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3 HOUSE WAYS AND MEANS EDUCATION COMMITTEE SUBSTITUTE FOR SB315  
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8 SYNOPSIS: Under existing law, the Alabama Commission  
9 on Higher Education is authorized to pay or  
10 reimburse the tuition for any eligible active  
11 member of the Alabama National Guard in a program  
12 leading to a degree at a college or university in  
13 the state.

14 Also under existing law, the education  
15 assistance provided by the state to eligible  
16 Alabama National Guard members has a limit of  
17 \$2,000 per year with a limit of \$1,000 per  
18 semester.

19 This bill would set the tuition  
20 reimbursement rate not to exceed the average cost  
21 of tuition per semester at a state-supported  
22 Alabama four year institution.

23 This bill would provide for the payment or  
24 reimbursement of tuition and fees for any member of  
25 the Alabama National Guard who remains in good  
26 standing and meets certain criteria at any in-state  
27 public institution of higher learning.

1 Under current law, children, spouses, and  
2 unmarried widows or widowers of disabled veterans  
3 may receive educational benefits for tuition, fees,  
4 and books depending on the severity of the  
5 disability of the veteran.

6 This bill would increase the minimum  
7 disability rating; establish specific residency  
8 requirements for veterans and dependents; restrict  
9 the reimbursement for educational benefits at an  
10 Alabama state public education institution to the  
11 average tuition rate based on the Department of  
12 Defense Tuition Assistance Cap and a maximum amount  
13 per semester for books and fees; establish an  
14 academic requirement for dependents while receiving  
15 benefits; require the state benefits to only be  
16 used after all available federal or other benefits  
17 have been used; and require the Alabama Department  
18 of Veterans Affairs and the Alabama Commission on  
19 Higher Education to report to the Legislature by  
20 January 1st of each year on the status and progress  
21 of the programs.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1           To amend Sections 31-6-4, 31-6-5, 31-6-6, 31-6-9,  
2           31-6-11, 31-6-15, 31-10-2, 31-10-3, 31-10-4, 31-10-21, and  
3           31-10-22 of the Code of Alabama 1975, to set the tuition rate  
4           for a member of the Alabama National Guard not to exceed the  
5           average cost of tuition per semester of a state-supported  
6           Alabama four year institution; to establish a tuition  
7           reimbursement for any member of the Alabama National Guard who  
8           remains in good standing and meets certain criteria while  
9           enrolled at any in-state public institution of higher  
10          learning; relating to the educational scholarship benefits for  
11          dependents of veterans; to increase the minimum disability  
12          rating; to establish residency requirements for veterans and  
13          dependents; restrict the reimbursement for educational  
14          benefits at an Alabama state public education institution to  
15          the average tuition rate based on the Department of Defense  
16          Tuition Assistance Cap and a maximum amount per semester for  
17          books and fees; to establish an academic requirement for  
18          dependents receiving benefits; to require state educational  
19          benefits to be applied only after all other available  
20          resources have been applied; and to require that the Alabama  
21          Department of Veterans Affairs and the Alabama Commission on  
22          Higher Education submit an annual report to the Legislature.  
23          BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24                 Section 1. Sections 31-6-4, 31-6-5, 31-6-6, 31-6-9,  
25                 31-6-11, 31-6-15, 31-10-2, 31-10-3, 31-10-4, 31-10-21, and  
26                 31-10-22 of the Code of Alabama 1975, are amended to read as  
27                 follows:

1           "§31-6-4.

2           "(a) Any child whose father or mother:

3           "(1) Was killed or died in line of duty or is listed  
4 as missing in action or is/was a prisoner of war or whose  
5 death or permanent total disabilities were service-connected  
6 while serving as a member of the armed forces; or

7           "(2) Died from a disability incurred from military  
8 service, as established by the State Department of Veterans'  
9 Affairs, after having been discharged under conditions other  
10 than dishonorable and after having served at least 90 days  
11 consecutively in the armed forces prior to and/or subsequent  
12 to the date on which such disability occurred, or who was  
13 honorably discharged by reason of wartime, service-connected  
14 disability after serving less than 90 days; or

15           "(3) Has been assigned 100 percent permanent or  
16 total disability rated by the United States Veterans'  
17 Administration, or was discharged or retired from the armed  
18 forces with a ~~20~~ 40 percent or more disability and maintained  
19 that percentage (such person to be deemed to be a disabled  
20 veteran)

