



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Existing law provides educational tuition reimbursement for qualified active members of the Alabama National Guard.

This bill would make revisions to the Alabama National Guard Education Assistance Program (ANGEAP), and would provide for a minimum award amount for National Guardsmen attending an Alabama college or university that is not prejudicial to students who have scholarships from other sources.

This bill would provide for funding of dual enrollment courses for high school students who join the National Guard while in high school and funding for college students dually or concurrently enrolled in institutions of higher education.

This bill would also allow for the use of funds for non-tuition and fee expenses under certain conditions, and would clarify that a recipient may earn certificate and associate degrees as part of a qualifying academic pathway to a baccalaureate.

A BILL
TO BE ENTITLED
AN ACT



29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

Relating to the Alabama National Guard; to amend Sections 31-10-2, 31-10-3, and 31-10-4.1, Code of Alabama 1975, relating to educational benefits for qualified active members; to limit the amount of private tuition reimbursed to eligible guard members to the median tuition of any public institution in the state; to clarify the law relating to undergraduate and graduate credentials; and to repeal Article 2, commencing with Section 31-10-20, of Chapter 10, Title 31, Code of Alabama 1975, relating to supplemental educational assistance benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§31-10-2

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

(1) ACADEMIC EXCELLENCE BENEFITS. Additional funds for guard members who are enrolled undergraduate students who graduated from high school with a cumulative GPA greater than 3.5 and, while enrolled in an institution of higher education in this state, have maintained a 3.0 collegiate cumulative GPA. These funds can be used for tuition, fees, or ancillary costs.

~~(1)~~ (3) ALABAMA NATIONAL GUARD. Federally recognized units of the Alabama National Guard.

(2) ACTIVE MEMBER. A member of a federally recognized unit of the Alabama National Guard meeting the minimum



57 requirements for satisfactory membership as defined in the
58 Department of the Army and Department of the Air Force
59 regulations.

60 (4) ANCILLARY COSTS. Expenses incurred outside of
61 tuition related to educational costs, including textbooks,
62 additional course fees, or other course related costs.

63 (5) QUALIFYING ACADEMIC PATHWAY. A postsecondary
64 program at an institution of higher education in the state
65 that is one of the following:

66 a. A program that has been identified as a Pell Grant
67 eligible program for which the student earns credits required
68 for a postsecondary degree at the undergraduate level.

69 b. A graduate program that is the individual's first
70 degree sought at that level.

71 ~~(3)~~ (6) TUITION. The per-~~semester~~ term cost of
72 instruction and mandatory instructional fees to the public or
73 private postsecondary student not to exceed the median cost of
74 tuition per term, such as quarter or semester, of all public
75 four-year institutions of higher education in this state~~to~~
76 ~~the student not to exceed the average cost of tuition per~~
77 ~~semester of a state-supported Alabama four year institution,~~
78 as reported to the Alabama Commission on Higher Education by
79 state-supported institutions of higher education and appearing
80 on the tuition plus required fees report of the commission,
81 for classes or courses that count towards the individual's
82 degree or certificate plan as designed and approved by the
83 college or institution attended for the individual's declared
84 program of study. Differential tuition is not included."



85 "§31-10-3

86 (a) Subject to the annual appropriation to the Alabama
87 National Guard Educational Assistance Program in the annual
88 Education Trust Fund Appropriation Act, provided ~~such~~ the
89 annual appropriations shall not exceed ten million dollars
90 (\$10,000,000), the Alabama Commission on Higher Education ~~is~~
91 ~~hereby authorized to~~ may pay or reimburse the qualifying
92 tuition for any active member of the Alabama National Guard
93 who is one of the following:

94 (1) A student dually or concurrently enrolled in high
95 school and an institution of higher education.

96 (2) A postsecondary student who is enrolled in an
97 institution of higher education.

98 (3) A postsecondary student who is dually or
99 concurrently enrolled in more than one institution of higher
100 education and is enrolled in a program leading to ~~the~~ a
101 qualifying academic pathway, including a short certificate or
102 long certificate, or associate, baccalaureate, masters, or
103 doctorate degree in an accredited institution of higher
104 learning, including a community or technical college within
105 ~~the State of Alabama~~ this state.

106 (b) ~~Such~~ The payments or reimbursements shall be made
107 timely at the end of each academic quarter or semester for all
108 tuition reimbursements, and shall be made on the basis of
109 certified invoices submitted by ~~such~~ the institution ~~or school~~
110 to the Alabama Commission on Higher Education, and shall be
111 supported by names of the students receiving ~~such~~ the
112 benefits, together with the amounts claimed for each student.



113 ~~To be eligible for such benefits, the individual, at the time~~
114 ~~of his or her enrollment must be an active member of the~~
115 ~~Alabama National Guard in good standing and an active member~~
116 ~~of a federally recognized unit of the Alabama National Guard.~~
117 ~~The member must be at least 17 years of age and must be a~~
118 ~~resident of the State of Alabama.~~ The tuition reimbursement
119 authorized under this article may be used for undergraduate or
120 graduate studies. ~~In no event will any individual be eligible~~
121 ~~to receive more than 100 percent of qualified tuition when~~
122 ~~combined with similar federal veterans' educational benefits~~
123 ~~available to members of the National Guard. All applicants for~~
124 ~~tuition reimbursement shall complete a Free Application for~~
125 ~~Student Financial Aid (FAFSA).~~ In no event shall payments of
126 the tuition reimbursement under the Alabama National Guard
127 Educational Assistance Program amount to more than 100 percent
128 of qualified tuition and fees. An undergraduate student that
129 qualifies for the Academic Excellence Benefit shall receive an
130 amount equivalent to 100 percent of qualified tuition and
131 fees. Undergraduate students with this benefit may use these
132 funds for tuition and fee reimbursement or ancillary costs. No
133 ~~person~~ guard member shall be eligible for tuition
134 reimbursement or academic excellence benefits for more than 12
135 years after the date of the first tuition payment to him or
136 her under this article. ~~For degrees above the baccalaureate,~~
137 ~~only 10 percent of the total funds of the benefit program are~~
138 ~~to be utilized. The Alabama Commission on Higher Education~~
139 ~~shall set up minimum standards for performance that must be~~
140 ~~met in order to maintain eligibility for the continuation of~~



141 ~~the receipt of tuition reimbursements under this article that~~
142 ~~will ensure a member will maintain at least a 2.0 cumulative~~
143 ~~grade point average.~~ In the event that requests for tuition
144 reimbursements provided for in this ~~chapter~~ article from the
145 institutions for educational benefits in any fiscal year
146 exceed the appropriated amount, then the reimbursements ~~will~~
147 shall be prorated equally among the institutions on a
148 percentage basis of the total invoices received by ~~ACHE~~ the
149 Alabama Commission on Higher Education and paid accordingly.
150 ~~Such~~ The reimbursement shall be made promptly at the end of
151 each academic quarter or semester for all certified invoices."

152 "§31-10-4.1

153 (a) Beginning October 1, 2016, any member of the
154 Alabama National Guard enrolled in a program leading to a
155 qualifying academic pathway, such as a certificate, or an
156 associate or bachelor's degree at an accredited public
157 institution of higher education, technical college, or
158 community college within the State of Alabama may apply for a
159 tuition reimbursement benefit as provided for in this section
160 if the applicant under this ~~chapter~~ article meets the
161 following requirements:

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

163 (2) The individual is a member of the Alabama National
164 Guard in good standing throughout the period or semester for
165 which that individual receives ~~education~~ educational benefits
166 as indicated by continued satisfactory participation in the
167 Alabama National Guard as required by all applicable laws and
168 regulations of the Department of the Army, the Department of



169 the Air Force, and the Alabama National Guard, and there is no
170 unfavorable administrative action pending against him or her.

171 (3) The individual completes a Free Application for
172 Federal Student Aid (FAFSA), except for high school students
173 dually or concurrently enrolled in high school and an
174 institution of higher education.

175 (4) The individual is enrolled in a credit-bearing
176 course or courses of a qualifying academic pathway at a
177 regionally accredited institution of higher education.

178 (b) Any member of the Alabama National Guard receiving
179 educational benefits under this section and the educational
180 institutions they attend ~~must~~ shall comply with the standards
181 of Satisfactory Academic Progress (SAP) as required for Title
182 IV benefits under the Higher Education Act and as defined by
183 that ~~education~~ educational institution provided the member
184 ~~must~~ shall maintain at least a cumulative 2.0 grade point
185 average, or the letter equivalent. Those students who would no
186 longer be eligible to receive Title IV benefits due to a
187 failure to meet SAP standards shall no longer be eligible to
188 receive benefits under this section.

