



America's Service Commissions Final Serve America Act Rule Summary

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Chapter XXV

A. Definitions

- Amends the definitions of “education award” and “term of service,” and adds definitions for “AmeriCorps education award,” “Silver Scholar education award,” “Summer of Service education award,” “approved Silver Scholar position,” “approved Summer of Service position,” “G.I. Bill approved program,” and “economically disadvantaged youth”.
- Summer of Service Position - To clarify, an approved Summer of Service position is one supported through a Learn and Serve America grant authorized and funded under Subtitle B of Title I of the NCSA.
- The proposed rule defined an “economically disadvantaged youth” as one who is eligible for free or reduced lunch *and* breakfast. Upon further consideration, the Corporation has amended the definition in the final rule to an individual who is eligible for free or reduced lunch *or* breakfast.

B. Eligibility to Receive an Education Award

- Adds individuals who complete approved Silver Scholar and Summer of Service positions as eligible to receive an education award.

C. Successful Completion of a Term of Service

- Adds a requirement for programs to complete an end-of-term evaluation to determine whether an individual successfully completed the term of service.
- To afford programs the necessary flexibility to supervise and manage their members, the Corporation declines to set a standard for what is considered “satisfactory.”

D. Partial Awards for Release for Compelling Personal Circumstances

- Clarifies that an individual must have served satisfactorily prior to being released for compelling personal circumstances in order to receive a partial award.

E. Limitation on Amount of Award Disbursed to Institution of Higher Education

- Removes consideration of an individual’s veterans’ benefits when determining the maximum amount of an individual’s education award that may be disbursed to an institution of higher education.

F. Use of Education Award for a Program of Education Approved by the Secretary of Veterans Affairs

- Adds to the list of uses for an education award use to pay expenses incurred in enrolling in an educational institution or training establishment approved by the

Secretary of Veterans Affairs for offering programs of education, apprenticeship, or on-the-job training for which educational assistance may be provided by the Secretary of Veterans Affairs.

G. Payment of Accrued Interest

- Includes individuals who successfully complete service in a Silver Scholar program as eligible for the payment of accrued interest on qualified student loans.

H. Amount of AmeriCorps Education Award

- Amends the amount of a full-time AmeriCorps education award to be equal to the maximum amount of a Federal Pell Grant for the year in which the AmeriCorps position is approved.
- For AmeriCorps State and National, by law, a position is considered to be approved at the time the Corporation executes a grant used to support the AmeriCorps member—not the date an AmeriCorps member takes an oath, signs an agreement, or begins service.
- It is possible for an AmeriCorps State and National member beginning service in one fiscal year to be supported with funds from a grant made in a prior fiscal year. Therefore, it is possible for two AmeriCorps members starting service on the same day to be supported by two different grant awards made in two different fiscal years, resulting in two different approval dates and two different education award amounts.
- To mitigate a perception of inequity among members in any case, and to reduce confusion, it is essential for AmeriCorps programs—particularly those with AmeriCorps State and National members—to clearly communicate to each member, prior to the commencement of service, the amount of the education award being offered to the individual for successful completion of the term of service. Beginning with grants made in 2010, AmeriCorps State and National grant provisions will direct grantees to specify the amount of the education award being offered for successful completion of a term of service in the member service agreement.

I. Amount of Silver Scholar and Summer of Service Education Awards

- Adds sections stating the amount of a Silver Scholar education award (\$1,000) and Summer of Service education award (\$500).

J. Limitation on Value of Education Awards Received

- Adds limitation that no individual may receive more than the aggregate value of two full-time education awards and describes how an education award's value is determined.
- Value of education award received = Amount of award received / amount of full-time award in fiscal year in which position upon which award is based was approved.
- The *value* of an education award will be considered equal to the actual amount of the education award received divided by the amount of a full-time education award in the fiscal year the AmeriCorps or Silver Scholar position upon which the award is based was approved.
- For the purpose of transferred awards the value of the award received by a transferee will be the actual amount of the award received divided by the amount

of a full-time award in the year the position for which the transferring individual received the award was approved.

- An individual who receives the aggregate value of two fulltime awards through transferred awards may enroll in a national service position, but will not be eligible to receive any additional AmeriCorps or Silver Scholar education awards.

K. Impact of Aggregate Value of Education Awards Received

- The Corporation agrees that an individual who is eligible to receive a portion of an education award should be able to receive that portion upon successful completion of the term of service. Under this rule, if an amount offered for a term of service has a value that, when added to the aggregate value of awards previously received, would exceed 2, the individual will receive a discounted award representing that portion of the award having a value for which the individual is eligible.