21 "may attend any Alabama state institution of higher learning,  
22 college, or university for a period of five standard academic  
23 years, not to exceed 45 months or the equivalent of 45 months  
24 if enrolled part-time, pursuant to the tuition reimbursement  
25 guidelines as provided in subsection (c), ~~without paying any~~  
26 ~~tuition, fees, or books whatsoever~~ for such college or  
27 university attendance, or any such child may take a prescribed

1 course in any Alabama ~~state trade school~~ state-supported  
2 community or technical college for the length of any  
3 prescribed course of study of his or her choosing, and if such  
4 course does not require the full 45 months, then training for  
5 the remainder of such 45 months' entitlement may be taken at a  
6 state-supported college or university only, pursuant to the  
7 tuition reimbursement guidelines as provided in subsection  
8 (c), without the payment of any tuition, fees, or books  
9 whatsoever. Training under this section must be initiated  
10 prior to the child's thirtieth birthday, and must be completed  
11 within eight years after its initiation, except for delays  
12 caused by military service during the training period, and in  
13 no case may training be received under this chapter beyond the  
14 thirty-eighth birthday of such child.

15 "(b) Except as provided in Section 31-6-11(e), the  
16 educational benefits provided by this section to children  
17 making application for benefits for the first time beginning  
18 with the fall term of the 2014-2015 academic year, and  
19 thereafter, shall be limited to undergraduate courses of study  
20 only, and the value of tuition paid shall be limited to the  
21 in-state tuition rate of the Alabama state institution of  
22 higher learning, college, or university attended.

23 "(c) For those first filing for benefits under this  
24 chapter on or after July 31, 2017, the educational benefit  
25 shall be for tuition reimbursement and books and fees  
26 reimbursement. The value of tuition paid per semester hour  
27 (or equivalent) shall be limited to the rate of the Department

1 of Defense Tuition Assistance Cap. The value of the books and  
2 fees paid per semester shall be limited to \$1,000 per student.

3 "(d) The minimum disability requirement provided for  
4 in subsection (a) (3) will remain 20 percent for those making  
5 application for benefits under this chapter prior to July 31,  
6 2017."

7 "§31-6-5.

8 "(a) Any wife or husband or unmarried widow or  
9 widower whose spouse, during their marriage:

10 "(1) Was killed or died in the line of duty or is  
11 listed as missing in action or is/was a prisoner of war while  
12 serving as a member of the armed forces;

13 "(2) Died from a disability incurred from military  
14 service; or

15 "(3) Is 100 percent permanently and totally  
16 disabled, whose permanent and total disabilities were  
17 service-connected;

18 "shall be entitled to training in any Alabama state-supported  
19 college or university for a period of five standard academic  
20 years, not to exceed 45 months or to training for the  
21 equivalent of 45 months if enrolled part-time or to training  
22 in a prescribed course in a state-supported community or  
23 technical college ~~trade school~~, and if such course does not  
24 require the full 45 months, then training for the remainder of  
25 such 45 months' entitlement may be taken at a state-supported  
26 college or university only, pursuant to the tuition  
27 reimbursement guidelines as provided in subsection (c) without

1 ~~the payment of any tuition, fees, or books, whatsoever.~~ One  
2 change of program will be allowed without counseling. All  
3 training received under this section must be completed within  
4 eight years after the beginning date of the course. This  
5 section shall not apply to the spouse of any such deceased  
6 serviceman or veteran who has remarried prior to applying for  
7 and obtaining educational benefits under this section, and  
8 should any such spouse of such deceased serviceman or veteran  
9 remarry during the time he or she is in attendance upon any of  
10 the schools, colleges, or universities mentioned in this  
11 section, then he or she shall pay tuition and fees for the  
12 course of study or attendance upon such school, college, or  
13 university from the time of the remarriage. The benefits  
14 provided under this section shall be in addition to federal  
15 government benefits.

16 "(b) Except as provided in Section 31-6-11(e), the  
17 educational benefits provided by this section to wives,  
18 husbands, and unmarried widows or widowers making application  
19 for benefits for the first time beginning with the fall term  
20 of the 2014-2015 academic year, and thereafter, shall be  
21 limited to undergraduate courses of study only, and the value  
22 of tuition paid shall be limited to the in-state tuition rate  
23 of the Alabama state-supported college or university attended.

