



(6) Order to Withhold Earnings.

(A) Upon issuing an order to pay debt, but not less than thirty (30) days after the statement of claim was served on the borrower, the department may issue an order to withhold earnings which directs any employer of the borrower to withhold and pay over to the department money due or to become due the borrower.

(B) The order to withhold earnings shall state—

1. The name of the borrower;
2. The borrower's Social Security number;
3. The amount of the debt as determined by the order to pay debt issued by the department; and
4. Instructions regarding transmitting the payments to the department.

(C) A copy of section 173.115, RSMo shall be appended to the order.

(D) The order to withhold earnings shall be served on the employer and shall be binding on the employer two (2) weeks after the employer's receipt of the order for earnings or other income payable to the borrower on or after the receipt date.

(7) Withholding Policy.

(A) The employer shall withhold from the earnings the amount specified in the order, except that the total amount withheld shall not exceed ten percent (10%) of the borrower's earnings after deduction from those earnings of any amount required by law to be withheld. When the borrower voluntarily makes a written request that money due or to become due him/her be withheld or applied to the debt or that more than the ten percent (10%) maximum be withheld from his/her earnings, the employer shall comply with that request as if so ordered by the department.

(B) The employer shall transmit the payments as directed in the order within ten (10) calendar days of the date the earnings or other income are payable to the borrower. With each payment, the employer shall submit a statement on a form prepared by the department setting forth information about the amount of earnings and deductions used to compute the amount withheld.

(C) The order to withhold wages is a continuing order and remains in effect and is binding on the employer until further notice from the department. The department shall notify an employer upon whom the order has been directed whenever the debt has been paid-in-full, as determined by the order to pay debt, and whenever, for any other reason, the amount required to be withheld and paid over to the department under the order as to

future pay periods is to be reduced or redirected.

(D) An employer who fails or refuses to withhold or pay the amounts as ordered under this section shall be liable to the department in an amount equal to the amount which became due the department during the relevant period and which, under the order, should have been withheld and paid over.

(E) An employer shall not discharge, refuse to hire or otherwise discipline an employee as a result of an order to withhold and pay over certain money authorized by this section.

(F) When a borrower for whom an order to withhold earnings has been issued terminates his/her employment, the employer, within ten (10) days of the termination, shall notify the department of the termination, shall provide to the department the last known address of the borrower, if known to the employer, and shall provide to the department the name and address of the borrower's new employer, if known. When the department determines the identity of the borrower's new employer, the department may issue an order to withhold to the new employer and serve it upon him/her.

(8) Service Policy.

(A) Service on the borrower or on the employer will be made pursuant to section 173.115.14., RSMo.

(B) In computing any period of time prescribed or allowed by these rules, by order issued under them, or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday.

AUTHORITY: section 173.115, RSMo 1994. Original rule filed July 18, 1989, effective Oct. 15, 1989.*

**Original authority: 173.115, RSMo 1988.*

6 CSR 10-2.120 Competitiveness Scholarship Program

PURPOSE: The competitiveness scholarship program permits the Coordinating Board for Higher Education to provide scholarships for eligible part-time Missouri residents to attend an approved Missouri college or university pursuant to the provisions included in 173.262, RSMo. This rule sets forth qualifications required of student applicants for the scholarships, criteria to be used in selecting

scholarship recipients and qualifications which approved colleges or universities must meet.

(1) Definitions.

(A) Academic year or period of the scholarship is the period from July 1 of any year through June 30 of the following year.

(B) Applicant means a student who applies to the MDHE for a scholarship under the competitiveness scholarship program as prescribed by the CBHE and who meets the criteria to receive such an award under section 173.262, RSMo, and this administrative rule.

(C) Approved institution means any institution located in Missouri that meets the requirements set forth in section 173.1102(2) or (3), RSMo, and that has been approved under 6 CSR 10-2.140.

(D) Award amount shall be an amount of money paid by Missouri to a qualified applicant pursuant to the provisions of this rule.

(E) Competitiveness scholarship program or scholarship program shall mean the scholarship program established by section 173.262, RSMo.

(F) CBHE means the Coordinating Board for Higher Education created by section 173.005, RSMo.

(G) Expenses shall be undergraduate tuition or incidental fees for the current academic year.

(H) Financial need shall be the difference between the total financial resources available to an applicant and the applicant's total cost of attendance, including tuition, fees, room and board, books and supplies, personal expenses, and transportation while attending part-time at an approved institution.

(I) Financial resources shall be the amount of financial assistance (scholarship, grant, work) awarded to the applicant by the approved institution and the amount of the applicant's expected family contribution as calculated annually by the United States Department of Education as a result of an official federal need analysis based on the student's federal need-based application form.

(J) His, him, or he shall apply equally to the female as well as the male sex where applicable in this rule.

(K) Initial recipient shall be any applicant who meets the eligibility requirements and is awarded and received a competitiveness scholarship for the first time.

(L) MDHE means the Missouri Department of Higher Education created by section 173.005, RSMo.

(M) Part-time student shall be any undergraduate student who is enrolled less than full-time but at least half-time in a degree



program as defined by the approved private or public Missouri institution.

(N) Renewal recipient shall be any applicant who received a competitiveness scholarship as an initial recipient under the competitiveness scholarship program and meets the eligibility requirements under the provisions of this rule and requirements as defined by the approved institution and is awarded and received a renewable competitiveness scholarship under the competitiveness scholarship program as a second-year, third-year, or fourth-year undergraduate student at an approved institution in Missouri.