L. Transfer of Education Awards

- Adds a new part on transferring education awards, including limitations on who may transfer, who may receive a transferred award, and the processes for transferring, accepting, rejecting, and revoking a transferred award.
- By statute, to transfer an award, an individual must: (1) Have successfully completed a term of service in an approved AmeriCorps State and National or Silver Scholar position; and (2) have been age 55 or older before beginning that term of service. To receive an award, an individual must: (1) Be designated by a qualifying transferring individual; (2) be the child, grandchild, or foster child of the transferring individual; and (3) be a citizen, national, or lawful permanent resident alien of the United States.
- This rule requires both the transferring individual and the designated individual to provide a certification under penalty of law that each meets the criteria to transfer, or receive, a transferred award.
- An individual may not transfer a single award attributable to completion of a single term of service to more than one designated individual. In order to transfer awards to more than one designated individual, the transferring individual will need to earn awards for more than one term of service.
- If an individual receives two full-time awards and transfers both awards to a child, both the transferring and designated individual will be considered to have received the aggregate value of two full-time awards, and neither will be eligible to receive additional AmeriCorps or Silver Scholar awards from the National Service Trust.
- Under the national service laws, an individual has seven years from the date the individual completes a term of service to use an award, and a designated individual receiving a transferred award has ten years from the date the term of service is completed to use the award.
- If an individual has received education awards by transfer, the individual's eligibility to receive additional education awards may be limited, however, receipt of awards by transfer will not impact an individual's ability to serve in a national service position.

M. Periods of Availability for Silver Scholar, Summer of Service, and Transferred Education Awards

- Clarifies the periods of availability for Silver Scholar education awards (7 years), Summer of Service education awards (10 years), and transferred education awards (10 years).

N. Certifications of Successful Completion of Terms of Service

- Adds a requirement for programs to certify that an individual successfully completed a term of service in order to receive an education award.
- These certifications must be made by the entity which selected the individual to serve in the position, and supervised the individual's performance of their service.

O. Effect of Erroneous Certifications of Successful Completion of Terms of Service

- Adds a section on the Corporation's recourses in cases where a grantee makes an erroneous certification that an individual successfully completed a term of service.
- Under section 146A(b) of the NCSA, if the Corporation finds that a certification made under section 146A(a) is erroneous or incorrect, the Corporation shall assess a charge against the national service program which made the certification. The charge is to be assessed for the amount of any payment which the Corporation has or may make from the National Service Trust based on the erroneous certification.
- The Corporation will make its assessments of erroneous or incorrect certifications on a case-by-case basis consistent with its overriding responsibility to treat similarly situated entities in a consistent manner. Some factors the Corporation may consider include, but are not limited to: The number of hours an individual fell short from successful completion; the number of members with hour shortfalls; and the prevalence of programmatic weaknesses.

P. Public Service Loan Forgiveness and AmeriCorps

- Adds flexibility to permit an individual to credit service time towards receiving an education award and earning Public Service Loan Forgiveness through the Department of Education.
- Service performed by an individual serving in a full-time AmeriCorps position may be credited to both an education award and Public Service Loan Forgiveness.

Q. Term Limits for AmeriCorps State and National

- Increases the limit of terms one may serve in AmeriCorps State and National from two to four.
- The Corporation's longstanding policy is to limit the number of terms an individual may serve in an approved national service position to ensure that there are opportunities for all interested Americans to serve.
- Exhaustion of the number of terms one may serve in AmeriCorps State and National would not necessarily prevent an individual from enrolling in a position in another national service program, such as AmeriCorps NCCC, AmeriCorps VISTA, or Silver Scholars.

R. Selection Criteria Sub-Categories for AmeriCorps State and National

- Removes selection criteria subcategories and relative weights for AmeriCorps State and National grant competitions.

- The Corporation may, in the future, publish specific sub-categories for the basic selection criteria in the Notice of Funding Opportunity or Availability.
- Corporation expects that future grant applications will focus less on the process through which grantees achieve their outcomes and more on the outcomes they produce.

S. Applications for the Same Project

- Removes the restriction on submitting more than one application for the same project at the same time and clarifies that the Corporation will not provide more than one grant to the same project in the same fiscal year.

T. Pre-Approval of Formula Programs

- Removes the requirement that State Commissions pre-select formula programs prior to submitting a formula application.

U. Hardship Waiver Permitted for Cost Reimbursement Requirement for Senior Companion and Foster Grandparent Programs.

- Adds an option for a hardship waiver for the Senior Companion and Foster Grandparent cost-reimbursement requirement.

IV. Summary of Redesignations

V. Effective Dates

VI. Non-Regulatory Issues