24 "(c) For those first filing for benefits under this  
25 chapter on or after July 31, 2017, the educational benefit  
26 shall be for tuition reimbursement and books and fees  
27 reimbursement. The value of tuition paid per semester hour

1 (or equivalent) shall be limited to the rate of the Department  
2 of Defense Tuition Assistance Cap. The value of the books and  
3 fees paid per semester shall be limited to \$1,000 per  
4 student."

5 "§31-6-6.

6 "(a) The spouse and children of any veteran who is  
7 suffering from ~~20~~ 40 to 90 percent service-connected  
8 disability brought about from service in the Armed Forces of  
9 the United States, or the unmarried widow or widower and  
10 children of a deceased veteran who was suffering from ~~20~~ 40  
11 percent or more of service-connected disability at the time of  
12 death, provided such disabilities as are mentioned herein are  
13 incurred from military service, as established by the State  
14 Department of Veterans' Affairs, shall be entitled to the  
15 following educational advantages and opportunities:

16 "(1) The spouse or unmarried widow or widower, as  
17 the case may be, shall be entitled to up to 27 months of  
18 schooling or the equivalent of 27 months if enrolled  
19 part-time, in any Alabama state-supported institution of  
20 higher learning, college, or university, or to a prescribed  
21 course in any Alabama state-supported ~~trade school~~ community  
22 or technical college, pursuant to the tuition reimbursement  
23 guidelines as provided in subsection (c) without the payment  
24 of any tuition, fee, or books. One change of program will be  
25 allowed without counseling. It is provided, however, that all  
26 training received at state institutions of higher learning or  
27 ~~state trade schools~~ state-supported community or technical



1 college under this subdivision must be completed within a  
2 period of six years after the beginning date of such two-year  
3 course or such prescribed course.

4 "(2) Each child of such disabled veteran shall be  
5 entitled to five standard academic years, or the equivalent of  
6 45 months if enrolled part-time, in any Alabama  
7 state-supported institution of higher learning, college, or  
8 university, or to a prescribed course at an Alabama  
9 state-supported community or technical college ~~trade school~~.  
10 If the course of training at the ~~trade school~~ community or  
11 technical college does not require the full time to which such  
12 child is entitled hereunder, then the remaining entitlement  
13 may be taken in a state-supported college or university only,  
14 pursuant to the tuition reimbursement guidelines as provided  
15 in subsection (d) without payment of any tuition, fees, or  
16 ~~books~~. One change of program will be allowed without  
17 counseling. Training under this subdivision must be initiated  
18 prior to the child's twenty-sixth birthday, and must be  
19 completed within eight years after its initiation, except for  
20 delays caused by military service during the training period,  
21 and in no case may training be received under this section  
22 beyond the thirty-fourth birthday of such child.

23 "(b) The minimum disability requirement provided for  
24 in subsection (a) will remain 20 percent for those first  
25 making application for benefits under this chapter prior to  
26 July 31, 2017.

1           "~~(b)~~ (c) Except as provided in Section 31-6-11(e),  
2 the educational benefits provided by this section to spouses,  
3 children, and unmarried widows and widowers making application  
4 for benefits for the first time beginning with the fall term  
5 of the 2014-2015 academic year, and thereafter, shall be  
6 limited to undergraduate courses of study only, and the value  
7 of tuition paid shall be limited to the in-state tuition rate  
8 of the Alabama state-supported institution of higher learning,  
9 college, or university attended.

10           "(d) For those first filing for benefits under this  
11 chapter on or after July 31, 2017, the educational benefit  
12 shall be for tuition reimbursement and books and fees  
13 reimbursement. The value of tuition paid per semester hour  
14 (or equivalent) shall be limited to the rate of the Department  
15 of Defense Tuition Assistance Cap. The value of the books and  
16 fees paid per semester shall be limited to \$1,000 per student.

17           "~~(e)~~ (e) The benefits provided under this section  
18 shall be available in addition to federal government benefits.  
19 Any child, spouse, or unmarried widow or widower who was  
20 denied full entitlement, 27 or 45 months, whichever the case  
21 may be, shall have the remainder of their entitlement  
22 reinstated under this chapter."