189 (c) To the extent permitted by law, ~~prior to applying~~
190 ~~any benefits provided for under this section, institutional~~
191 ~~certifying officials and financial aid officials shall first~~
192 ~~apply other federal, state, institutional, and third party~~
193 ~~scholarships and grants awarded to the member for that~~
194 ~~academic period for payment of required educational expenses~~
195 ~~during an academic period, but only for classes or courses~~
196 ~~that count towards the individual's degree or certificate plan~~



197 ~~as designed and approved by the college or institution~~
198 ~~attended for the individual's declared program of study~~ the
199 benefits provided for under this section shall be applied in a
200 last-dollar manner to maximize all of the guard member's
201 educational benefits.

202 (d) No public institution of higher education in this
203 state shall impose a nonresident tuition rate or differential
204 out-of-state resident fee on an Alabama National Guard member
205 in good standing and who meets the requirements of subsection
206 (a).

207 (e) All requirements under subsections (a) and (b)
208 shall be met as a condition of obtaining any education
209 assistance benefits under this ~~chapter~~ article and continued
210 eligibility for this exemption.

211 (f) The Alabama Commission on Higher Education shall be
212 responsible for administering the overall policies, guidance,
213 implementation, and proper utilization of the scholarship
214 under this section.

215 ~~(g) The tuition scholarship under this chapter shall be~~
216 ~~claimed for no more than a total of 120 academic hours or~~
217 ~~until the receipt of the first degree for which the~~
218 ~~scholarship is used, whichever comes first.~~ For the purposes
219 of this article, the first undergraduate degree obtained is a
220 baccalaureate degree. Short certificates, long certificates,
221 and associate degrees of qualifying academic pathways may be
222 used to obtain a baccalaureate degree. The tuition
223 reimbursement and academic excellence benefits provided by
224 this article shall only pay for the first baccalaureate



225 degree. The tuition reimbursement and academic excellence
226 benefits for undergraduate students under this article shall
227 be claimed for no more than a total of 120 academic hours or
228 until receipt of the first bachelor's degree for which the
229 scholarship is used, whichever comes first. The total of 120
230 academic hours includes no more than a total of 72 academic
231 hours earned at a community college.

232 (h) A guard member who has already obtained a
233 baccalaureate degree is not eligible to receive tuition
234 reimbursement or academic excellence benefits for coursework
235 leading to a second degree at the same level.

236 (i) If the benefits were not used by a guard member for
237 a baccalaureate degree, the tuition reimbursement and academic
238 excellence benefits for graduate students under this article
239 shall be claimed for no more than a total of 60 academic hours
240 or until the receipt of the first graduate degree.

241 (j) A guard member who has already obtained a graduate
242 degree is not eligible to receive tuition reimbursement for
243 coursework leading to a second degree at the same level.

244 ~~(h)~~ (k) Any member of the Alabama National Guard who
245 fails to remain in good standing or is terminated from further
246 service in the Alabama National Guard shall no longer be
247 eligible for exemption benefits under this section and any
248 benefits received by the member for the ~~period, semester, or~~
249 term, such as quarter or semester, in which he or she becomes
250 ineligible shall be repaid by the member to the exempting
251 institution. Any exceeding funds of tuition reimbursement and
252 academic excellence benefits repaid to the institution shall



253 be reimbursed to the program.

254 ~~(i)~~ (l) Any member who is expelled or dismissed by an
255 institution of higher learning that provides scholarship
256 benefits under this section to that member shall no longer be
257 eligible for scholarship benefits under this section and shall
258 repay all benefits received under this section to the
259 institution. Any exceeding funds of tuition reimbursement and
260 academic excellence benefits repaid to the institution shall
261 be reimbursed to the program.

262 ~~(j)~~ (m) Any member who is disqualified from serving in
263 the Alabama National Guard due solely to medical reasons, with
264 a Veterans Administration disability rating of 40 percent or
265 greater, shall be exempt from repaying any benefits received
266 under this section.

267 (n) Any participating member of the Alabama National
268 Guard Educational Assistance Program shall sign a promissory
269 note or similar document with provisions for the collection
270 and repayment of benefits in the event that the member is
271 disqualified or otherwise becomes ineligible to continue to
272 receive benefits pursuant to the section."

273 Section 2. Specifically Article 2, commencing with
274 Section 31-10-20, of Chapter 10, Title 31 of the Code of
275 Alabama 1975, relating to supplemental educational assistance
276 benefits for qualified active members of the National Guard,
277 is repealed.

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