B. The commission shall require reports from participating institutions as deemed necessary.
C. The commission or its administrative agent shall disburse funds to participating institutions when necessary.
D. All administrative costs for the program will be borne by participating schools. No New Mexico general fund monies appropriated for the New Mexico work study program will be expended for administration. In addition, should an audit be required, costs will accrue to the school involved in the program and will in no way represent an obligation of the state of New Mexico.
E. The institution shall comply with all parts of the Work Study Act and the New Mexico work study program regulations.
F. The institution shall employ only eligible students with each student's earnings limited to the amount indicated in the financial aid award letter.
G. The institution shall determine that at least the amount allocated by the need portion of the commission approved distribution formula shall be awarded to financially needy students.
H. The institution shall arrange employment for students limited to post-secondary nonprofit institutions, state political subdivisions, state agencies and nonprofit organizations that are approved by the commission.
I. The institution shall not arrange employment for the students in any of the following:
(1) jobs that advance a religious purpose;
(2) jobs that have an objective that is primarily religious;
(3) jobs that involve excessive entanglements with a religious organization; or
(4) jobs that involve partisan political activity.
J. The institution shall ensure that the employer contributes at least twenty percent of the salary and benefits for the student.
K. The institution shall ensure that students are not paid less than the rate set forth in Section 50-4-22, NMSA 1978.
L. The institution shall maintain normally accepted accounting procedures in regard to all aspects of the New Mexico work study program.
M. The institution shall in a timely manner provide the commission with a report of expenditures through December 31 and June 30 in each year of participation.
N. The institution shall keep intact and accessible records of the receipt and expenditure of New Mexico work study program funds, including all accounting records and original and supporting documents necessary to document how the funds are spent. The records shall be retained in compliance with New Mexico records retention requirements.

O. Students are not eligible for benefits under the unemployment compensation law because of participation in the work study program.

P. The institution may employ a student during a special session (e.g., summer school) if the student is otherwise eligible.

[7/15/98; Recompiled 10/31/01]

HISTORY OF 5.7.10 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives under:

BEF Rule 850, State Work Study Program - Administrative Regulations, 2/27/85.

BEF Rule 850, State Work Study Program - Administrative Regulations, 7/3/85.

CHE Rule 850, State Work Study Program - Administrative Regulations, 8/15/91.

History of Repealed Material: [RESERVED]