23           "§31-6-9.

24           "(a) For those dependents who first file for  
25 benefits under this chapter prior to July 31, 2017, the ~~The~~  
26 benefits provided under this chapter shall be in addition to  
27 any other state or federal benefits to which ~~the wife or~~

1 ~~children of a disabled veteran or a member of the armed forces~~  
2 ~~who is listed as missing in action or as a prisoner of war or~~  
3 ~~the widow and children of a deceased veteran are that~~  
4 ~~dependent may be entitled.~~

5 "(b) For dependents who first file for benefits  
6 under this chapter on or after July 31, 2017:

7 "(1) To the extent permitted by law, prior to  
8 applying any benefits provided for under this chapter,  
9 institutional certifying officials and financial aid officials  
10 shall first apply other federal, state, institutional, and  
11 third party scholarships and grants awarded to the dependent  
12 for that academic period for payment of required educational  
13 expenses during an academic period.

14 "(2) A completed Free Application for Federal  
15 Student Aid (FAFSA), or the equivalent, must be submitted to  
16 the United States Department of Education for each year in  
17 which the dependent receives benefits under this chapter. The  
18 dependent shall have applied for all federal student financial  
19 aid grants, including but not limited to Pell Grants,  
20 Supplemental Education Opportunity Grants, and Education and  
21 Training Vouchers, identified as being available for the  
22 student's application by Federal Student Aid, an office of the  
23 United States Department of Education, or its successor  
24 agency.

25 "(3) All students receiving educational benefits  
26 under this chapter and the educational institutions they  
27 attend must comply with the standards of Satisfactory Academic

1 Progress (SAP) as required for Title IV benefits under the  
2 Higher Education Act and as defined by that education  
3 institution. Those students who would no longer be eligible to  
4 receive Title IV benefits due to a failure to meet SAP  
5 standards shall no longer be eligible to receive benefits  
6 under this chapter. Education institutions shall notify the  
7 Alabama Department of Veterans Affairs of any student who  
8 currently holds a certificate of eligibility for benefits  
9 under this chapter who is no longer eligible to receive  
10 benefits due to a failure to meet SAP standards and the  
11 effective date of that change in eligibility.

12 "(4) The dependent shall ensure that all schools  
13 they attend under this program are authorized to release such  
14 personally identifiable information to the Alabama Department  
15 of Veterans Affairs as is required for the determination of  
16 that dependent's continued eligibility and as required for the  
17 completion of all reports required by law.

18 "(c) It is further provided that any wife, widow, or  
19 dependent of a veteran Any dependent who receives benefits  
20 under this chapter, and whose benefit period is interrupted  
21 due to accident, injury, or illness, shall have the benefit  
22 time period which is lost due to such accident, illness, or  
23 injury restored to him or her.

24 "(d) Notwithstanding any other provision of this  
25 chapter to the contrary, dependents of any veteran whose  
26 disability rating, if any, prior to July 31, 2017 was less  
27 than 20% but who had a claim for compensation pending prior to

1 that date which resulted in a final award by the United States  
2 Department of Veterans Affairs of at least 20% shall be  
3 eligible for education benefits as described before the  
4 amending language of this bill if the dependent files an  
5 application for benefits under this chapter within six months  
6 of that final adjudication and provides proof satisfactory to  
7 the Alabama Department of Veterans Affairs that they qualify  
8 under this exception and currently meet the eligibility  
9 requirements as described before the amending language of this  
10 bill."

11 "§31-6-11.

12 "(a) Before an application of any veteran for  
13 benefits under this chapter can be approved, such veteran  
14 shall submit proof, satisfactory to the State Department of  
15 Veterans' Affairs, of all of the following:

16 "(1) Identification.

17 "(2) Having been a permanent resident of the State  
18 of Alabama for at least one year immediately prior to his or  
19 her entrance into service.

20 "(3) An honorable discharge or other proof of  
21 honorable termination of at least 24 months of service in the  
22 armed forces, or if such veteran was discharged or released by  
23 reason of service-connected disability then proof of honorable  
24 termination of less than 24 months of service is acceptable.

