

ALABAMA COMMISSION ON HIGHER EDUCATION
ADMINISTRATIVE CODE
STUDENT ASSISTANCE

CHAPTER 300-4-4
ALABAMA NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

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300-4-4-.01 Organization.

(1) It is the responsibility of the Alabama Commission on Higher Education to establish rules and regulations for the administration and implementation of the Alabama National Guard Educational Assistance Program (ANGEAP). The Alabama National Guard Educational Assistance Program is administered in accordance with the policies and procedures established by the Alabama Commission on Higher Education.

(2) The Alabama Commission on Higher Education appoints such staff as are necessary to ensure efficient operation of the program and is the final authority in determining eligible program applicants.

(3) The Adjutant General of the State of Alabama serves as an advisor to the Alabama Commission on Higher Education for the purpose of determining the eligibility of members of the Alabama National Guard to receive benefits through the ANGEAP.

Author:

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

History: Filed August 28, 1984.

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:** 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. 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 to the student to defray direct educational-related expenses: tuition, mandatory 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 (\$2000) annually, less any Alabama Student Grant Program proceeds for which the student may be eligible. 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 associate, baccalaureate, master's, or doctorate degree in an accredited institution of higher learning, technical college, 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 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 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 a 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).

(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, 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 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.

(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

August 24, 2015; effective September 28, 2015.

300-4-4-.03 **Audit.** The Alabama Military Department and each eligible institution receiving grants on behalf of any student shall be subject to examination at any time by ACHE, the Examiner of Public Accounts, or the State Auditor, for the purpose of determining whether such agency or institution has complied with the rules, regulations, and procedures of the Alabama National Guard Educational Assistance Program. If the Alabama Military Department or an institution certifies an ineligible student for an Alabama National Guard Educational Assistance Program award, the amount of the grant paid pursuant to such certification shall be refunded by the Alabama Military Department or the institution, as appropriate, to the Alabama National Guard Educational Assistance Program.

Author:

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

History: Filed August 28, 1984.

300-4-4-.04 **Awarding Procedures.** The following procedures shall be the method used by the Alabama Commission on Higher Education for making available Alabama National Guard Educational

Assistance Program awards to eligible students at eligible institutions:

(a) Applications may be obtained from eligible institutions, the Alabama Military Department, and from the Alabama Commission on Higher Education.

(b) Applications shall be completed by student applicants. All information requested on the Alabama National Guard Educational Assistance Program Application must be completed and the form mailed or delivered to the Alabama National Guard Educational Assistance Program office. Applications will not receive consideration for grant payment if received in the Alabama National Guard Educational Assistance Program office after September 30 of the academic year for which grant funds are being requested. If all items and information requested on the application form are not completed, the application is invalid and the student is ineligible to receive an Alabama National Guard Educational Assistance Program payment.

1. Each application shall have a preliminary review of the Alabama Military Department and the institution to determine if the application is complete and meets the eligibility criteria for a grant.

2. Each student applicant shall be notified by the Alabama Military Department or the institution, as appropriate, when the application is incomplete and additional information is needed. The Alabama Military Department, the institution or the Alabama Commission on Higher Education, as appropriate, shall notify each student who does not meet all eligibility criteria and is, therefore, ineligible for an Alabama National Guard Educational Assistance Program awards.

(c) All applications which pass the preliminary review for eligibility shall be compared to other appropriate departmental or institutional records. Such records shall be used to verify that each student applicant is an eligible student as defined in section .02 (7).

(d) The Adjutant General of the Alabama National Guard, or his representative, and the institutional financial aid officer shall sign and complete each application of a student determined to be eligible for an Alabama National Guard Educational Assistance Program award.

(e) Each completed application shall be forwarded to the Alabama National Guard Educational Assistance Program Office.

(f) Information received from applicants shall be evaluated by the Alabama National Guard Educational Assistance Program Office.

(1) Incomplete applications received shall be returned to the eligible institution or the student applicant.

(2) Complete applications of eligible students shall be compared with monies available.

(3) All Alabama Student Grant Program proceeds for which the student may be eligible shall be deducted from the tuition figure used for Alabama National Guard Educational Assistance Program purposes.

(4) Awards will be determined on a first-in, first-out basis as long as funds are available and as specified in .02(3).

(g) All awards made by the Alabama National Guard Educational Assistance Program shall be made to individual students enrolled in eligible programs at eligible institutions in the State of Alabama.

(h) Disbursement of all grants shall be made by check to individual students (by name) or individual students (by name) and the institutions in the State of Alabama. The Alabama National Guard Educational Assistance Program shall have checks prepared for eligible awardees.

(1) The Alabama National Guard Educational Assistance Program Office shall prepare vouchers for eligible students for whom funds are available.

(2) The Alabama National Guard Educational Assistance Program Office shall verify that each check is properly prepared.

(3) Checks shall be mailed along with a certification roster to the institutional Financial Aid Officer for issuing to students.

(4) The institution shall issue checks to students and ensure that the institutional official who issues a check signs and dates the roster whenever such check is issued. The completed certification roster shall be returned to the Alabama National Guard Educational Assistance Program Office no later than sixty (60) calendar days after receipt of the certification roster.

(5) All checks which are undeliverable by the institution shall be returned to the Alabama National Guard Educational Assistance Program along with the reason for

cancelling the checks, no later than sixty (60) calendar days after receipt of the checks.

Author: Timothy W. Vick

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

History: Filed August 28, 1984. **Amended:** Filed March 27, 2017; effective May 11, 2017.

300-4-4-.05 Disbursement Of Funds.

