

Readopt with amendment Pos 1200, effective 3-17-06 (Document #8588), renumber as Hede 500 to read as follows:

CHAPTER Hede 500 SCHOLARSHIPS FOR ORPHANS OF VETERANS

Hede 501 PROGRAM ADMINISTRATION

Hede 501.01 Definitions.

(a) "Approved period" means service in the armed services of the United States during:

- (1) December 7, 1941 to December 31, 1946;
- (2) June 27, 1950 to January 31, 1955;
- (3) February 28, 1961 to May 7, 1975;
- (4) August 2, 1990 through a final date of the Gulf War conflict; or
- (5) Any period for which the armed forces expeditionary medal or theater of operations service medal was awarded.

(b) "Eligible student" means a student, between the ages of 16 and 25, who is a legal resident of New Hampshire and whose mother or father served in the United States armed services during an approved period and either died while on active duty or died of a service connected disability and were residents of New Hampshire at the time of his or her death as certified by the U.S. Veterans Administration or as determined by the higher education commission.

(c) Full-time student means an enrolled student as defined in 34 CFR 668.

(d) Full-time equivalent (FTE) means the representation of enrollment as a percent of full-time enrollment.

(e) "New Hampshire public institution of higher education" means a public institution that provides education to students beyond high school.

(f) "New Hampshire resident" means a resident of the state as specified by Hede 502.

(g) "Service connected disability" means a disability that has been rated by the federal government as having been caused by service in the U.S. armed services.

Hede 501.02 Description of Program.

(a) The scholarships for orphans of veterans shall be used only to assist in the payment of the following expenses at a New Hampshire public institution of higher education:

- (1) Board;
- (2) Room rent; and
- (3) Books and supplies.

(b) Scholarships shall only be awarded to eligible students.

Hedc 501.03 Application.

(a) Each applicant for a scholarship under the scholarships for orphans of veterans shall make application] for orphans of veterans, by supplying the following information:

- (1) Applicant's name;
 - (2) Applicant's mailing address;
 - (3) Applicant's present legal residence;
 - (4) Applicant's telephone number;
 - (5) Applicant's place and date of birth;
 - (6) Enrollment information including:
 - a. Applicant's college or school and address; and
 - b. Academic year in school for which assistance will be applied;
 - (7) Name and address of living parent or guardian;
 - (8) Name of deceased parent who served in the military;
 - (9) Deceased parent's Department of Veterans' Affairs claim number;
 - (10) Date deceased parent entered the military;
 - (11) Legal residence of deceased parent at time of death;
 - (12) Place and date of death of deceased parent; and
 - (13) Statement as to whether death of deceased parent was the result of a service connected disability.
- (b) Each applicant shall sign and date the application form.
- (c) Each minor applicant's parent or guardian shall sign the certification section.
- (d) The signatures shall certify that all information provided on the application is truthful.
- (e) Applications are due on or before September 1.

Hedc 501.04 Eligibility.

- (a) An applicant for a scholarship shall:
- (1) Be a New Hampshire resident for 12 consecutive months preceding the date of enrollment;
 - (2) Be between the ages of 16 and 25; and

(3) Be the child of a parent, either mother or father, who served in the United States armed services during an approved period and who either died while on active duty or as the result of a service related disability and was a resident of New Hampshire at the time of his or her death as certified by the U.S. Veterans Administration or as determined by the higher education commission.

(b) The scholarship shall only be used for those approved purposes in Hede 501.02 (a).

(c) The scholarship shall only be used for half-time or greater verified enrollment at a New Hampshire public higher education institution and shall not be used to enroll in individual courses.

(d) The scholarship may be used for either graduate or undergraduate education.

Hede 501.05 Amount. The amount of the award shall be determined by the postsecondary education commission by equally dividing the annual state appropriation by the number of full-time equivalent eligible applicants. This amount shall be multiplied by the individual eligible student's full-time equivalency to determine his or her award. In no case shall the award be in excess of \$2,500.

Hede 501.06 Payment of Scholarships. The checks for the scholarships shall be mailed directly to the recipient.

Hede 501.07 Renewal of Scholarships. Scholarships may be renewed for a maximum of 4 awards until the recipient attains the age of 26 years, whichever occurs first.

Hede 502 RESIDENCY REQUIREMENTS

Hede 502.01 Definitions.

(a) "New Hampshire resident" means a student who has been a resident of the state as defined in RSA 21:6-a.

(b) "Parent" means:

- (1) A person's father or mother, provided both are living;
- (2) If one parent is deceased, the remaining parent;
- (3) If one parent has custody of an unemancipated person, the parent having custody; or
- (4) A guardian or legal custodian, provided that there are no circumstances indicating that such guardianship or custodianship was created for the purpose of conferring the status of an in-state student on such unemancipated person.

(c) "Residence" means a place of abode or domicile as defined in RSA 21:6.

Hede 502.02 Eligibility.

(a) A student shall be classified as eligible for purposes of this program if he or she has been a resident of the state for 12 consecutive months immediately preceding the term for which in-state status is claimed.

(b) No unemancipated person shall be eligible for in-state status unless his or her parent shall have established his or her residence in this state.

(c) No person shall be eligible for in-state status unless his or her residence in New Hampshire is for some purpose other than the temporary or primary one of obtaining an education.

Hedc502.03 Domicile Determination.

(a) All evidence relevant to determining domicile shall be considered.

(b) The following shall be indicia of domicile, but shall not be exclusive, and other evidence may be submitted by the applicant:

- (1) Payment or non-payment of any tax levied by the state or any political subdivision on persons resident or domiciled therein;
- (2) Residence reported on any federal or state tax return;
- (3) Registration of one's automobile;
- (4) State issuing one's driver's license;
- (5) Receipt of support in whole or in part from parents who are domiciled outside the state of New Hampshire;
- (6) Voting residence;
- (7) Claim by any non-resident parent that the applicant is a dependent for tax or any other financial purposes;
- (8) The filing of any claim for benefits under any policy of insurance or any federal, state, or local benefit legislation based on domicile outside the state of New Hampshire; and
- (9) Status in some other state which would qualify a person for in-state tuition in that state.

Hedc 502.04 Emancipation Determination.

(a) No person shall be deemed to be emancipated unless his or her parent, as defined in Hedc 502.01(b):

- (1) Has entirely surrendered the right to the care, custody and earnings of such person;
- (2) Is no longer under any legal obligation to support or maintain such person; or
- (3) Having supported and maintained such person even though under no legal obligation to do so, has ceased to support and maintain such person.

(b) The following criteria shall be used by the institution to determine if a student is emancipated:

- (1) Lack of financial support of the person by the parent;
- (2) Lack of contribution to the parent of any earnings or other income received by the person;
- (3) Failure of the parent to claim the person as a dependent on his or her income or other tax forms;

- (4) Establishment by the person of a domicile separate and apart from that of the parent;
 - (5) The person returns to a residence other than the home of the parent during vacations or other recesses from school; and
 - (6) Any other evidence submitted by the student which is consistent with the theme of the above criteria.
- (c) Emancipation shall not be found unless all the requirements of (a) and (b) have been met.

APPENDIX

RULE	STATUTE
Hedc 501.01-501.03	RSA 193:19
Hedc 501.04	RSA 193:21
Hedc 501.05	RSA 193:19, RSA 193:21
Hedc 501.06 - 501.07	RSA 193:21
Hedc 502.01-502.04	RSA 193:19, RSA 193:21