25 "(b) Before the application of a wife, widow, or  
26 child of a disabled veteran or a deceased veteran or  
27 serviceman for educational benefits under this chapter is

1 approved, proof, satisfactory to the State Department of  
2 Veterans' Affairs, must be submitted of all of the following:

3 "(1) Establishing the identification of such wife,  
4 widow, or child as the wife, widow, or child of the veteran or  
5 serviceman, as the case may be.

6 "(2) Of the veteran or serviceman having been a  
7 permanent resident of the State of Alabama for at least one  
8 year immediately prior, to his or her entrance into service,  
9 or if the applicant is the wife, widow, or child of a totally  
10 and permanently disabled veteran, then proof either of the  
11 veteran's having been a permanent resident of the State of  
12 Alabama for at least one year prior to his or her entrance  
13 into service or proof that the veteran has been a bona fide  
14 resident of this state for at least five years immediately  
15 prior to the filing of the application for benefits under this  
16 chapter or immediately prior to his or her death if the  
17 veteran is deceased.

18 "(3) Of the veteran or serviceman having been a  
19 permanent resident of the State of Alabama for at least two  
20 years immediately prior to the filing of the application for  
21 benefits under this chapter or immediately prior to his or her  
22 death if the veteran is deceased.

23 "(4) Of the wife, widow, or child being a current  
24 resident of the State of Alabama.

25 "~~(3)~~ (5) An honorable discharge or other proof of  
26 honorable termination of service of the veteran or serviceman  
27 in the armed forces for a period of at least 90 days between

1 the dates mentioned in this chapter, or service of less than  
2 90 days if the veteran or serviceman was discharged or  
3 released by reason of service-connected disability.

4 "(c) The service upon which any benefits are awarded  
5 under this chapter shall have been rendered during wartime or  
6 under extrahazardous conditions, except as provided otherwise  
7 in this section; and this condition of eligibility shall be  
8 established by the State Department of Veterans' Affairs.

9 "(d) The service requirements provided for in  
10 subsection (c) shall not apply to any person making  
11 application for benefits under this chapter beginning with the  
12 fall term of the 2014-2015 academic year, and thereafter.

13 "(e) Notwithstanding any other provision of this  
14 chapter to the contrary, any person denied educational  
15 benefits provided by this chapter based solely upon the  
16 service requirements provided for in subsection (c) shall be  
17 eligible to receive the benefits the person would otherwise  
18 have been entitled to had their application been approved at  
19 the time of initial application, except as provided otherwise  
20 in this subsection. Any age limitation on the benefits  
21 provided by this chapter shall be extended in like manner for  
22 any such previously denied person to ensure that the person  
23 has the opportunity to receive all benefits they would  
24 otherwise have been entitled. In order to receive any  
25 educational benefits, such previously denied person must  
26 reapply for educational benefits with the State Department of  
27 Veterans' Affairs and begin use of the educational benefits no

1 later than the fall term of the 2015-2016 academic year. The  
2 value of tuition paid for any such previously denied person  
3 shall be limited to the in-state tuition rate of the Alabama  
4 state institution of higher learning, college, or university  
5 attended.

6 "(f) For those first filing for benefits under this  
7 chapter on or after July 31, 2017, the educational benefit  
8 shall be for tuition reimbursement and books and fees  
9 reimbursement. The value of tuition paid per semester hour  
10 (or equivalent) shall be limited to the rate of the Department  
11 of Defense Tuition Assistance Cap. The value of the books and  
12 fees paid per semester shall be limited to \$1,000 per  
13 student."

14 "§31-6-15.

15 ~~"There is hereby appropriated~~ The benefits provided  
16 in this chapter shall be paid from an annual appropriation  
17 from the Education Trust Fund ~~such an amount as may be~~  
18 ~~necessary~~ to reimburse every Alabama state institution of  
19 higher learning, college, university, or Alabama ~~state trade~~  
20 ~~school or junior college~~ community or technical college in  
21 which benefits are given to veterans, their wives, widows, or  
22 children under this chapter. Such reimbursement shall be made  
23 timely at the end of each academic quarter or semester for all  
24 tuition reimbursements for the ~~and fees waived by such~~  
25 ~~institution, college, university, or school under this~~  
26 ~~chapter, and shall be made on the basis of~~ certified invoices  
27 submitted by such institution or school to the State



1 Department of Veterans' Affairs, and shall be supported by  
2 names of the students receiving such benefits, together with  
3 the amounts claimed for each student. Any amount of tuition  
4 not paid by the combination of federal, state and third party  
5 funds may be billed to students receiving such benefits or  
6 waived by the institution or school."

