

1 SB216  
2 209951-1  
3 By Senator Whatley  
4 RFD: Finance and Taxation Education  
5 First Read: 10-FEB-21

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.