

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 26
UNDERWOOD-SMITH TEACHING SCHOLARS PROGRAM AND
TEACHER EDUCATION LOAN REPAYMENT PROGRAM

§133-26-1. General.

1.1. Scope. This rule establishes guidelines and procedures which will direct the operation of the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program.

1.2. Authority. West Virginia Code §§ 18C-4 ~~et seq.~~ 1(b) and 18C-4A-1(c)

1.3. Filing Date. -- ~~June 2, 2020.~~

1.4. Effective Date. -- ~~July 2, 2020.~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect upon ~~July 2, 2025~~ August 1, 2030.

§133-26-2. Purpose. Definitions.

2.1. ~~The intent of the legislation creating the Underwood-Smith Teaching Scholars Program is to: Unless the context in which used clearly requires a different meaning, the definitions contained in W. Va. Code §§ 18B-1-2 and 18C-5-7 apply to this rule in addition to the definitions set forth below:~~

~~2.1.a. Improve the quality of education in the public schools of West Virginia by encouraging and enabling individuals who have demonstrated outstanding academic abilities to pursue teaching careers in critical shortage fields at the elementary, middle or secondary levels in the public schools of West Virginia.~~

~~2.1.b. Make particular efforts to encourage those individuals who have demonstrated outstanding academic abilities to pursue teaching careers by developing selection criteria and procedures to reflect the state's present and projected critical teacher shortage fields.~~

2.2. “Commission” means the Higher Education Policy Commission, as established by W. Va. Code § 18B-1B-1.

2.3. “Loan Assistance Agreement” means the contractual arrangement entered into between the recipient and the Commission that establishes the requirements the recipient must meet in order to obtain, retain, and renew a Teacher Education Loan Assistance award.

2.4. “Loan Assistance Award” means the Teacher Education Loan Repayment award established by W. Va. Code § 18C-4A-1, et seq.

2.5. “Recipient” or “Scholarship Recipient” means a student who has received an Underwood-Smith Teacher Scholarship or a Teacher Education Loan Repayment award.

2.6. “Scholarship” means the Underwood-Smith Teacher Scholarship established by W. Va. Code § 18C-4-1, et seq.

2.7. “Scholarship Agreement” means the contractual arrangement entered into between the recipient and the Commission that establishes the requirements the recipient must meet in order to obtain, retain, and renew an Underwood-Smith Teacher Scholarship.

2.8. “State Board” means the State Board of Education created by W. Va. Const. Art. XII, § 2 and defined in W. Va. Code § 18-1-1.

2.9. “Vice Chancellor for Administration” or “Vice Chancellor” means the person whose duties and responsibilities related to the administration of financial aid programs is established by W. Va. Code § 18B-4-2 or his or her designee.

§133-26-3. Funding. [Reserved]

~~3.1. A special revolving fund known as the Underwood Smith Teaching Scholars Program Fund has been created in the State Treasury and is administered by the Vice Chancellor for Administration of the West Virginia Higher Education Policy Commission (Commission) solely to grant scholarships for prospective teachers and loan repayment assistance to teachers and school counselors. Monies received from collections, monies appropriated by the Legislature, interest earned on these monies, and monies received by other sources will be placed in this fund.~~

~~3.2. Carry forward monies shall not expire or revert and will be used for future scholarships.~~

~~3.3. Additional funding may be received from gifts, grants, contributions, bequests, or endowments.~~

~~3.4. The Vice Chancellor for Administration shall make a reasonable effort to encourage external support for the scholarship program.~~

~~3.5. Fund balances shall be invested with the state’s consolidated investment fund and interest on these investments shall be used solely for the use that they were appropriated.~~

~~3.6. In order to encourage support for the Underwood Smith Teaching Scholars Program and loan repayment programs, the Vice Chancellor for Administration may set aside up to one half of the funds appropriated by the Legislature to match non state source contributions on behalf of a specific institution of higher education in this state. Such match shall be at the rate of two state dollars to each one dollar contributed by a private source.~~

§133-26-4. Administration.

