

1 S.195

2 Introduced by Senator Westman

3 Referred to Committee on

4 Date:

5 Subject: Education; scholarships; Vermont National Guard

6 Statement of purpose of bill as introduced: This bill proposes to create the  
7 Vermont National Guard Educational Assistance Program to enable members  
8 of the Vermont National Guard to take courses tuition free at the University of  
9 Vermont and State Agricultural College, the Vermont State Colleges, and  
10 participating private postsecondary educational institutions, and to phase out  
11 the interest-free loan educational program currently available to members of  
12 the Vermont National Guard.

13 An act relating to the Vermont National Guard Educational Assistance  
14 Program

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. TITLE

17 This act shall be known as the Vermont National Guard Educational  
18 Assistance Act.

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

2 § 2857. VERMONT NATIONAL GUARD EDUCATIONAL ASSISTANCE  
3 PROGRAM

4 (a) The Vermont National Guard Educational Assistance Program  
5 (Program) is created, under which a member of the Vermont National Guard  
6 (member) who meets the eligibility requirements in subsection (b) of this  
7 section is entitled to take courses tuition free at the University of Vermont and  
8 State Agricultural College (UVM) or a Vermont State College. A member  
9 attending UVM or a Vermont State College under this Program shall be  
10 charged the applicable resident tuition rate, regardless of the residency status  
11 of the member. In addition, the Program shall provide a scholarship at a  
12 participating private postsecondary educational institution up to the applicable  
13 resident tuition rate at UVM but in no event greater than the applicable resident  
14 tuition rate otherwise charged by the participating private postsecondary  
15 educational institution. For purposes of this section, a participating private  
16 postsecondary educational institution is a private postsecondary educational  
17 institution located in Vermont that agrees with the Vermont National Guard  
18 and the Corporation to participate in the Program. The tuition benefit provided  
19 under the Program shall be paid on behalf of the member by the Corporation,  
20 subject to the appropriation of funds by the General Assembly specifically for  
21 this purpose. The amount of tuition for a member who attends an educational

1 institution under the Program on less than a full-time basis shall be reduced to  
2 reflect the member's course load, at the rate of one month of Vermont National  
3 Guard service commitment for each credit hour with a maximum of 12 credit  
4 hours per semester. The tuition benefit shall be conditioned upon the  
5 member's executing a promissory note obligating the member to repay the  
6 member's tuition benefit, in whole or in part, if the member fails to complete  
7 the period of Vermont National Guard service required in subsection (c) of this  
8 section, or if the member's benefit is terminated pursuant to subdivision (d)(1)  
9 of this section.

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

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

13 (2) have successfully completed basic training;

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

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

18 (5) continually demonstrate satisfactory academic progress as  
19 determined by criteria established by the Vermont National Guard and the  
20 Corporation, in consultation with the educational institution in which the  
21 individual is enrolled;

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

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

10          (c) For each full academic year of attendance under the Program, a member  
11          shall be required to serve two years in the Vermont National Guard in order to  
12          receive the full tuition benefit under the Program. If a member's service with  
13          the Vermont National Guard terminates before fulfilling this two-year service  
14          commitment, other than for cause, as determined by the Vermont National  
15          Guard, the individual shall reimburse the Corporation a pro rata portion of the  
16          tuition paid under the Program pursuant to the terms of an interest-free  
17          reimbursement promissory note signed by the individual at the time of entering  
18          the Program.

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

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

5           (B) the individual is dismissed from the educational institution in  
6           which the individual is enrolled under the Program for academic or  
7           disciplinary reasons; or

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

10           (2) If an individual's educational assistance is terminated pursuant to  
11           subdivision (1) of this subsection, the individual shall reimburse the  
12           Corporation for the tuition paid under the Program, pursuant to the terms of an  
13           interest-free reimbursement promissory note signed by the individual at the  
14           time of entering the Program, shall be responsible on a pro rata basis for the  
15           remaining tuition cost for the current semester or any courses in which the  
16           individual is currently enrolled, and shall be ineligible to receive future  
17           educational assistance under the Program.

18           (e) If an individual is dismissed for academic or disciplinary reasons from  
19           any postsecondary educational institution before receiving tuition benefits  
20           under the Program, the Office of the Adjutant and Inspector General may make

1 a determination regarding the individual's eligibility to receive educational  
2 assistance under the Program.

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

9 (2) UVM, the Vermont State Colleges, and participating private  
10 postsecondary educational institutions shall adopt policies and procedures for  
11 the enrollment of members under the Program. These policies and procedures  
12 shall be consistent with the policies, procedures, and guidelines adopted by the  
13 Corporation under subdivision (1) of this subsection.

14 (g) On or before November 1 of each year, the President of UVM, the  
15 Chancellor of the Vermont State Colleges, and the president or equivalent  
16 position of each participating private postsecondary educational institution  
17 shall report to the Governor and the House and Senate Committees on  
18 Education regarding the number of members enrolled at their institutions  
19 during the prior fiscal year who are receiving educational assistance under the  
20 Program and, to the extent available, the courses or program in which the

1 members are enrolled. The provisions of 2 V.S.A. § 20(d) (expiration of  
2 reports) shall not apply to the reports to be made under this subsection.

3 Sec. 3. REPEAL

4 16 V.S.A. § 2856 (educational assistance; interest free loans) is repealed on  
5 July 1, 2019.

6 Sec. 4. TRANSITION

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

13 (b) The Corporation, in consultation with the Office of the Adjutant and  
14 Inspector General, shall adopt guidelines for participants transitioning from the  
15 loan program under 16 V.S.A. § 2856 to the benefits under the Vermont  
16 National Guard Educational Assistance Program.

17 (c) If a loan provided to a Vermont National Guard member under  
18 16 V.S.A. § 2856 is repayable pursuant to the terms of the loan on or after  
19 July 1, 2019 (the date 16 V.S.A. § 2856 is repealed), the member shall repay  
20 the loan in accordance with its terms unless and to the extent canceled or  
21 forgiven by the Corporation.

1       Sec. 5. EFFECTIVE DATE

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