

Alabama Commission on Higher Education

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education (Commission)

RULE NO. & TITLE: 300 – 4 – 4 - .02 Definition of Terms
300 – 4 – 4 - .04 Awarding Procedures
300 – 4 – 4 - .05 Disbursement of Funds

INTENDED ACTION: Amendment

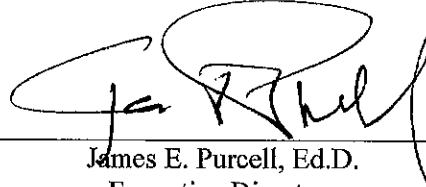
SUBSTANCE OF PROPOSED ACTION:

To update procedures to reflect changes made by Alabama Act 2017-349 relating to benefits associated with the Alabama National Guard Educational Assistance Program.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Persons wishing to present views on these amended rules may contact Tim Vick, Director of Operations and Fiscal Services, Alabama Commission on Higher Education, P.O. Box 302000, Montgomery, Alabama 36130-2000, Telephone 334-353-9153 between 8 a.m. and 5 p.m. each day up to and including December 6, 2017.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 6, 2017

CONTACT PERSON AT AGENCY: Timothy W. Vick



James E. Purcell, Ed.D.
Executive Director

300-4-4-.02 Definition Of Terms.

(1) Academic Year: The academic year for Alabama National Guard Educational Assistance Program purposes is from October 1 of one year to September 30 of the next year.

(2) Alabama Resident: A resident of the State of Alabama is a person who has established residency within the State of Alabama prior to the beginning of the term for which financial assistance is requested.

(3) Distribution of Funds: Reimbursement shall be made promptly at the end of each academic quarter or semester for all certified invoices/vouchers. Should funds appropriated to the Alabama National Guard Educational Assistance Program be insufficient to provide each eligible student with a full grant payment for any term(s) during an academic year, ~~funds will be awarded on a first-in, first-out basis until all available funds are expended~~ then the awards will be prorated equally among the institutions on a percentage basis of the total invoices/vouchers received and paid accordingly. For degrees above the baccalaureate level, only ten percent of the total funds of the benefit program may be used.

(4) Educational Grant: A grant is defined as a financial award by the State of Alabama to an Alabama National Guard Educational Assistance Program applicant who is designated to be an eligible student enrolled in or accepted for enrollment in an eligible program at an eligible institution, and is awarded on a per semester basis to the student to defray direct educational-related expenses: tuition and mandatory cost of instruction fees, books, and supplies, to a minimum of one hundred dollars (\$100) per semester, and not to exceed one thousand dollars (\$1,000) per semester after all federal benefits have been applied to the account of the student, for a total amount not exceeding two thousand dollars (\$2,000) annually, not to exceed the average cost of tuition per semester of a state-supported Alabama four year institution for classes or courses that count towards the individual's degree or certificate plan as designed and approved by the college or institution attended for the individual's declared program of study, less any Alabama Student Grant Program proceeds for which the student may be eligible and after all federal benefits have been applied to the account of the student. The average tuition amount per semester will be determined by the Alabama Commission on Higher Education based on its Tuition and Fee Report. Payments to recipients shall not extend beyond twelve (12) years after the date of the first grant payment issued to the student through this program.

(5) Eligible Program: An eligible program is any program leading to an a certificate, associate, baccalaureate, master's, or doctorate degree in an accredited institution of higher learning, technical college, or community college, or junior college within the State of Alabama.

(6) Eligible Institution: An eligible institution is a public or private institution of higher education which: (a) is in Alabama; (b) admits as regular students only persons who have a high school diploma, or who are beyond the age of compulsory school attendance in Alabama; and who have the ability to benefit from the training offered; (c) is legally authorized to provide an educational program beyond secondary education; (d) provides an educational program for which it awards an a certificate, associate, baccalaureate, master's, or doctorate degree, (e) is accredited by a nationally-recognized accrediting agency or association; and (f) executes an agreement with the Alabama Commission on Higher Education to participate in the Alabama National Guard Educational Assistance Program.

(7) Eligible Student: An eligible student is an applicant who completes an application for an Alabama National Guard Educational Assistance Program application, and

(a) Is classified as a student enrolled in an a certificate, associate, baccalaureate, master's, or doctorate degree program;

(b) Is a resident of the State of Alabama, as defined in .02(2);

(c) Is making satisfactory academic progress as determined by the eligible institution;

(d) Is at least seventeen years of age;

(e) Is an active member in good standing with the Alabama National Guard;

(f) Is an active member of a federally recognized unit of the Alabama National Guard;

(g) Has completed basic training and ~~advanced individual training~~, unless excluded from this requirement by military regulations;

(h) Is enrolled in an accredited college, university, community college, or technical college within the State of Alabama; and

(i) Is not receiving 100% of covered expenses from federal veterans' educational benefits available to members of the National Guard during the term(s) ANGEAP payments are received.