~~4.1. The Underwood Smith Teaching Scholars Program shall be administered by the Vice Chancellor for Administration or her/his designee.~~

~~4.2. The Commission, in consultation with the State Superintendent of Schools, shall promulgate reasonable legislative rules for the administration of the program and the Vice Chancellor for Administration, in accordance with such rules, shall establish appropriate guidelines for program operation.~~

~~4.3. Recipient awards shall not exceed \$10,000.00 per year for a maximum of four academic years for a baccalaureate degree.~~

~~4.4. The Vice Chancellor for Administration shall solicit the views of public and private education agencies and institutions and other interested parties in developing the selection criteria and procedures to~~

be used by the selection panel. These views may be solicited by means of written and published selection criteria and procedures in final form for implementation. Views may also be solicited by means of public hearings on the present and projected teacher needs of the state or any other means the Vice Chancellor may deem appropriate to gather information.

4.5. The Commission and the ~~West Virginia State Board of Education~~ jointly shall ensure that Underwood-Smith Teaching Scholar award recipients receive additional academic support and training from mentors in their academic field beginning with the freshman year and continuing through degree completion and the teaching obligation.

4.6. ~~Model agreements between public education and higher education will be developed by Commission staff in collaboration with West Virginia Department of Education staff.~~

4.7. ~~Critical teacher shortage fields will be identified by the West Virginia Department of Education annually and provided to the Commission.~~

4.8. Only those institutions that are ~~regionally~~ accredited by an accreditor recognized by the U.S. Department of Education and offer ~~West Virginia Department of Education State Board~~ approved programs that lead to teacher certification and West Virginia licensure are eligible to participate in the Underwood-Smith ~~Teacher Teaching~~ Scholars Program.

4.9. ~~An institution otherwise eligible to participate in The Vice Chancellor may deny participation in the Underwood-Smith Teaching Scholars Program under Section 4.8 of this rule shall be excluded from participating by the Vice Chancellor for Administration to an otherwise eligible institution if:~~

4.9.1. The institution ~~does not have a~~ has not signed a participation agreement in place with the Commission; or

4.9.2. The U.S. Department of Education has deemed the institution ~~has been deemed~~ ineligible to participate in federal student financial aid programs ~~by the United States Department of Education;~~ or

4.9.3. The ~~Commission~~ Vice Chancellor determines, based upon audits and/or administrative site visits ~~by Commission staff~~, that the institution has ~~seriously~~ mismanaged the Underwood-Smith Teaching Scholars Program or other State financial aid funds or lacks adequate institutional controls to manage such funds properly.

§133-26-5. ~~Panel Selection Criteria and Procedures~~ [Reserved].

5.1. ~~The Vice Chancellor for Administration shall appoint a selection panel.~~

5.1.a. ~~The selection panel shall be comprised of individuals representing higher education, public education, and the community at large.~~

5.1.b. ~~The selection panel is charged with shall selecting individuals who meet the eligibility requirements for the Underwood Smith Teaching Scholars Program.~~

§133-26-6. Scholarship Application Process.

6.1. ~~Application forms will be made available to public and private high schools in the State and to public and private colleges in the state.~~

~~6.2. The Commission may distribute applications may be distributed and advertise the programs advertised~~ in locations convenient to applicants, parents, and others in an effort to attract students from low income backgrounds, ethnic or racial minority students, students with disabilities, and women or minority students who show interest in pursuing teaching careers in critical teacher shortage areas and who are underrepresented in those fields. ~~The Commission may also distribute applications may also be distributed and advertise the program advertised~~ in campus newspapers, agency exhibits, and publications directed at interested parties.

6.2. To apply for the Scholarship, students shall complete the application provided by the Commission by the deadline prescribed by the Vice Chancellor.

§133-26-7. Scholarship Eligibility Criteria.

7.1. Academic ability ~~shall be~~ is the primary criteria for selecting scholarship recipients.

7.2. The Underwood-Smith Teaching Scholars Program award ~~shall be~~ is limited to students who:

7.2.1. Have graduated or are graduating from high school with a cumulative grade point average of at least 3.25 on a 4.0 scale.

7.2.2. Have met the college algebra ready assessment standards and college readiness English, reading, and writing standards as established by the Commission.

7.2.3. Meet any and all selection criteria established by the Vice Chancellor for Administration which may include, but is not limited to, ~~grade point average~~, involvement in extracurricular activities, financial need, current academic standing, expression of interest as demonstrated in a self-written essay, and letters of recommendation.

7.2.4. Agree to teach in a critical teacher shortage field at the elementary, middle, or secondary level in a public school in the State.