(1) The Alabama National Guard Educational Assistance Program shall determine from the completed applications received from all students the sufficiency of funds. Award amounts are restricted 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, nor shall any student receive a grant at more than one approved institution during any one academic term.

(2) The Alabama National Guard Educational Assistance Program shall determine the dollar amount of each grant and shall prepare a voucher each term requesting that the State Comptroller disburse Alabama National Guard Educational Assistance Program funds for eligible students.

(3) The State Comptroller shall prepare a check payable to the student (by name) or to the student (by name) and the approved institution for each eligible grant recipient listed on the award list. Such checks and a certification roster with the amount of grant indicated for each eligible student(s), shall be forwarded to the approved institution for delivery to the student(s).

(a) No later than sixty (60) calendar days after receipt of the grant check(s), the approved institution shall issue the individual check(s) to the eligible student(s) and return the completed certification roster to the Alabama National Guard Educational Assistance Program Office.

(4) If a student whose eligibility for a grant has been certified by an approved institution becomes ineligible for a grant before the expiration of the institutional tuition refund period, the grant funds shall not be delivered to the student, but shall be returned to the Alabama National Guard Educational Assistance Program Office. Funds are considered received by a student when the Alabama National Guard Educational Assistance Program check is delivered to the student.

(5) No person shall be eligible for an Alabama National Guard Educational Assistance Program grant for more than ten (10) years after the date of the first grant payment granted through this program.

Author: Tim Vick

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

History: Filed August 28, 1984. **Amended:** Filed August 18, 2014; effective September 22, 2014. **Amended:** Filed August 24, 2015; effective September 28, 2015.

300-4-4-.06 **Review Procedures.**

(1) The review will enable the reviewer to express an opinion of the administrative controls and the compliance aspects of the Alabama National Guard Educational Assistance Program at the Alabama Military Department or the approved institution.

(2) The primary objectives identified for the reviewer conducting reviews are:

(a) To determine whether the department's or institution's reports present information accurately and in conformity with the Alabama National Guard Educational Assistance Program Regulations, and whether all reports are prepared on a consistent basis from one period to the next;

(b) To determine whether the department or institution has implemented, and is utilizing, reasonable procedures and interval controls for effectively discharging management responsibilities and for adequately protecting the State's interest;

(c) To review departmental or institutional records and report on areas of noncompliance; and

(d) Based upon the review, to provide constructive recommendations to the department or to the institution.

(3) The Alabama Military Department and the institution shall make all records and information relative to the Alabama National Guard Educational Assistance Program available to the reviewer.

(4) A written report shall be provided by the reviewer to the department or the institution and shall include:

(a) Any findings of inaccuracies in departmental or institutional reports;

(b) Any inconsistencies in departmental or institutional reports;

(c) Conclusions regarding the adequacy of administrative controls;

(d) Any areas of noncompliance; and

(e) Recommendations for improvement.

(5) If the department or approved institution does not concur with all items in the written review report, a written appeal should be submitted to the executive director of the Alabama Commission on Higher Education.

(6) When an institutional review reveals sufficient problems pertaining to the Alabama National Guard Educational Assistance Program at an institution, the executive director of the Alabama Commission on Higher Education may:

(a) Impose a temporary suspension of grant payments to the eligible institution;

(b) Suspend the institution from participation in the Alabama National Guard Educational Assistance Program for an indefinite period of time;

(c) Demand payment of any Alabama National Guard Educational Assistance Program funds to a student or repayment of funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or

(d) Refer any problem to the Attorney General of the State of Alabama for appropriate legal action.

(7) A suspended institution may request a hearing by the Alabama Commission on Higher Education. The institution shall be notified in writing of the time and place of such Alabama Commission on Higher Education hearing.

(8) After such hearing, the Alabama Commission on Higher Education shall determine (at an official meeting of the Commission) whether to:

(a) Continue the suspension pending the receipt of any additional information the Commission may require;

- (b) Continue the executive director's suspension subject to limitation or exceptions;
- (c) Revoke or lift the suspension and restore the institution or academic program to full participation as authorized under the regulations;
- (d) Terminate the institution's eligibility for an indefinite period of time;
- (e) Demand payment of any Alabama National Guard Educational Assistance Program funds to a student or repayment of funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or
- (f) Take any other appropriate action the Alabama Commission on Higher Education deems necessary, including referral to the Attorney General of the State of Alabama for appropriate legal action.

Author:

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

History: Filed August 28, 1984.

300-4-4-.07 Maintenance Of Records.

(1) The Alabama Military Department and each eligible institution shall establish and maintain on a current basis adequate records which reflect all transactions with respect to program and fiscal activity as they relate to the administration of the Alabama National Guard Educational Assistance Program.

(2) The academic records for any award period shall be retained for a period of five (5) years following the date of certification on an application, unless a longer retention period is necessitated because of program review or audit resolution problems. In the event an eligible institution closes or otherwise ceases operation and fails to matriculate students, institutional Alabama National Guard Educational Assistance Program records of the approved institution shall be forwarded to the Alabama National Guard Educational Assistance Program Office.

(3) Forms must be used to gather data in a uniform manner from each applicant; such forms shall contain information relative to all eligibility criteria for an Alabama National Guard Educational Assistance Program award.

(4) The executive director of the Alabama Commission on Higher Education, or any of the director's duly authorized representatives, will have access, for the purpose of review and examination, to Alabama National Guard Educational Assistance Program records and supporting documents maintained by the Alabama Military Department or the eligible institution.

(5) The records involved in any claim or expenditure which has been questioned by program review or by state audit must be maintained until resolution of any such review or audit questions.

Author:

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

History: Filed August 28, 1984.