7 "§31-10-2.

8 "The following words used in this article shall have  
9 the meanings as set forth by this section:

10 "(1) ALABAMA NATIONAL GUARD. Federally recognized  
11 units of the Alabama National Guard.

12 "(2) ACTIVE MEMBER. A member of a federally  
13 recognized unit of the Alabama National Guard meeting the  
14 minimum requirements for satisfactory membership as defined in  
15 the Department of the Army and Department of the Air Force  
16 regulations.

17 "(3) TUITION. The per semester cost of instruction  
18 and fees to the student ~~as stated in the institution's~~  
19 ~~catalog, plus the average cost of books and supplies, to a~~  
20 ~~minimum of one hundred dollars (\$100) per semester, and not to~~  
21 ~~exceed one thousand dollars (\$1,000) per semester after all~~  
22 ~~federal benefits have been applied to the account of the~~  
23 ~~student, for a total amount not exceeding two thousand dollars~~  
24 ~~(\$2,000) annually~~ not to exceed the average cost of tuition  
25 per semester of a state-supported Alabama four year  
26 institution for classes or courses that count towards the  
27 individual's degree or certificate plan as designed and

1 approved by the college or institution attended for the  
2 individual's declared program of study."

3 "§31-10-3.

4 "Subject to the annual appropriation in the annual  
5 Education Trust Fund Appropriation Act, provided said annual  
6 appropriations shall not exceed \$5,000,000, ¶the Alabama  
7 Commission on Higher Education is hereby authorized to pay or  
8 reimburse the qualifying tuition for any active member of the  
9 Alabama National Guard who is enrolled in a program leading to  
10 the associate, baccalaureate, masters, or doctorate degree in  
11 an accredited institution of higher learning, community or  
12 technical college, or junior college within the State of  
13 Alabama. To be eligible for such benefits, the individual, at  
14 the time of his or her enrollment must be ~~a~~ an active member  
15 of the Alabama National Guard in good standing and ~~a~~ an active  
16 member of a federally recognized unit of the Alabama National  
17 Guard. The member must be at least 17 years of age and must be  
18 a resident of the State of Alabama. The tuition ~~grant~~  
19 reimbursement authorized under this article may be used for  
20 undergraduate or graduate studies. In no event will any  
21 individual be eligible to receive more than 100 percent of  
22 ~~covered expenses~~ qualified tuition when combined with similar  
23 federal veterans' educational benefits available to members of  
24 the National Guard. All applicants for ~~a~~ tuition-~~grant~~  
25 reimbursement shall complete a Free Application for Student  
26 Financial Aid (FAFSA). No person shall be eligible for ~~a~~  
27 tuition ~~grant~~ reimbursement for more than 12 years after the

1 date of the first tuition payment to him or her under this  
2 article. For degrees above the baccalaureate, only 10 percent  
3 of the total funds of the benefit program are to be utilized.  
4 The Alabama Commission on Higher Education shall set up  
5 minimum standards for performance that must be met in order to  
6 maintain eligibility for the continuation of the receipt of  
7 tuition ~~grants~~ reimbursements under this article that will  
8 ensure a member will maintain at least a 2.0 cumulative grade  
9 point average. In the event that requests for tuition  
10 reimbursements provided for in this chapter from the  
11 institutions for educational benefits in any fiscal year  
12 exceed the appropriated amount, then the reimbursements will  
13 be prorated equally among the institutions on a percentage  
14 basis of the total invoices received by ACHE and paid  
15 accordingly. Such reimbursement shall be made promptly at the  
16 end of each academic quarter or semester for all certified  
17 invoices."

18 "§31-10-4.

19 "In order to be eligible to receive tuition ~~grants~~  
20 reimbursement under this article, the member must meet the  
21 following minimum requirements:

22 "(1) Be an active member of the Alabama National  
23 Guard and must have completed basic training ~~and advanced~~  
24 ~~individual training.~~

25 "(2) The member must be a member in good standing  
26 with the Alabama National Guard as prescribed by regulations  
27 promulgated by the Department of the Army, Department of the

1 Air Force, and the Military Department of the State of  
2 Alabama, at the time of application and during the entire  
3 semester or quarter for which benefits are received.