7.3. To be eligible for an award, the applicant must be a citizen of the United States or if a non-citizen, that individual must hold a valid Employment Authorization Document (EAD), or work permit, issued by the United States Citizenship and Immigration Services (USCIS).

7.4. Recipients ~~must be willing to~~ shall sign a scholarship agreement which shall fully disclose the terms and conditions under which the recipient must meet a teaching obligation ~~must be met~~ or repayment ~~may be required~~ the award.

7.4.1. A recipient may appeal any determination of non-compliance with provisions of the scholarship agreement or provisions of the award by submitting ~~a written appeal of~~ the specific complaint in writing within 30 days of notification of non-compliance. ~~Such appeal will be submitted to the Higher Education Student Financial Aid Advisory Board~~ Vice Chancellor.

7.4.2. ~~No~~ The Commission shall not disburse any Underwood-Smith funds ~~will be disbursed until a signed agreement has been received by the Vice Chancellor for Administration~~ the recipient signs the scholarship agreement and submits it to the Vice Chancellor.

7.5. The recipient has four academic years from the date of the award, or until the recipient meets the requirements to obtain a bachelor's degree, whichever comes first, to utilize the Scholarship: Provided, That the Vice Chancellor may hold the Scholarship in abeyance for the recipient for up to two years if the

recipient provides documentation that he or she is experiencing extenuating circumstances as specified in Subsection 8.2 below and has taken an approved leave of absence from his or her institution.

§133-26-8. Scholarship Renewal Conditions.

8.1. The recipient of an Underwood-Smith Teaching Scholars award is eligible for scholarship renewal ~~only during those periods when the recipient~~ if he or she meets the following conditions:

8.1.a. Is enrolled as a full-time student in ~~a regionally~~ an institution of higher education in West Virginia accredited ~~institution of higher education in West Virginia~~ by an accreditor recognized by the U.S. Department of Education;

8.1.b. Is pursuing a ~~West Virginia Department of Education~~ State Board-approved program of study leading to teacher certification and West Virginia licensure in a critical teacher shortage field at the elementary, middle, or secondary level;

8.1.c. Is maintaining satisfactory academic progress as determined by the institution of higher education the recipient is attending;

8.1.d. Is maintaining a grade point average of at least 3.0 on a 4.0 scale; and

8.1.e. Is in compliance with any other standards the Commission may establish.

8.2. Recipients may request that the Commission defer their Scholarship for up to two years for medical, family bereavement, financial hardship, or other extraordinary circumstances for which the recipient's institution has granted the recipient a leave of absence: *Provided*, That such deferment does not extend the recipient's eligibility for the Scholarship for more than six total academic years.

§133-26-9. Scholarship Service Obligation.

9.1. Each recipient of the ~~Underwood-Smith Teaching Scholars Program~~ Scholarship shall enter into an agreement with the ~~Vice Chancellor for Administration~~ Commission that, within one year after completing the teacher education program, the recipient ~~agrees to~~ shall:

9.1.1. Teach full-time in a critical teacher shortage field under contract with a county board of education in a public education program in West Virginia for a period of five consecutive years.

9.1.2. Perform substitute teaching duties with a county board of education in West Virginia in a critical teacher shortage field at the elementary, middle, or secondary level. Credit received will be pro-rated based on the number of days in the public school system year. A minimum of 60 days of substitute teaching is required to earn any credit toward the teaching obligation.

9.2. If extenuating circumstances exist (~~see Section 10.4~~) as provided in Subsection 8.2 above, the Vice Chancellor for Administration may extend the period for fulfilling the obligation.

9.3. It is the responsibility of the recipient to provide the Vice Chancellor for Administration with evidence of compliance with teaching requirements by submitting verification of employment on a form provided by the Vice Chancellor by the deadline established by the Vice Chancellor. If the recipient fails to timely submit the employment verification, then the recipient is subject to repayment of the Scholarship in accordance with Section 10 below.

§133-26-10. Provisions of Scholarship Repayment.

10.1. If a recipient does not fulfill the service obligation, ~~he/she will be required to make monetary~~ the recipient shall repayment of the full amount of the scholarship to the Commission.

10.2. In addition to the repayment of the scholarship, ~~the Commission shall charge interest will be charged~~ at a rate prescribed by the Vice Chancellor for Administration, and which will begin to accrue at the time the repayment period begins.

