

1 .TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 72 entitled “An act relating to the Vermont National
4 Guard Educational Assistance Program” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. TITLE

8 This act shall be known as the Vermont National Guard Tuition
9 Benefit Act.

10 Sec. 2. 16 V.S.A. § 2857 is added to read:

11 § 2857. VERMONT NATIONAL GUARD TUITION BENEFIT
12 PROGRAM

13 (a) Program creation. The Vermont National Guard Tuition Benefit
14 Program (Program) is created, under which a member of the Vermont National
15 Guard (member) who meets the eligibility requirements in subsection (c) of
16 this section is entitled to take courses tuition free at the following educational
17 institutions:

- 18 (1) the University of Vermont and State Agricultural College (UVM),
19 (2) a Vermont State College,
20 (3) a participating Vermont private postsecondary educational institution
21 that agrees with the Vermont National Guard to participate in the Program

1 under the conditions specified in subsection (b) of this section (eligible private
2 postsecondary institution), or

3 (4) a participating institution or organization offering certificate training
4 or continuing education programs that agrees with the Vermont National
5 Guard to participate in the Program under the conditions specified in
6 subsection (b) of this section (eligible training institution).

7 (b) Tuition benefit.

8 (1) A member attending UVM or a Vermont State College under the
9 Program shall receive a tuition benefit equal to the amount of tuition charged
10 to the member. UVM and the Vermont State Colleges shall not charge tuition
11 under the Program in excess of its applicable resident tuition rate.

12 (2) A member attending an eligible private postsecondary institution
13 under the Program shall receive a tuition benefit equal to the lower of the
14 tuition rate charged by that institution to the member or the resident tuition rate
15 charged by UVM. An eligible private postsecondary institution may charge
16 tuition under the Program in an amount in excess of the amount covered by the
17 tuition benefit, in which case the member shall be responsible for the excess
18 tuition amount.

19 (3) A member attending an eligible training institution under the
20 Program shall receive a tuition benefit equal to the lower of the tuition rate
21 charged by that institution to the member or the resident tuition rate charged by

1 the Vermont Technical College. An eligible training institution may charge
2 tuition under the Program in an amount in excess of the amount covered by the
3 tuition benefit, in which case the member shall be responsible for the excess
4 tuition amount.

5 (4) The tuition benefit provided under the Program shall be paid on
6 behalf of the member by the Corporation, subject to the appropriation of funds
7 by the General Assembly specifically for this purpose.

8 (5) The amount of tuition for a member who attends an educational
9 institution under the Program on less than a full-time basis shall be reduced to
10 reflect the member's course load in a manner determined by the Corporation
11 under subdivision (f)(1) of this section.

12 (6) The tuition benefit shall be conditioned upon the member executing
13 a promissory note obligating the member to repay the member's tuition
14 benefit, in whole or in part, if the member fails to complete the period of
15 Vermont National Guard service required in subsection (d) of this section, or if
16 the member's benefit is terminated pursuant to subdivision (1) of subsection
17 (e) of this section.

18 (c) Eligibility. To be eligible for the Program, an individual, whether a
19 resident or nonresident, shall satisfy all of the following requirements:

20 (1) be an active member of the Vermont National Guard;

21 (2) have successfully completed basic training;

1 (3) be enrolled at UVM, a Vermont State College, or an eligible
2 participating private postsecondary institution in a program that leads to an
3 undergraduate certificate or degree, or be enrolled at an eligible training
4 institution in a program that leads to a certificate or other credential;

5 (4) have not previously earned an undergraduate bachelor's degree;

6 (5) continually demonstrate satisfactory academic progress as
7 determined by criteria established by the Vermont National Guard and the
8 Corporation, in consultation with the educational institution at which the
9 individual is enrolled under the Program;

10 (6) have exhausted any post-September 11, 2001 tuition benefits and
11 other federally funded military tuition assistance; provided, however, that this
12 subdivision shall not apply to Montgomery GI Bill benefits, post-
13 September 11, 2001 educational program housing allowances, federal
14 educational entitlements, National Guard scholarship grants, loans under
15 section 2856 of this title, and other nontuition benefits; and

16 (7) have submitted a statement of good standing to the Corporation
17 signed by the individual's commanding officer within 30 days prior to the
18 beginning of each semester.

19 (d) **Service commitment.** For each full academic year of attendance under
20 the Program, a member shall be required to serve two years in the Vermont
21 National Guard in order to receive the full tuition benefit under the Program.

1 If a member's service with the Vermont National Guard terminates before the
2 member fulfills this two-year service commitment, other than for good cause
3 as determined by the Vermont National Guard, the individual shall reimburse
4 the Corporation a pro rata portion of the tuition paid under the Program
5 pursuant to the terms of an interest-free reimbursement promissory note signed
6 by the individual at the time of entering the Program. For members
7 participating in the Program on a less than a full-time basis, the member's
8 service commitment shall be at the rate of one month of Vermont National
9 Guard service commitment for each credit hour, not to exceed 12 months of
10 service commitment for a single semester.