4 "(3) In the event the individual's service in the  
5 Alabama National Guard is terminated or his or her service  
6 becomes unsatisfactory while receiving or for four years after  
7 receiving the benefits afforded by this program, the benefits  
8 will be terminated and repaid by the individual on a pro rata  
9 basis. After termination for the above causes, an individual  
10 will be ineligible for any further benefits under this  
11 article. If for any reason an individual is dismissed from any  
12 school for academic or disciplinary reasons, he is ineligible  
13 for further benefits from this program. The Alabama Commission  
14 on Higher Education shall be the final authority for making  
15 such determinations.

16 "(4) The Alabama Commission on Higher Education of  
17 the State of Alabama shall be responsible for the promulgation  
18 of rules and regulations for the administration and  
19 implementation of this article including rules and regulations  
20 providing for the selection of persons to receive benefits  
21 under this article. The Alabama Commission on Higher Education  
22 of the State of Alabama shall be the final authority in  
23 determining eligible applicants.

24 "(5) The Adjutant General of the State of Alabama  
25 shall serve as an advisor to the Alabama Commission on Higher  
26 Education for the purpose of determining the eligibility of

1 members of the Alabama National Guard to receive benefits  
2 under this article.

3 "§31-10-21.

4 "(a) Any active member of the Alabama National Guard  
5 ~~who has successfully completed advanced individual training or~~  
6 ~~commissioning~~ shall be entitled to the tuition benefits  
7 provided by this article upon his or her enrollment in a  
8 degree ~~objective~~ or certificate program in any community or  
9 ~~junior~~ technical college that is under the authority of the  
10 ~~State Board of Education~~ Alabama Community College System  
11 Board of Trustees, or enrollment in pursuit of his or her  
12 first undergraduate degree ~~objective~~ in any public  
13 baccalaureate-awarding college or university within the state.  
14 Certification and eligibility for the tuition benefits  
15 provided by this article shall be determined by the State  
16 Education Services Office of the Alabama National Guard which  
17 shall promulgate and implement administrative rules and  
18 procedures that it deems necessary to carry out and monitor  
19 the tuition benefits provided by this article.

20 "(b) Any active member of the Alabama National Guard  
21 who enrolls utilizing the tuition benefits provided by this  
22 article shall complete the requirements for an undergraduate  
23 degree no later than 10 years from the date of initial  
24 enrollment or the active member shall be responsible for all  
25 costs of any further studies required to attain his or her  
26 degree. Active member must currently have and maintain a  
27 cumulative 2.0 grade point average, ~~an overall C average~~, or

1 the ~~grade point~~ letter grade equivalent thereof, or better at  
2 the end of each term. Failure to do so shall result in the  
3 termination of the tuition benefits provided by this article.  
4 If a student withdraws, declares academic bankruptcy, or is  
5 granted a grade waiver through a forgiveness program, he or  
6 she is responsible for paying back that portion of tuition and  
7 fees the state paid on his or her behalf.

8 "(c) Each educational institution that enrolls an  
9 active member of the Alabama National Guard who is eligible  
10 for the tuition benefits provided by this article shall take  
11 necessary action to insure that the active member is aware of  
12 all benefits that he or she may be entitled to under the  
13 Montgomery G.I. Bill, any other federal and state VA  
14 educational benefits, any student grant or scholarship, the  
15 Active Duty Tuition Assistance Program, and the Alabama  
16 National Guard Education Assistance Program. In order to  
17 receive the tuition benefits provided by this article, the  
18 active member of the Alabama National Guard shall take the  
19 necessary steps to utilize all of the above benefits."

20 "§31-10-22.

21 "The tuition benefits provided by this article may  
22 be terminated for the following reasons:

23 "(i) Failure to satisfactorily complete the Alabama  
24 National Guard military obligation.

25 "(ii) Failure to maintain a 90 percent attendance at  
26 annual training and drill assemblies as required by the  
27 Alabama National Guard.

1           "(iii) Four unsatisfactory ~~drill performances~~ Unit  
2 Training Assemblies in a calendar year while enrolled in the  
3 tuition benefits program provided by this article."

