

1 § 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

2 (a) Program creation. The Vermont National Guard Tuition Benefit
3 Program (Program) is created, under which a member of the Vermont National
4 Guard (member) who meets the eligibility requirements in subsection (c) of
5 this section is entitled to the following tuition benefit for up to full-time
6 attendance:

7 (1) For courses at any Vermont State College institution or the
8 University of Vermont and State Agricultural College (UVM), the benefit shall
9 be the in-state residence tuition rate for the relevant institution.

10 (2) For courses at any eligible Vermont private postsecondary
11 institution, the benefit shall be the in-state tuition rate charged by UVM.

12 (3) For courses at an eligible training institution offering nondegree,
13 certificate training, or continuing education programs, the benefit shall be the
14 lower of the institution's standard tuition or the in-state tuition rate charged by
15 UVM.

16 (4) For courses at a non-Vermont approved postsecondary education
17 institution approved for federal Title IV funding where the degree program is
18 not available in Vermont, the benefit shall be the in-state tuition rate charged
19 by UVM.

20 (b) Tuition benefit.

1 (1) The tuition benefit provided under the Program shall be paid on
2 behalf of the member by the Vermont Student Assistance Corporation
3 (VSAC), subject to the appropriation of funds by the General Assembly
4 specifically for this purpose. An eligible Vermont postsecondary institution
5 that accepts or receives the tuition benefit on behalf of a member shall charge
6 the member the tuition rate for an in-state student. The amount of tuition for a
7 member who attends an educational institution under the Program on less than
8 a full-time basis shall be reduced to reflect the member's course load in a
9 manner determined by VSAC under subdivision (f)(1) of this section.

10 (2) The tuition benefit shall be conditioned upon the member's
11 executing a promissory note obligating the member to repay the member's
12 tuition benefit, in whole or in part, if the member fails to complete the period
13 of Vermont National Guard service required in subsection (d) of this section,
14 or if the member's benefit is terminated pursuant to subdivision (e)(1) of this
15 section. If the member is pursuing a graduate degree under the Program, the
16 member shall agree in the promissory note to be, upon receipt of the graduate
17 degree and until the individual's service commitment under subsection (d) of
18 this section is satisfied, employed full time in Vermont or, if unemployed, to
19 be actively seeking full-time employment in Vermont.

20 (c) Eligibility.

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

3 (A) be an active member of the Vermont National Guard;

4 (B) have successfully completed basic training;

5 (C) be enrolled

6 (i) at UVM, a Vermont State College, or any other college or
7 university located in Vermont in a program that leads to an undergraduate
8 certificate ~~or, an undergraduate degree, or a graduate degree; or~~

9 (ii) at an eligible training institution in a program that leads to a
10 certificate or other credential recognized by VSAC;

11 (D) ~~have not previously earned an undergraduate bachelor's degree;~~
12 [Repealed.]

13 (E) continually demonstrate satisfactory academic progress as
14 determined by criteria established by the Vermont National Guard and VSAC,
15 in consultation with the educational institution at which the individual is
16 enrolled under the Program;

17 (F) have used available post-September 11, 2001 tuition benefits and
18 other federally funded military tuition assistance; provided, however, that this
19 subdivision shall not apply to:

1 (i) tuition benefits and other federally funded military tuition
2 assistance for which the individual has not yet earned the full amount of the
3 benefit or tuition;

4 (ii) Montgomery GI Bill benefits;

5 (iii) post-September 11, 2001 educational program housing
6 allowances;

7 (iv) federal educational entitlements;

8 (v) National Guard scholarship grants;

9 (vi) loans under section 2856 of this title; and

10 (vii) other nontuition benefits; and

11 (G) have submitted a statement of good standing to VSAC signed by
12 the individual's commanding officer within 30 days prior to the beginning of
13 each semester.

14 (2) An individual may receive more than one undergraduate certificate,
15 undergraduate degree, graduate degree, or other credential recognized by
16 VSAC under the Program, provided that the cost of all certificates, degrees,
17 and credentials received by the individual under the Program does not exceed
18 an amount equal to twice the full-time in-state tuition rate charged by UVM for
19 completion of an undergraduate baccalaureate degree.

20 (d) Service commitment.

1 (1) For each full academic year of attendance under the Program, a
2 member shall be required to serve two years in the Vermont National Guard in
3 order to receive the full tuition benefit under the Program.

4 (2) If a member's service with the Vermont National Guard terminates
5 before the member fulfills this two-year service commitment, other than for
6 good cause as determined by the Vermont National Guard, the individual shall
7 reimburse VSAC a pro rata portion of the tuition paid under the Program
8 pursuant to the terms of an interest-free reimbursement promissory note signed
9 by the individual at the time of entering the Program.

10 (3) For members participating in the Program on a less than full-time
11 basis, the member's service commitment shall be at the rate of one month of
12 Vermont National Guard service commitment for each credit hour, not to
13 exceed 12 months of service commitment for a single semester.

14 (e) Termination of tuition benefit.

15 (1) The Office of the Vermont Adjutant and Inspector General may
16 terminate the tuition benefit provided an individual under the Program if:

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

1 (B) the individual is dismissed from the educational institution in
2 which the individual is enrolled under the Program for academic or
3 disciplinary reasons; or

4 (C) the individual withdraws without good cause from the
5 educational institution in which the individual is enrolled under the Program;
6 or

7 (D) the individual has earned a graduate degree under the Program
8 and fails to satisfy the work requirement contained in subdivision (b)(2) of this
9 section.

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

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

1 may make a determination regarding the individual's eligibility to receive
2 tuition benefits under the Program.

3 (f) Adoption of policies, procedures, and guidelines.

4 (1) VSAC, in consultation with the Office of the Adjutant and Inspector
5 General, shall adopt policies, procedures, and guidelines necessary to
6 implement the provisions of this section, which shall include eligibility,
7 application, and acceptance requirements, proration of service requirements for
8 academic semesters or attendance periods shorter than one year, data sharing
9 guidelines, and the criteria for determining "good cause" as used in
10 subdivisions (d)(2) and (e)(1)(C) of this section.

11 (2) Each educational institution participating in the Program shall adopt
12 policies and procedures for the enrollment of members under the Program.
13 These policies and procedures shall be consistent with the policies, procedures,
14 and guidelines adopted by VSAC under subdivision (1) of this subsection.

15 (g) Reports.

16 (1) On or before November 1 of each year, the President, Chancellor, or
17 equivalent position of each educational institution that participated in the
18 Program during the immediately preceding school year shall report to the
19 Vermont National Guard and VSAC regarding the number of members
20 enrolled at its institution during that school year who received tuition benefits

1 under the Program and, to the extent available, the courses or program in
2 which the members were enrolled.

3 (2) On or before January 15 of each year, the Vermont National Guard
4 and VSAC shall report these data and other relevant performance factors,
5 including information pertaining to the achievement of the goals of this
6 entitlement program and the costs of the Program to date, to the Governor, the
7 House and Senate Committees on Education, and the House Committees on
8 Appropriations and on General, Housing, and Military Affairs. The provisions
9 of 2 V.S.A. § 20(d), expiration of reports, shall not apply to the reports to be
10 made under this subsection.