

1 HB32
2 203450-1
3 By Representative Lovvorn
4 RFD: Ways and Means Education
5 First Read: 04-FEB-20
6 PFD: 01/23/2020

8 SYNOPSIS: Existing law provides educational tuition
9 reimbursement for qualified active members of the
10 Alabama National Guard.

11 This bill would extend tuition reimbursement
12 for dually or concurrently enrolled high
13 school/college students.

14 This bill would set the cap for private
15 college tuition reimbursement at the rate of the
16 public institution with the highest tuition and
17 instructional fee rates.

18 This bill would make clear that the Alabama
19 National Guard Education Assistance Program will
20 only pay for the first degree obtained and that
21 short certificates, long certificates, and
22 associate degrees are considered "stackable
23 undergraduate credentials" which may be used to
24 obtain a baccalaureate degree, thus the first
25 degree obtained would be a baccalaureate degree.

26 This bill would also clarify existing law so
27 that institutions of higher education may clearly

1 and consistently provide Alabama National Guard
2 Service members with the ability to maximize their
3 education benefits.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 Relating to educational benefits for qualified
10 active members of the Alabama National Guard; to amend
11 Sections 31-10-2, 31-10-3, and 31-10-4.1 of the Code of
12 Alabama 1975, to limit the amount of private tuition
13 reimbursed to eligible guard member to the highest tuition of
14 any public institution in the state; to clarify the law
15 relating to stackable undergraduate credentials; and to repeal
16 Sections 31-10-20 through 31-10-25, Code of Alabama 1975.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 31-10-2, 31-10-3, and 31-10-4.1
19 of the Code of Alabama 1975, are amended to read as follows:

20 "§31-10-2.

21 "The following words used in this chapter shall have
22 the meanings as set forth by this section:

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

25 "(2) ACTIVE MEMBER. A member of a federally
26 recognized unit of the Alabama National Guard meeting the
27 minimum requirements for satisfactory membership as defined in

1 the Department of the Army and Department of the Air Force
2 regulations.

3 "(3) TUITION. The per semester cost of instruction
4 and mandatory instructional fees, as reported to the Alabama
5 Commission on Higher Education by state-supported institutions
6 of higher education and appearing on the commission's tuition
7 plus required fees report, to the student not to exceed the
8 average cost of tuition per semester of a state-supported
9 Alabama four-year institution for classes or courses that
10 count towards the individual's degree or certificate plan as
11 designed and approved by the college or institution attended
12 for the individual's declared program of study. Payments for
13 students attending private institutions of higher education
14 shall not exceed the rates of the state-supported public
15 institution with the highest tuition and instructional fee
16 rates. Differential tuition or instructional fees that are
17 specific to any major are not included.

18 "§31-10-3.

19 "Subject to the annual appropriation to the Alabama
20 National Guard Educational Assistance Program (ANGEAP) in the
21 annual Education Trust Fund Appropriation Act, provided such
22 annual appropriations shall not exceed ~~\$10,000,000~~ ten million
23 dollars (\$10,000,000), the Alabama Commission on Higher
24 Education (ACHE) is ~~hereby~~ authorized to pay or reimburse the
25 qualifying tuition for any active member of the Alabama
26 National Guard who is a student dually or concurrently
27 enrolled in high school and college or is enrolled in a

1 program leading to ~~the~~ a short certificate or long
2 certificate, or associate, baccalaureate, masters, or
3 doctorate degree in an accredited institution of higher
4 learning, community or technical college within the State of
5 Alabama. Such payments or reimbursements shall be made timely
6 at the end of each academic quarter or semester for all
7 tuition reimbursements, and shall be made on the basis of
8 certified invoices submitted by such institution or school to
9 ~~the Alabama Commission on Higher Education~~ ACHE, and shall be
10 supported by names of the students receiving such benefits,
11 together with the amounts claimed for each student. ~~To be~~
12 ~~eligible for such benefits, the individual, at the time of his~~
13 ~~or her enrollment must be an active member of the Alabama~~
14 ~~National Guard in good standing and an active member of a~~
15 ~~federally recognized unit of the Alabama National Guard. The~~
16 ~~member must be at least 17 years of age and must be a resident~~
17 ~~of the State of Alabama. The tuition reimbursement authorized~~
18 ~~under this article~~ chapter may be used for undergraduate or
19 graduate studies. ~~In no event will any individual be eligible~~
20 ~~to receive more than 100 percent of qualified tuition when~~
21 ~~combined with similar federal veterans' educational benefits~~
22 ~~available to members of the National Guard. In no event will~~
23 payments under the ANGEAP amount to more than 100 percent of
24 qualified tuition and fees. All applicants for tuition
25 ~~reimbursement shall complete a Free Application for Student~~
26 ~~Financial Aid (FAFSA). No person shall be eligible for tuition~~
27 reimbursement for more than 12 years after the date of the

1 first tuition payment to him or her under this ~~article~~
2 chapter. 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 reimbursements under this article that will ensure a~~
8 ~~member will maintain at least a 2.0 cumulative grade point~~
9 ~~average.~~ In the event that requests for tuition reimbursements
10 provided for in this chapter from the institutions for
11 educational benefits in any fiscal year exceed the
12 appropriated amount, then the reimbursements ~~will~~ shall be
13 prorated equally among the institutions on a percentage basis
14 of the total invoices received by ACHE and paid accordingly.
15 Such reimbursement shall be made promptly at the end of each
16 academic quarter or semester for all certified invoices.