(O) Resident of Missouri is any person who meets the requirements for resident status for Missouri as set forth by the CBHE in 6 CSR 10-3.010, the residency rule for higher education.

(P) Satisfactory academic progress shall be a cumulative grade point average (CGPA) of at least two and one-half (2.5) on a four-point (4.0) scale or the equivalent on another scale and, with the exception of grade point average, as otherwise determined by the approved institution's policies as applied to other students at the approved institution receiving assistance under Title IV financial aid programs included in the Higher Education Act of 1965. Calculation of CGPA shall be based on the approved institution's policies as applied to other students in similar circumstances.

(Q) Undergraduate student shall be any student who has not obtained a first baccalaureate degree.

(2) Basic Eligibility Policy.

(A) To be eligible for an initial or renewed award under the competitiveness scholarship program, an applicant must—

1. Be a citizen or permanent resident of the United States;
2. Be a resident of Missouri;
3. Be enrolled or accepted for enrollment as a part-time undergraduate student at an approved institution for the period of the scholarship;
4. Complete an application for scholarship assistance according to the provisions of this rule;
5. Demonstrate financial need based on a positive result from subtracting financial resources from the cost of attendance;
6. Be eighteen (18) years of age or older at the time the application is submitted to the MDHE;
7. Be employed and compensated for twenty (20) hours or more per week; and
8. Not be employed under the federal Title IV College Work-Study Program.

(B) To be eligible for a renewal scholarship

under the competitiveness scholarship program, an applicant must meet the requirements in subsection (2)(A) of this administrative rule and maintain satisfactory academic progress in a course of study.

(C) No award shall be made under section 173.262, RSMo, to any applicant who is enrolled or who intends to use the award to enroll in a course of study leading to a degree in theology or divinity.

(D) Scholarship assistance shall be allotted for one (1) academic year, but an applicant shall be eligible for renewed assistance until he has obtained a baccalaureate degree or completed one hundred fifty (150) semester credit hours.

(3) Responsibilities of Institutions of Postsecondary Education. Institutions participating in the competitiveness scholarship program must meet the requirements set forth in 6 CSR 10-2.140, Institutional Eligibility for Student Participation.

(4) Application and Evaluation Policy.

(A) The CBHE annually shall prescribe the form of, and the time and method of filing, applications for participation in the competitiveness scholarship program.

(B) An application for an award under the competitiveness scholarship program shall be made annually by the applicant upon the form prescribed by the CBHE.

(C) Completed applications must be received by the MDHE to be approved for scholarship awards.

(D) The deadline for receiving completed competitiveness scholarship applications will be published annually by the MDHE for each academic year. Completed applications must be received by the MDHE on or before the published deadline to be considered on time and to have priority consideration. Incomplete applications received by the MDHE will not be processed.

(E) Completed competitiveness scholarship applications received after the annual deadline published by the MDHE will be awarded provided program funds are available, based on a review by the MDHE.

(5) Award Policy.

(A) Within the limits of the funds appropriated and made available, the maximum award amount for each applicant per academic year shall be the lesser of the actual undergraduate tuition charged at an approved institution where the applicant is enrolled or accepted for part-time enrollment or the amount of tuition charged a Missouri undergraduate resident enrolled part-time in the same class level (freshman, sophomore,

junior, senior) and in the same academic major of the applicant at the University of Missouri-Columbia.

(B) For part-time students enrolled in courses totaling six (6), seven (7), or eight (8) semester credit hours, or the equivalent, the award amount shall be calculated based on six (6) semester credit hours. For part-time students enrolled in courses totaling nine (9), ten (10), or eleven (11) semester credit hours, or the equivalent, the award amount shall be calculated based on nine (9) semester credit hours.

(C) The first year of the competitiveness scholarship program funds shall be awarded only to applicants as initial recipients.

(D) Applicants who qualify as initial recipients under the provisions of this rule in the second and each subsequent year of the program will be awarded based on the availability of program funds.

(E) If sufficient program funds are unavailable to award to initial recipients, the awards will be made based on the earliest date the completed applications are received by the MDHE until all funds have been expended.

(F) During the second and each subsequent year in which awards are made under the competitiveness scholarship program, the renewal recipients shall have priority in the awarding of program funds. If sufficient program funds are unavailable to award all eligible renewal recipients, priority for program funds shall be awarded based on the earliest date the completed application is received by the MDHE in the following order: fifth-year, fourth-year, third-year, and second-year students as defined by the approved institution.

(G) Award amounts will be calculated and issued for each semester of part-time enrollment in a given academic year and will be disbursed to the approved institution.

(H) Awards will not be made for periods of enrollment during the summer term(s).

(I) An applicant's approved institution choice may be changed and the applicant may transfer between approved institutions during the academic year by the deadline established by the MDHE. Failure to notify the MDHE by the prescribed dates of this action may result in loss of the award.

(J) The applicant's award amount will be sent to the approved institution to be endorsed by the applicant. The institution shall retain the portion of the award that the student owes for expenses and promptly give the applicant any remaining funds.

(6) Information Sharing Policy. All information on an individual's competitiveness scholarship program application will be shared with the financial aid office of the institution