

SB67 INTRODUCED



1 11NX33-1
2 By Senator Chambliss
3 RFD: Veterans and Military Affairs
4 First Read: 21-Mar-23
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SYNOPSIS:

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

This bill would extend tuition reimbursement for dually or concurrently enrolled high school and college students.

This bill would set the cap for private college tuition reimbursement at the rate of the public institution with the highest tuition and instructional rate fees.

This bill would also clarify that the Alabama National Guard Education Assistance Program may only pay for the first degree obtained and that short certificates, long certificates, and associate degrees are considered stackable undergraduate credentials which may be used to obtain a baccalaureate degree, with the first degree obtained being considered a baccalaureate degree.

A BILL
TO BE ENTITLED
AN ACT



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

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

42 "§31-10-2

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

45 ~~(1)~~ (2) ALABAMA NATIONAL GUARD. Federally recognized
46 units of the Alabama National Guard.

47 ~~(2)~~ (1) ACTIVE MEMBER. A member of a federally
48 recognized unit of the Alabama National Guard meeting the
49 minimum requirements for satisfactory membership as defined in
50 the Department of the Army and Department of the Air Force
51 regulations.

52 (3) TUITION. The per semester cost of instruction and
53 mandatory instructional fees ~~to the student not to exceed the~~
54 ~~average cost of tuition per semester of a state-supported~~
55 ~~Alabama four year institution~~, as reported to the Alabama
56 Commission on Higher Education by state-supported institutions



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57 of higher education and appearing on the tuition plus required
58 fees report of the commission, for classes or courses that
59 count towards the individual's degree or certificate plan as
60 designed and approved by the college or institution attended
61 for the individual's declared program of study. Payments for
62 students attending private institutions of higher education
63 shall not exceed the rates of the state-supported public
64 institution with the highest tuition and instructional fee
65 rates. Differential tuition or instructional fees that are
66 specific to any major are not included."

67 "§31-10-3

68 Subject to the annual appropriation to the Alabama
69 National Guard Educational Assistance Program in the annual
70 Education Trust Fund Appropriation Act, provided ~~such~~the
71 annual appropriations shall not exceed ~~\$10,000,000~~ ten million
72 dollars (\$10,000,000), the Alabama Commission on Higher
73 Education ~~is hereby authorized to~~may pay or reimburse the
74 qualifying tuition for any active member of the Alabama
75 National Guard who is a student dually or concurrently
76 enrolled in high school and college or is enrolled in a
77 program leading to ~~the~~ a short certificate or long certificate,
78 or associate, baccalaureate, masters, or doctorate degree in
79 an accredited institution of higher learning, community or
80 technical college within the State of Alabama. ~~Such~~The
81 payments or reimbursements shall be made timely at the end of
82 each academic quarter or semester for all tuition
83 reimbursements, and shall be made on the basis of certified
84 invoices submitted by ~~such~~the institution or school to the



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85 Alabama Commission on Higher Education, and shall be supported
86 by names of the students receiving ~~such~~ benefits, together
87 with the amounts claimed for each student. ~~To be eligible for~~
88 ~~such benefits, the individual, at the time of his or her~~
89 ~~enrollment must be an active member of the Alabama National~~
90 ~~Guard in good standing and an active member of a federally~~
91 ~~recognized unit of the Alabama National Guard. The member must~~
92 ~~be at least 17 years of age and must be a resident of the~~
93 ~~State of Alabama.~~ The tuition reimbursement authorized under
94 this article may be used for undergraduate or graduate
95 studies. ~~In no event will any individual be eligible to~~
96 ~~receive more than 100 percent of qualified tuition when~~
97 ~~combined with similar federal veterans' educational benefits~~
98 ~~available to members of the National Guard. All applicants for~~
99 ~~tuition reimbursement shall complete a Free Application for~~
100 ~~Student Financial Aid (FAFSA).~~ In no event shall payments under
101 the Alabama National Guard Educational Assistance Program
102 amount to more than 100 percent of qualified tuition and fees.
103 No ~~person~~individual shall be eligible for tuition
104 reimbursement for more than 12 years after the date of the
105 first tuition payment to him or her under this article. For
106 degrees above the baccalaureate, only 10 percent of the total
107 funds of the benefit program are to be utilized. ~~The Alabama~~
108 ~~Commission on Higher Education shall set up minimum standards~~
109 ~~for performance that must be met in order to maintain~~
110 ~~eligibility for the continuation of the receipt of tuition~~
111 ~~reimbursements under this article that will ensure a member~~
112 ~~will maintain at least a 2.0 cumulative grade point average.~~



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113 In the event that requests for tuition reimbursements provided
114 for in this ~~chapter~~article from the institutions for
115 educational benefits in any fiscal year exceed the
116 appropriated amount, then the reimbursements ~~will~~shall be
117 prorated equally among the institutions on a percentage basis
118 of the total invoices received by ~~ACHE~~the Alabama Commission
119 on Higher Education and paid accordingly. ~~Such~~The
120 reimbursement shall be made promptly at the end of each
121 academic quarter or semester for all certified invoices."