17 "§31-10-4.1.

18 "(a) Beginning October 1, 2016, any member of the
19 Alabama National Guard enrolled in a program leading to a
20 certificate, or an associate or bachelor's degree at an
21 accredited public institution of higher education, technical
22 college, or community college within the State of Alabama may
23 apply for a tuition reimbursement benefit as provided for in
24 this section if the applicant under this chapter meets the
25 following requirements:

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

1 "(2) The individual is a member of the Alabama
2 National Guard in good standing throughout the period or
3 semester for which that individual receives education benefits
4 as indicated by continued satisfactory participation in the
5 Alabama National Guard as required by all applicable laws and
6 regulations of the Department of the Army, the Department of
7 the Air Force, and the Alabama National Guard, and there is no
8 unfavorable administrative action pending against him or her.

9 "(3) An applicant for tuition reimbursement under
10 this chapter shall complete a Free Application for Student
11 Financial Aid, except for students dually or concurrently
12 enrolled in high school and college.

13 "(b) Any member of the Alabama National Guard
14 receiving educational benefits under this section and the
15 educational institutions they attend must comply with the
16 standards of Satisfactory Academic Progress (SAP) as required
17 for Title IV benefits under the Higher Education Act and as
18 defined by that education institution provided the member must
19 maintain at least a cumulative 2.0 grade point average, or the
20 letter equivalent. Those students who would no longer be
21 eligible to receive Title IV benefits due to a failure to meet
22 SAP standards shall no longer be eligible to receive benefits
23 under this section.

24 "~~(c) To the extent permitted by law, prior to~~
25 ~~applying any benefits provided for under this section,~~
26 ~~institutional certifying officials and financial aid officials~~
27 ~~shall first apply other federal, state, institutional, and~~

1 ~~third party scholarships and grants awarded to the member for~~
2 ~~that academic period for payment of required educational~~
3 ~~expenses during an academic period, but only for classes or~~
4 ~~courses that count towards the individual's degree or~~
5 ~~certificate plan as designed and approved by the college or~~
6 ~~institution attended for the individual's declared program of~~
7 ~~study.~~ the benefits provided for under this section shall be
8 applied in a manner to maximize all of the member's
9 educational assistance benefits.

10 "(d) No public institution of higher education in
11 this state shall impose a nonresident tuition rate or
12 differential out-of-state resident fee on an Alabama National
13 Guard member in good standing and who meets the requirements
14 of subsection (a).

15 "(e) All requirements under subsections (a) and (b)
16 shall be met as a condition of obtaining any education
17 assistance benefits under this chapter and continued
18 eligibility for this exemption.

19 "(f) The Alabama Commission on Higher Education
20 shall be responsible for administering the overall policies,
21 guidance, implementation, and proper utilization of the
22 scholarship under this section.

23 "(g) The tuition scholarship under this chapter
24 shall be claimed for no more than a total of 120 academic
25 hours or until the receipt of the first degree for which the
26 scholarship is used, whichever comes first. The tuition
27 benefits provided by this chapter shall only pay for the first

1 degree obtained after approval for benefits under this
2 chapter. For the purposes of this chapter, short certificates,
3 long certificates, and associate degrees are considered
4 stackable undergraduate credentials which may be used to
5 obtain a baccalaureate degree; thus, the first degree obtained
6 while enrolled in short certificate or long certificate
7 programs would be a baccalaureate degree.

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

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

21 "(j) Any member who is disqualified from serving in
22 the Alabama National Guard due solely to medical reasons with
23 a Veterans Administration (VA) disability rating of 40 percent
24 or greater shall be exempt from repaying any benefits received
25 under this section.

26 "(k) Any participating member of the Alabama
27 National Guard Educational Assistance Program (ANGEAP) shall

1 sign a promissory note or like document with provisions for
2 the collection and recoupment of benefits in the event that
3 the member is disqualified or otherwise becomes ineligible to
4 continue to receive benefits under this section."

5 Section 2. Specifically Article 2, commencing with
6 Section 31-10-20, of Chapter 10, Title 31, Code of Alabama
7 1975, relating to supplemental educational assistance benefits
8 for qualified active members of the National Guard, is
9 repealed.

10 Section 3. This act shall become effective on the
11 last day of the month of its passage and approval by the
12 Governor, or its otherwise becoming law.