4           Section 2. (a) Beginning October 1, 2016 any member  
5 of the Alabama National Guard enrolled in a program leading to  
6 a certificate, or an associate or bachelor's degree at an  
7 accredited public institution of higher education, technical  
8 college, or community college within the State of Alabama may  
9 apply for a tuition reimbursement benefit as provided for in  
10 this section if the applicant under the act meets the  
11 following requirements:

12                   (1) The individual is 17 years of age or over.

13                   (2) The individual is a member of the Alabama  
14 National Guard in good standing throughout the period or  
15 semester for which that individual receives education benefits  
16 as indicated by continued satisfactory participation in the  
17 Alabama National Guard as required by all applicable laws and  
18 regulations of the Department of the Army, the Department of  
19 the Air Force, and the Alabama National Guard, and there is no  
20 unfavorable administrative action pending against him or her.

21           (b) Any member of the Alabama National Guard  
22 receiving educational benefits under this section and the  
23 educational institutions they attend must comply with the  
24 standards of Satisfactory Academic Progress (SAP) as required  
25 for Title IV benefits under the Higher Education Act and as  
26 defined by that education institution provided the member must  
27 maintain at least a cumulative 2.0 grade point average, or the

1 letter equivalent. Those students who would no longer be  
2 eligible to receive Title IV benefits due to a failure to meet  
3 SAP standards shall no longer be eligible to receive benefits  
4 under this section.

5 (c) To the extent permitted by law, prior to  
6 applying any benefits provided for under this section,  
7 institutional certifying officials and financial aid officials  
8 shall first apply other federal, state, institutional, and  
9 third party scholarships and grants awarded to the member for  
10 that academic period for payment of required educational  
11 expenses during an academic period, but only for classes or  
12 courses that count towards the individual's degree or  
13 certificate plan as designed and approved by the college or  
14 institution attended for the individual's declared program of  
15 study.

16 (d) No public institution of higher education in  
17 this state shall impose a nonresident tuition rate or  
18 differential out-of-state resident fee on an Alabama National  
19 Guard member in good standing and who meets the requirements  
20 of subsection (a).

21 (e) All requirements under subsections (a) and (b)  
22 shall be met as a condition of obtaining any education  
23 assistance benefits under the act and continued eligibility  
24 for this exemption.

25 (f) The Alabama Commission of Higher Education shall  
26 be responsible for administering the overall policies,



1 guidance, implementation, and proper utilization of the  
2 scholarship under this section.

3 (g) The tuition scholarship under this act shall be  
4 claimed for no more than a total of 120 academic hours or  
5 until the receipt of the first degree for which the  
6 scholarship is used, whichever comes first.

7 (h) Any member of the Alabama National Guard who  
8 fails to remain in good standing or is terminated from further  
9 service in the Alabama National Guard shall no longer be  
10 eligible for exemption benefits under this section and any  
11 benefits received by the member for the period, semester, or  
12 term in which he or she becomes ineligible shall be repaid by  
13 the member to the exempting institution.

14 (i) Any member who is expelled or dismissed by an  
15 institution of higher learning that provides scholarship  
16 benefits under this section to that member shall no longer be  
17 eligible for scholarship benefits under this section and shall  
18 repay all benefits received under this section to the  
19 institution.

20 (j) Any member who is disqualified from serving in  
21 the Alabama National Guard due solely to medical reasons shall  
22 be exempt from repaying any benefits received under this  
23 section.

24 Section 3. (a) The Department of Veterans Affairs  
25 shall report to the Legislature by January 1st of each year,  
26 the number of applicants approved in the previous fiscal year  
27 and those approved as of the reporting date for the current

1 fiscal year, the number of students by years of remaining  
2 eligibility, and the costs of the previous fiscal year's  
3 expenditures to the program by each category of public  
4 institution of higher learning to include the number of  
5 students who attended each of those institutions.

6 (b) The Alabama Commission on Higher Education and  
7 the Adjutant General of the Alabama National Guard shall  
8 report to the Legislature by November 1st of each year, the  
9 number of new applicants in the new academic year, the years  
10 of eligibility remaining for each student, and the costs of  
11 the previous year's expenditures to the program by each  
12 category of public institution of higher learning paid.

13 Section 4. This act shall become effective on the  
14 first day of the third month following its passage and  
15 approval by the Governor, or its otherwise becoming law.