(j) Has completed a Free Application for Federal Student Aid (FAFSA).

(k) Is maintaining at least a 2.0 cumulative grade point average at the end of each term or semester;

(l) Is in pursuit of his/her first undergraduate or graduate degree. Students may continue to receive ANGEAP if they obtain an associate degree and then transfer to a senior institution in order to complete a baccalaureate degree. ANGEAP will not pay for multiple degrees at the same degree award level (i.e. certificate, associate degree, baccalaureate degree, master's degree or doctoral degree).

(8) False Statement or Misrepresentation: Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such false statement or misrepresentation knowing the same to be false, for the purpose of enabling an individual or institution to obtain monies wrongfully under this program, shall be guilty of a Class A misdemeanor, and upon conviction thereof, shall be subject to a fine or to imprisonment, or to both, as such misdemeanor is defined in Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. 11, p. 812).

(9) Graduate Student: A graduate student is defined as a person who has already earned a baccalaureate degree and is enrolled in a master's or doctorate degree program at an eligible institution as defined in .02(6).

(10) Refund Policies and Procedures:

(a) If a student transfers, withdraws, or becomes ineligible for an educational grant during the academic term of the award year, the institutional-financial aid administrator will not disburse Alabama National Guard Educational Assistance Program grant funds to the student.

(b) If a student withdraws from school or reduces his/her course-load after receiving Alabama National Guard Educational Assistance Program grant funds, but before the end of the academic term, and is not entitled to a refund in accordance with the institution's refund policy, the Alabama National Guard Educational Assistance Program will not require a refund of any portion of the grant award which was utilized by the student toward payment of the institution's net charges to the student for the period of actual attendance. However, if the grant award payment to the student exceeds the amount of the educational cost to the student, the institution must return to the Alabama National Guard Educational Assistance Program the refund amount and the institution must maintain with the student's records documentation listing (a) the date the

student withdrew, and (b) the net institutional charges to the student for the period of the student's attendance, (c) the amount of the student's grant award, and (d) the amount of refund due the Alabama National Guard Educational Assistance Program.

(c) In the event the individual's service in the Alabama National Guard is terminated or his service becomes unsatisfactory while receiving or for four (4) years after receiving the benefits afforded by this program the benefits will be terminated and repaid by the individual on a pro rata basis. If the individual's National Guard service is terminated because of military medical disability, mandatory removal date, or death, the member and heirs are exempt from the repayment provision.

(11) Student Application Procedure: Each Alabama National Guard Educational Assistance Program applicant must submit to the Alabama Commission on Higher Education an application for a grant. Awards will be issued for completed applications submitted to the Alabama Commission on Higher Education by the application deadline date and as long as funds remain available.

(12) Tuition: Tuition is defined as the per semester cost of instruction and fees to the student as stated in the institution's catalog, plus the average cost of books and supplies, to a minimum of one hundred dollars (\$100) per semester, and not to exceed one thousand dollars (\$1,000) per semester after all federal benefits have been applied to the account of the student, for a total amount not exceeding two thousand dollars (\$2,000) annually not to exceed the average cost of tuition per semester of a state-supported Alabama four year institution for classes or courses that count towards the individual's degree or certificate plan as designed and approved by the college or institution attended for the individual's declared program of study, less any Alabama Student Grant Program proceeds for which the student may be eligible and after all federal benefits have been applied to the account of the student. The average tuition amount per semester will be determined by the Alabama Commission on Higher Education based on its Tuition and Fee Report.

(13) Undergraduate Student: An undergraduate student is defined as a person who is in attendance at an accredited Alabama postsecondary educational institution and who has not earned a baccalaureate degree. A student who is enrolled in a program of study designed to extend for more than four academic years shall not be considered an undergraduate student in that portion of the program that involves study beyond the fourth academic year, unless the program leads to a first degree and is designed to extend for a period of five academic years.

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §§31-10-1, et seq.

History: Filed August 28, 1984. **Amended:** Filed November 6, 1985; July 15, 1986. **Amended:** Filed August 18, 2014; effective September 22, 2014. **Amended:** Filed June 18, 2015; effective September 27, 2015. **Amended:** Filed: October 5, 2017; effective: