

1 SB263
2 218075-1
3 By Senators Chambliss and Butler
4 RFD: Veterans and Military Affairs
5 First Read: 24-FEB-22

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 fee rates.

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.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 Relating to the Alabama National Guard; to amend
6 Sections 31-10-2, 31-10-3, and 31-10-4.1, Code of Alabama
7 1975, relating to educational benefits for qualified active
8 members; to limit the amount of private tuition reimbursed to
9 eligible guard members to the highest tuition of any public
10 institution in the state; to clarify the law relating to
11 stackable undergraduate credentials; and to repeal Article 2,
12 commencing with Section 31-10-20, of Chapter 10, Title 31,
13 Code of Alabama 1975, relating to supplemental educational
14 assistance benefits.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 "§31-10-2.

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

21 "~~(1)~~ (2) ALABAMA NATIONAL GUARD. Federally recognized
22 units of the Alabama National Guard.

23 "~~(2)~~ (1) ACTIVE MEMBER. A member of a federally
24 recognized unit of the Alabama National Guard meeting the
25 minimum requirements for satisfactory membership as defined in
26 the Department of the Army and Department of the Air Force
27 regulations.

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

16 "§31-10-3.

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

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

1 degrees above the baccalaureate, only 10 percent of the total
2 funds of the benefit program are to be utilized. ~~The Alabama~~
3 ~~Commission on Higher Education shall set up minimum standards~~
4 ~~for performance that must be met in order to maintain~~
5 ~~eligibility for the continuation of the receipt of tuition~~
6 ~~reimbursements under this article that will ensure a member~~
7 ~~will maintain at least a 2.0 cumulative grade point average.~~
8 In the event that requests for tuition reimbursements provided
9 for in this ~~chapter~~ article from the institutions for
10 educational benefits in any fiscal year exceed the
11 appropriated amount, then the reimbursements ~~will~~ shall be
12 prorated equally among the institutions on a percentage basis
13 of the total invoices received by ~~ACHE~~ the Alabama Commission
14 on Higher Education and paid accordingly. ~~Such~~ The
15 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~~ article meets
25 the 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) The individual completes a Free Application for
10 Student Financial Aid, except for students dually or
11 concurrently enrolled in high school and college.

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

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

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

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

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

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

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

1 this article. For the purposes of this article, short
2 certificates, long certificates, and associate degrees are
3 considered stackable undergraduate credentials which may be
4 used to obtain a baccalaureate degree; with the first degree
5 obtained while enrolled in a short certificate or long
6 certificate program being considered a baccalaureate degree.

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, with
22 a Veterans Administration disability rating of 40 percent or
23 greater, shall be exempt from repaying any benefits received
24 under this section.

25 "(k) Any participating member of the Alabama
26 National Guard Educational Assistance Program shall sign a
27 promissory note or similar document with provisions for the

1 collection and repayment of benefits in the event that the
2 member is disqualified or otherwise becomes ineligible to
3 continue to receive benefits pursuant to this section."

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

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