10.3. Interest shall accrue from the day on which the recipient ceased to fulfill his or her service obligation if a the recipient fulfills only a portion of the obligation and is not in an approved forbearance period as provided in Subsection 10.8, interest will accrue from the day on which the recipient ceased to fulfill the obligation— or if a recipient is substitute teaching but does not earn enough credit to fulfill any of the obligation, interest will accrue from the beginning of the deferment period and is not in an approved forbearance period as provided in Subsection 10.8.

10.4. In the event of non-compliance, the recipient shall remit payment in full ~~will normally be expected to the Commission within~~ 60 days from the date of non-compliance. In the event of extenuating circumstances the Vice Chancellor for Administration may approve an alternate payment plan or extend the time period for beginning or fulfilling the teaching obligation.

10.5. A recipient is not in violation of the scholarship agreement ~~during the period in which the recipient meets the following conditions while the recipient is:~~

10.5.1. Pursuing a full-time course of study at an accredited institution of higher education;

10.5.2. Serving, not in excess of four years, as a member of the armed services of the United States; or

~~10.5.3. Satisfying the provisions of the repayment exemptions that are prescribed by the Commission;~~

~~10.5.3.4. Failing to comply with the terms of the agreement due to death or permanent or temporary disability as established by sworn affidavit of a qualified physician.~~

10.6. As permitted by federal law, ~~applicable and~~ state ~~regulations law~~ and the terms of the scholarship agreement, the Commission may assess reasonable collection costs, late charges, and attorney fees ~~may be assessed~~ in the collection of delinquent accounts.

10.7. If extenuating circumstances exist, the Vice Chancellor for Administration, upon receipt of appropriate documentation, may extend the period for fulfilling the obligation. Extenuating circumstances include, but are not limited to, a temporary disability, inability to secure a full-time teaching position, or serious family illness.

~~10.8. When the Commission is advised of a recipient's application for bankruptcy, such application will be considered by the Vice Chancellor for Administration or her/his designee in consultation with the Attorney General's Office.~~

~~10.98. When, due to poor health, monetary hardship, or other acceptable reasons, a recipient is unable to make payments, a forbearance may be allowed if the Vice Chancellor for Administration or her/his designee has reason to believe, and so documents in the scholar's file, that the recipient does intend to fulfill the monetary obligation. At any time during the repayment period described herein, the Vice Chancellor may grant forbearance to the recipient in order to prevent the recipient from defaulting~~

on the repayment obligation or to permit the recipient to resume honoring the repayment obligation after default.

10.8.1. For purposes of this Subsection, “forbearance” means permitting the temporary cessation of payments, allowing an extension of time for making payments, or temporarily accepting smaller payments than previously were scheduled.

10.8.2. The Vice Chancellor may grant forbearance of payments of principal and interest under this Subsection only if he or she reasonably believes, based upon documentation or other evidence provided by the recipient, that the recipient intends to repay the obligation but, due to poor health or other extenuating circumstances, is currently unable to make the scheduled payments.

~~10.10. Deferments may also be considered for other conditions and circumstances as may be approved by the Vice Chancellor for Administration.~~

§133-26-11. Cancellation of Scholarship Service Obligation.

11.1. The Vice Chancellor may cancel a recipient’s service and monetary obligation is excused in the event if the recipient:

11.1.1. Becomes permanently and totally disabled as established documented by the sworn affidavit of a qualified physician submitted to the Vice Chancellor for Administration may require additional evidence of the disability; or

11.1.2. Is deceased Dies during the obligation period. The administrator or executor of the recipient’s estate shall submit a copy of the death certificate must be submitted to the Vice Chancellor.

11.2. The Commission reserves the right to attempt to collect any and all debts due to the State through the process established in W. Va. Code § 14-1-1, et seq. and Section 13 below.

§133-26-12. Relationship to Other Financial Assistance.

12.1. Underwood-Smith Teaching Scholars Program awards plus other financial assistance shall not exceed the cost of attendance at the institution the student is attending. A financial aid officer at the school the recipient is attending shall provide both to the Commission and to the recipient the cost of attendance will be provided by a financial aid officer at the school of attendance. Cost of attendance will include the cost of tuition and fees, reasonable allowances for books, educational supplies, room and board, and other expenses necessitated by individual circumstances such as a physical disability.

12.2. Should the scholarship award plus the amount of other financial awards exceed the cost of attendance, the institution’s financial aid officer, in consultation with the recipient, will determine what aid ~~is to~~ will be reduced. This adjustment ~~should~~ shall be to the best advantage of the recipient.

12.3. Institutions ~~are strongly encouraged to~~ shall allow flexibility in the use of institution based financial aid awards so that they can be used in conjunction with the ~~Underwood-Smith Teaching Scholar award~~ scholarship.

§133-26-13. Collections.

13.1. Institutions and ~~Commission staff~~ the Vice Chancellor shall exercise due diligence in collecting monetary repayments from scholarship recipients.

13.2. Institutional due diligence means:

13.2.1. Conducting and documenting an entrance interview (individually or in groups) with the scholarship recipient before disbursing funds in an academic year. This requirement may be met by written correspondence if the institution determines that a face-to-face meeting is not practical.

13.2.2. Conducting and documenting an exit interview with the scholarship recipient in which the institution provides the ~~borrower~~ recipient with information necessary to carry out the terms of ~~repayment~~ the scholarship agreement, reminds the recipient of the rights and responsibilities associated with the scholarship, ~~funds~~ and updates the recipient's personal information to assist in locating the recipient if he or she fails to keep the institution or the Commission informed of his or her current address.

13.3. ~~Commission~~ Vice Chancellor due diligence means:

13.3.1. Notifying the scholarship recipient of his or her obligations at least twice annually during any ~~grace or~~ deferment period;

13.3.2. Performing regular billing;

13.3.3. Following up past due payments with a series of at least four documented and reasonably spaced attempts to contact the borrower, at least three of which must be in writing at not more than 30-day intervals, before the obligation becomes 150 days past due, provided that the Commission has a current address for the borrower;

13.3.4. Performing address searches when necessary; and

13.3.5. Referring defaulted scholarships more than 150 days past due to the Secretary of the Department of Administration or to a collection agent in accordance with W. Va. Code § 14-1-18a.

13.4. ~~In place of one or more of the procedures outlined above, institutions and Commission staff may substitute collection techniques that are equally or more effective. The Commission reserves the right to attempt to collect any and all debts due to the State through the process established in W. Va. Code § 14-1-1, et seq.~~

§133-26-14. Teacher Education Loan Repayment Program Eligibility.

14.1. The Higher Education Student Financial Aid Advisory Board or ~~those designated by the Higher Education Student Financial Aid Advisory Board~~ its designee shall select recipients to ~~receive Underwood-Smith Teacher Education Loan Repayment Program award~~ participate in the Teacher Education Loan Repayment Program.

14.2. Eligibility for an loan repayment award is limited to an individual who is currently employed in a public school in West Virginia as a teacher in a critical teacher shortage field or as a school counselor at the elementary, middle, or secondary level in a school or geographic area of critical need.

14.3. The Higher Education Student Financial Aid Advisory Board shall give priority ~~shall be given~~ to new teachers and teachers who have previously received a loan assistance award ~~that shall~~ and who agree to teach or ~~shall~~ are currently ~~be~~ teaching a subject area of critical need in a State public school, or are employed as a school counselor at the elementary, middle, or secondary level currently ~~employed~~ in a geographic area of the State identified as an area of critical need for such a field. ~~The Vice Chancellor for Administration may develop additional eligibility criteria.~~

14.4. The Commission shall consult with the State Department of Education annually to determine the subject areas of critical need and the geographic areas of the State in critical need.

§133-26-15. Loan Repayment Program Application.

15.1. ~~The Commission and the Department shall provide~~ application forms ~~shall be made available~~ to public and private schools in the State via ~~the Commission and the State Department of Education's~~ their respective websites and in other locations convenient to potential applicants.

15.2. ~~Applications will be submitted on an application form approved by the Vice Chancellor for Administration.~~ To apply for the Teacher Education Loan Repayment Program, students shall complete the application provided by the Commission by the deadline prescribed by the Vice Chancellor.

15.3. ~~Applications must be submitted by such deadline as may be designated by the Vice Chancellor for Administration.~~

§133-26-16. Loan Repayment Program Agreement.

