

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 Educational
9 Assistance Act.

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

11 § 2857. VERMONT NATIONAL GUARD EDUCATIONAL ASSISTANCE
12 PROGRAM

13 (a) The Vermont National Guard Educational Assistance Program
14 (Program) is created, under which a member of the Vermont National Guard
15 (member) who meets the eligibility requirements in subsection (b) of this
16 section is entitled to take courses tuition free at the University of Vermont and
17 State Agricultural College (UVM) or a Vermont State College. A member
18 attending UVM or a Vermont State College under this Program shall be
19 charged the applicable resident tuition rate, regardless of the residency status
20 of the member. In addition, the Program shall provide a scholarship at a
21 participating private postsecondary educational institution up to the applicable

1 resident tuition rate at UVM but in no event greater than the applicable resident
2 tuition rate otherwise charged by the participating private postsecondary
3 educational institution. For purposes of this section, a participating private
4 postsecondary educational institution is a private postsecondary educational
5 institution located in Vermont that agrees with the Vermont National Guard
6 and the Corporation to participate in the Program. The tuition benefit provided
7 under the Program shall be paid on behalf of the member by the Corporation,
8 subject to the appropriation of funds by the General Assembly specifically for
9 this purpose. The amount of tuition for a member who attends an educational
10 institution under the Program on less than a full-time basis shall be reduced to
11 reflect the member’s course load, at the rate of one month of Vermont National
12 Guard service commitment for each credit hour with a maximum of 12 credit
13 hours per semester. The tuition benefit shall be conditioned upon the member
14 executing a promissory note obligating the member to repay the member’s
15 tuition benefit, in whole or in part, if the member fails to complete the period
16 of Vermont National Guard service required in subsection (c) of this section, or
17 if the member’s benefit is terminated pursuant to subdivision (1) of subsection
18 (d) of this section.

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

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

1 (2) have successfully completed basic training;

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

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 in which the
9 individual is enrolled;

10 (6) have exhausted any post-September 11, 2001 tuition benefits and
11 other federally funded military tuition assistance; provided that this subdivision
12 shall not apply to Montgomery GI Bill benefits, post-September 11, 2001
13 educational program housing allowances, federal educational entitlements,
14 National Guard scholarship grants, loans under section 2856 of this title, and
15 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 (c) For each full academic year of attendance under the Program, a member
20 shall be required to serve two years in the Vermont National Guard in order to
21 receive the full tuition benefit under the Program. If a member's service with

1 the Vermont National Guard terminates before fulfilling this two-year service
2 commitment, other than for cause, as determined by the Vermont National
3 Guard, the individual shall reimburse the Corporation a pro rata portion of the
4 tuition paid under the Program pursuant to the terms of an interest-free
5 reimbursement promissory note signed by the individual at the time of entering
6 the Program.

7 (d)(1) The Office of the Vermont Adjutant and Inspector General may
8 terminate the educational assistance provided an individual under the
9 Program if:

10 (A) the individual's commanding officer revokes the statement of
11 good standing submitted pursuant to subdivision (b)(7) of this section as a
12 result of an investigation or disciplinary action that occurred after the statement
13 of good standing was issued;

14 (B) the individual is dismissed from the educational institution in
15 which the individual is enrolled under the Program for academic or
16 disciplinary reasons; or

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

19 (2) If an individual's educational assistance is terminated pursuant to
20 subdivision (1) of this subsection, the individual shall reimburse the
21 Corporation for the tuition paid under the Program, pursuant to the terms of an

1 interest-free reimbursement promissory note signed by the individual at the
2 time of entering the Program, shall be responsible on a pro rata basis for the
3 remaining tuition cost for the current semester or any courses in which the
4 individual is currently enrolled, and shall be ineligible to receive future
5 educational assistance under the Program.

6 (e) If an individual is dismissed for academic or disciplinary reasons from
7 any postsecondary educational institution before receiving tuition benefits
8 under the Program, the Office of the Adjutant and Inspector General may make
9 a determination regarding the individual's eligibility to receive educational
10 assistance under the Program.

11 (f)(1) The Corporation, in consultation with the Office of the Adjutant and
12 Inspector General, shall adopt policies, procedures, and guidelines necessary to
13 implement the provisions of this section, which shall include eligibility,
14 application, and acceptance requirements, data sharing guidelines, and the
15 criteria for determining "cause" as used in subsection (c) of this section and
16 "good cause" as used in subdivision (d)(1)(C) of this section.

17 (2) UVM, the Vermont State Colleges, and participating private
18 postsecondary educational institutions shall adopt policies and procedures for
19 the enrollment of members under the Program. These policies and procedures
20 shall be consistent with the policies, procedures, and guidelines adopted by the
21 Corporation under subdivision (1) of this subsection.

1 (g) On or before November 1 of each year, the President of UVM, the
2 Chancellor of the Vermont State Colleges, and the president or equivalent
3 position of each participating private postsecondary educational institution
4 shall report to the Governor and the House and Senate Committees on
5 Education regarding the number of members enrolled at their institutions
6 during the prior fiscal year who are receiving educational assistance under the
7 Program and, to the extent available, the courses or program in which the
8 members are enrolled. The provisions of 2 V.S.A. § 20(d) (expiration of
9 reports) shall not apply to the reports to be made under this subsection.

10 Sec. 3. REPEAL

11 16 V.S.A. § 2856 (educational assistance; interest free loans) is repealed on
12 July 1, 2019.

13 Sec. 4. TRANSITION

14 (a) A member of the Vermont National Guard who received a loan on or
15 before July 1, 2019 under 16 V.S.A. § 2856 shall be entitled to the benefits
16 under the Vermont National Guard Educational Assistance Program if the
17 member satisfies the eligibility criteria under that Program. The benefits under
18 the Vermont National Guard Educational Assistance Program shall only be
19 available through the fall semester of 2019.

20 (b) The Corporation, in consultation with the Office of the Adjutant and
21 Inspector General, shall adopt guidelines for participants transitioning from the

1 loan program under 16 V.S.A. § 2856 to the benefits under the Vermont
2 National Guard Educational Assistance Program.

3 (c) If a loan provided to a Vermont National Guard member under 16
4 V.S.A. § 2856 is repayable pursuant to the terms of the loan on or after July 1,
5 2019 (the date 16 V.S.A. § 2856 is repealed), the member shall repay the loan
6 in accordance with its terms unless and to the extent canceled or forgiven by
7 the Corporation.

8 Sec. 5. EFFECTIVE DATE

9 This act shall take effect on July 1, 2018 and the tuition benefits established
10 under the Vermont National Guard Educational Assistance Program shall be
11 available to eligible Vermont National Guard members enrolled in institutions
12 under the Program starting on or after January 1, 2019.

13

14

15 (Committee vote: _____)

16

17

Representative _____

18

FOR THE COMMITTEE