122 "§31-10-4.1

123 (a) Beginning October 1, 2016, any member of the
124 Alabama National Guard enrolled in a program leading to a
125 certificate, or an associate or bachelor's degree at an
126 accredited public institution of higher education, technical
127 college, or community college within the State of Alabama may
128 apply for a tuition reimbursement benefit as provided for in
129 this section if the applicant under this ~~chapter~~article meets
130 the following requirements:

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

132 (2) The individual is a member of the Alabama National
133 Guard in good standing throughout the period or semester for
134 which that individual receives ~~education~~educational benefits
135 as indicated by continued satisfactory participation in the
136 Alabama National Guard as required by all applicable laws and
137 regulations of the Department of the Army, the Department of
138 the Air Force, and the Alabama National Guard, and there is no
139 unfavorable administrative action pending against him or her.

140 (3) The individual completes a free Application for



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141 Student Financial Aid, except for students dually or
142 concurrently enrolled in high school and college.

143 (b) Any member of the Alabama National Guard receiving
144 educational benefits under this section and the educational
145 institutions they attend ~~must~~shall comply with the standards
146 of Satisfactory Academic Progress (SAP) as required for Title
147 IV benefits under the Higher Education Act and as defined by
148 that ~~education~~ educational institution provided the member
149 ~~must~~shall maintain at least a cumulative 2.0 grade point
150 average, or the letter equivalent. Those students who would no
151 longer be eligible to receive Title IV benefits due to a
152 failure to meet SAP standards shall no longer be eligible to
153 receive benefits under this section.

154 (c) To the extent permitted by law, ~~prior to applying~~
155 ~~any benefits provided for under this section, institutional~~
156 ~~certifying officials and financial aid officials shall first~~
157 ~~apply other federal, state, institutional, and third party~~
158 ~~scholarships and grants awarded to the member for that~~
159 ~~academic period for payment of required educational expenses~~
160 ~~during an academic period, but only for classes or courses~~
161 ~~that count towards the individual's degree or certificate plan~~
162 ~~as designed and approved by the college or institution~~
163 ~~attended for the individual's declared program of study~~the
164 benefits provided for under this section shall be applied in a
165 manner to maximize all of the member's educational benefits.

166 (d) No public institution of higher education in this
167 state shall impose a nonresident tuition rate or differential
168 out-of-state resident fee on an Alabama National Guard member



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169 in good standing and who meets the requirements of subsection
170 (a).

171 (e) All requirements under subsections (a) and (b)
172 shall be met as a condition of obtaining any education
173 assistance benefits under this ~~chapter~~article and continued
174 eligibility for this exemption.

175 (f) The Alabama Commission on Higher Education shall be
176 responsible for administering the overall policies, guidance,
177 implementation, and proper utilization of the scholarship
178 under this section.

179 (g) The tuition scholarship under this ~~chapter~~article
180 shall be claimed for no more than a total of 120 academic
181 hours or until the receipt of the first degree for which the
182 scholarship is used, whichever comes first. The tuition
183 benefits provided by this article shall only pay for the first
184 degree obtained after approval for benefits under this
185 article. For the purposes of this article, short certificates,
186 long certificates, and associate degrees are considered
187 stackable undergraduate credentials which may be used to
188 obtain a baccalaureate degree; with the first degree obtained
189 while enrolled in a short certificate or long certificate
190 program being considered a baccalaureate degree.

191 (h) Any member of the Alabama National Guard who fails
192 to remain in good standing or is terminated from further
193 service in the Alabama National Guard shall no longer be
194 eligible for exemption benefits under this section and any
195 benefits received by the member for the period, semester, or
196 term in which he or she becomes ineligible shall be repaid by



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197 the member to the exempting institution.

198 (i) Any member who is expelled or dismissed by an
199 institution of higher learning that provides scholarship
200 benefits under this section to that member shall no longer be
201 eligible for scholarship benefits under this section and shall
202 repay all benefits received under this section to the
203 institution.

204 (j) Any member who is disqualified from serving in the
205 Alabama National Guard due solely to medical reasons, with a
206 Veterans Administration disability rating of 40 percent or
207 greater, shall be exempt from repaying any benefits received
208 under this section.

209 (k) Any participating member of the Alabama National
210 Guard Educational Assistance Program shall sign a promissory
211 note or similar document with provisions for the collection
212 and repayment of benefits in the event that the member is
213 disqualified or otherwise becomes ineligible to continue to
214 receive benefits pursuant to the section."

215 Section 2. Specifically Article 2, commencing with
216 Section 31-10-20, of Chapter 10 of Title 31 of the Code of
217 Alabama 1975, relating to supplemental educational assistance
218 benefits for qualified active members of the National Guard,
219 is repealed.

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