16.1. Before receiving an award, each eligible teacher shall enter into an loan assistance agreement with the ~~Vice Chancellor for Administration~~ Commission acknowledging that the recipient must fulfill the service obligation of the award or the Commission will cancel it.

16.2. Recipients shall be employed full-time as a teacher or school counselor in a public school in West Virginia in a subject area or geographic area of critical need under contract with a county board for a period of two school years for each year ~~for~~ during which the recipient receives loan assistance ~~is received.~~

16.3. The Vice Chancellor for Administration may grant a partial award to an eligible recipient whose contract term is for less than a full school year. A partial award is calculated by prorating the full award amount based upon the number of days taught in the school's calendar year.

§133-26-17. Loan Repayment Program Awards.

17.1. Each award recipient is eligible to receive loan assistance not less than \$3,000 annually.

17.1.1. ~~The Vice Chancellor shall determine the loan amount will be determined annually by the Vice Chancellor for Administration.~~

17.1.2. The loan amount is based upon funding availability.

17.2. ~~The Commission shall pay~~ awards ~~will be paid~~ to the recipient's educational loan ~~institution~~ provider, not directly to the recipient, only after the Commission determines that the recipient has complied with all the terms of the loan assistance agreement.

17.3. ~~The Commission may terminate~~ a recipient's ~~may have their~~ award ~~terminated or may be~~ required to repay all or part of an award according to the terms of Section 10 of this rule if the recipient does not comply with the terms of the loan assistance agreement.

17.4. Award amounts shall not exceed the applicant's outstanding loan balance.

17.5. Loans eligible for the loan repayment assistance award are federal student loans in the applicant's name that were used for educational costs associated with obtaining a degree in school counseling, teaching, or a teaching credential. Parent PLUS Loans are not eligible for loan repayment assistance.

17.6. Loan repayment ~~assistance~~ awards shall not reimburse ~~applicants~~ recipients for payments ~~to on~~ loans already made.

17.7. The Higher Education Student Financial Aid Advisory Board shall consider federal teacher loan forgiveness programs ~~shall be considered~~ when calculating awards ~~are calculated~~.

17.8. Recipients shall annually submit proof of fulfillment of the terms of the loan assistance agreement to the Commission in accordance with the loan assistance agreement. The Vice Chancellor may cancel the award ~~may be canceled~~ if the recipient does not submit proof of fulfillment of the terms of the loan assistance agreement by the required deadline.

17.9. The Vice Chancellor will remit half of the annual award ~~will be paid~~ after fulfilling the recipient fulfills the first year of the service obligation required by the loan assistance agreement; and the second half of the annual award ~~will be paid~~ after fulfilling the recipient fulfills the second year of the agreement service obligation.

§133-26-18. Loan Repayment Program Renewals.

18.1. The recipient is eligible for renewal of loan assistance only during the periods when the recipient is under contract with a county board to teach in a critical teacher shortage field or serve as a school counselor at the elementary, middle, or secondary level in a school or geographic area of critical need.

18.2. ~~An renewal applicant must have~~ shall completed the ~~terms obligations~~ of previous loan assistance ~~awards agreements~~ before ~~being~~ the Vice Chancellor may renewed an award.

18.3. A renewal applicant who is teaching or serving as a school counselor under a contract with a county school board in a position that is no longer meets the definition of listed as critical need defined in per Subsection 14.4 above is no longer eligible for renewal of the loan assistance until the teacher leaves his or her current position award.

18.4. ~~No recipient may receive loan assistance which accumulates in excess of an amount established by the Commission~~ Based on the availability of funds, the Vice Chancellor may establish a total cumulative amount of the loan assistance award that a recipient can receive.

§133-26-19. ~~Loan Repayment Program Cancellation~~ of Loan Repayment Service Obligation.

19.1. The Vice Chancellor may cancel a recipient's service ~~and monetary obligation is excused in the event the recipient meets the terms of~~ under the same conditions and in the same manner as set forth in Section 42 11 of this rule.

§133-26-20. Loan Assistance Deferment.

20.1. The Vice Chancellor may defer a recipient's ~~is not considered in violation of the agreement entered into and is eligible for consideration of deferment of fulfilling the obligation and service obligation~~ if the recipient ~~meets the terms of Section 11~~ experiences extenuating circumstances as described in Subsection 8.2 of this rule.