11 (e)(1) Termination of tuition benefit. The Office of the Vermont Adjutant
12 and Inspector General may terminate the tuition benefit provided an individual
13 under the Program if:

14 (A) the individual's commanding officer revokes the statement of
15 good standing submitted pursuant to subdivision (c)(7) of this section as a
16 result of an investigation or disciplinary action that occurred after the statement
17 of good standing was issued;

18 (B) the individual is dismissed from the educational institution in
19 which the individual is enrolled under the Program for academic or
20 disciplinary reasons; or

1 (C) the individual withdraws without good cause from the
2 educational institution in which the individual is enrolled under the Program.

3 (2) If an individual’s tuition benefit is terminated pursuant to
4 subdivision (1) of this subsection, the individual shall reimburse the
5 Corporation for the tuition paid under the Program, pursuant to the terms of an
6 interest-free reimbursement promissory note signed by the individual at the
7 time of entering the Program, shall be responsible on a pro rata basis for the
8 remaining tuition cost for the current semester or any courses in which the
9 individual is currently enrolled, and shall be ineligible to receive future tuition
10 benefits under the Program.

11 (3) If an individual is dismissed for academic or disciplinary reasons
12 from any postsecondary educational institution before receiving tuition
13 benefits under the Program, the Office of the Adjutant and Inspector General
14 may make a determination regarding the individual’s eligibility to receive
15 tuition benefits under the Program.

16 (f)(1) Adoption of policies, procedures, and guidelines. The Corporation,
17 in consultation with the Office of the Adjutant and Inspector General, shall
18 adopt policies, procedures, and guidelines necessary to implement the
19 provisions of this section, which shall include eligibility, application, and
20 acceptance requirements, pro-ration of service requirements for academic
21 semesters or attendance periods shorter than one year, data sharing guidelines,

1 and the criteria for determining “good cause” as used in subsection (d) and
2 subdivision (e)(1)(C) of this section.

3 (2) Each educational institution participating in the Program shall adopt
4 policies and procedures for the enrollment of members under the Program.
5 These policies and procedures shall be consistent with the policies, procedures,
6 and guidelines adopted by the Corporation under subdivision (1) of this
7 subsection.

8 (g) Reports. On or before November 1 of each year, the President,
9 Chancellor, or equivalent position of each educational institution that
10 participated in the Program during the immediately preceding school year shall
11 report to the Vermont National Guard and the Corporation regarding the
12 number of members enrolled at its institution during that school year who
13 received tuition benefits under the Program and, to the extent available, the
14 courses or program in which the members were enrolled. On or before
15 January 15 of each year, the Vermont National Guard and the Corporation
16 shall report these data and other relevant performance factors to the Governor,
17 the House and Senate Committees on Education, and the House Committee on
18 General, Housing, and Military Affairs. The provisions of 2 V.S.A. § 20(d)
19 (expiration of reports) shall not apply to the reports to be made under this
20 subsection.

1 Sec. 3. REPEAL

2 16 V.S.A. § 2856 (educational assistance; interest free loans) is repealed on
3 July 1, 2020.

4 Sec. 4. TRANSITION

5 (a) The benefits under 16 V.S.A. § 2856, the Vermont National Guard
6 Educational Assistance Program, shall only be available through December 31,
7 2018, except for a member who is, as of that date, pursuing a graduate degree,
8 who may continue to receive a loan under the Program through June 30, 2020,
9 provided that the member continues to satisfy the eligibility requirements of
10 16 V.S.A. § 2857(b).

11 (b) A member of the Vermont National Guard who received a loan on or
12 before January 1, 2019 under 16 V.S.A. § 2856 shall be entitled to the benefits
13 under the Vermont National Guard Tuition Benefit Program if the member
14 satisfies the eligibility criteria under that Program.

15 (c) The Corporation, in consultation with the Office of the Adjutant and
16 Inspector General, shall adopt guidelines for participants transitioning from the
17 Vermont National Guard Educational Assistance Program under 16 V.S.A.
18 § 2856 to the benefits under the Vermont National Guard Tuition Benefit
19 Program.

20 (d) If, on or before July 1, 2020, a loan provided to a Vermont National
21 Guard member under 16 V.S.A. § 2856 has gone into repayment pursuant to

1 the terms of the loan, the member shall repay the loan in accordance with its
2 terms unless and to the extent canceled or forgiven by the Corporation.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on July 1, 2018 and the tuition benefits established
5 under the Vermont National Guard Tuition Benefit Program shall be available
6 to eligible Vermont National Guard members enrolled in institutions under the
7 Program starting on or after January 1, 2019.

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10 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE

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