

106 KAR 3:010. Kentucky National Guard Tuition Award Program.

RELATES TO: KRS 164.001(7), 164.516, 164.5161, 164.5165, 164.5169, 10 U.S.C. 1606, 20 U.S.C. 1070a, 38 U.S.C. 30, 32

STATUTORY AUTHORITY: KRS 164.5161, 164.5165

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.5161(2) authorizes the Kentucky National Guard Tuition Award Program. 164.5161(4) requires the Department of Military Affairs to promulgate an administrative regulation to establish eligibility requirements for participation in the Kentucky National Guard Tuition Award Program. This administrative regulation establishes eligibility requirements for participation in the Kentucky National Guard Tuition Award Program.

Section 1. Definitions. (1) "Award period" means the division of the year established by the educational institution, such as a quarter, semester, trimester, summer session, or other academic term.

(2) "Education office" means the Kentucky National Guard Education Office.

(3) "Educational institution" is defined by KRS 164.5161(1).

(4) "Kentucky National Guard" is defined by KRS 164.516(2).

(5) "Member" is defined by KRS 164.516(3).

(6) "Participant" means a member whose application for tuition under the Kentucky National Guard Tuition Award Program has been approved and for whom funds have been disbursed by the Kentucky Higher Education Assistance Authority to the appropriate educational institution.

(7) "Program" means the Kentucky National Guard Tuition Award Program established by KRS 164.516, 164.5161, 164.5165, and 164.5169.

(8) "Satisfactory membership" means the member has:

(a) Not failed the most recent physical fitness test;

(b) Met the height-weight standard;

(c) Met attendance standards for the past twelve (12) months from the date of application, to include no:

1. Unsatisfactory performance; and

2. Absences without leave; and

(d) No restrictions on the member's personnel file that prevent positive personnel actions.

(9) "Simultaneous membership participant" or "SMP" means a person who is simultaneously:

(a) Enrolled in the Reserve Officer Training Corps; and

(b) A member of the Kentucky National Guard.

(10) "Undergraduate degree" means:

(a) A bachelor's degree; or

(b) An associate degree for completion of a course of study in a technical field, such as but not limited to registered nurse, dental hygienist, physical therapy assistant, engineering technology, or business technology.

Section 2. Eligibility. (1) A member shall not be eligible for a tuition award if the member has failed to meet the minimum requirements for satisfactory membership in the Kentucky National Guard.

(2)(a) Except as established in paragraph (b) of this subsection, a member shall be eligible for a tuition award for an award period that will end before the expiration of the member's term of service.

(b) A member shall be eligible for a tuition award for an award period that will end after the expiration of the member's term of service if the member has submitted a signed Kentucky National Guard Tuition Award Program Application and states the member's intent to extend the member's term of service beyond the end of the award period.

(3) Unless the member is a simultaneous membership participant, a member who has not completed basic training shall not be eligible for the program.

(4) Beginning with the 2016-2017 academic year, a participating member's eligibility for the Kentucky National Guard Tuition Award Program shall expire if the:

(a) Member has completed a Bachelor's degree; or

(b) Aggregate of program funds disbursed on behalf of the member meets the lifetime benefit established in this paragraph based on the education institution in which the member is enrolled for the most recent award period.

1. The lifetime benefit shall be:

a. \$20,000 at an institution within the Kentucky Community and Technical College System;

b. \$40,000 at a Kentucky private postsecondary educational institution;

c. \$40,000 at a Kentucky four (4) year public "comprehensive university" as defined by KRS 164.001(7); or

d. \$50,000 at a Kentucky four (4) year public research institution, which shall be either the University of Louisville or the University of Kentucky.

2. Beginning after the 2016-2017 academic year, the limit for each type of institution established in subparagraph 1. of this paragraph shall be increased annually by five (5) percent to allow for tuition increases.

Section 3: Loss of Eligibility. (1) A participant shall not be eligible to reapply for a tuition award if:

(a) The educational institution for which the participant received a tuition award has determined that the participant has been:

1. Placed on academic suspension; or

2. Expelled for a violation of the educational institution's policies or regulations; or

(b) The participant has failed to meet the minimum requirements for satisfactory membership in the Kentucky National Guard.

(2) A member who has been determined to be ineligible pursuant to subsection (1) of this section shall remain ineligible to reapply for a tuition award until:

(a) The educational institution permits the member's reenrollment; and

(b) The member meets the minimum requirements for satisfactory membership in the Kentucky National Guard.

Section 4. Priority of Applicants. In the selection of participants, priority shall be:

(1) Given to a member who has not received a certificate or diploma from a vocational education program; and

(2) Determined by date of receipt of application at the education office.

Section 5. Application. (1) An application for a tuition award shall be submitted for each award period.

(2) Except for fall 1996, an application shall be filed on or before:

(a) April 1, for an award period beginning:

1. May through July; and

2. August through December; and

(b) October 1, for an award period beginning January through April.

- (3) The member shall:
 - (a) Complete a Kentucky National Guard Tuition Award Program Application for the educational institution the member plans to attend; and
 - (b) Forward the completed form to the member's unit commander.
- (4) A unit commander shall:
 - (a) Verify an applicant's eligibility; and
 - (b) Transmit the application and verification of eligibility to the education office.
- (5) The education services officer shall:
 - (a) Review the application;
 - (b) Determine the priority of the application as established in Section 4 of this administrative regulation;
 - (c) Assign a control number to each application;
 - (d) Mail a written notification to the applicant stating:
 - 1. That the application has been approved, or disapproved; and
 - 2. If disapproved, the reasons therefore; and
 - (e) Transmit a copy of the Kentucky National Guard Tuition Award Roster to the appropriate educational institution.
- (6) The Kentucky National Guard Tuition Award Roster shall contain:
 - (a) Name and federal I.D. code of educational institution;
 - (b) Names of approved applicants;
 - (c) Social Security number of each applicant;
 - (d) The amount of the tuition award granted each applicant;
 - (e) Control number for each applicant;
 - (f) Date of award roster;
 - (g) Signature and date signed by education services officer;
 - (h) Educational institution certification statement, signature, and date signed;
 - (i) Educational institution fund transfer account entry line, if applicable;
 - (j) Adjusted amount of tuition entry line;
 - (k) Period of enrollment for each roster;
 - (l) Academic year;
 - (m) Total number of eligible students; and
 - (n) Total amount of awards.
- (7) The education officer shall request the educational institution to:
 - (a) Verify enrollment; and
 - (b) State in the adjusted amount entry line the exact amount of tuition charged the participant.

Section 6. Funds shall be appropriated pursuant to 11 KAR 13:010.

Section 7. Tuition Award Period. (1) A tuition award shall be granted for an award period.

(2)(a) A participant's award shall not exceed the amount of the tuition charged by the educational institution minus the amount received by the applicant that is restricted to the payment of tuition from:

- 1. A government agency;
- 2. An educational institution;
- 3. Charity;
- 4. Public educational trust; or
- 5. Any other entity.

(b) The provisions of paragraph (a) of this subsection shall not apply to an amount received

by an applicant:

1. Pursuant to 10 U.S.C. 1606 (Montgomery G.I. Bill, Reserve Components);
2. Pursuant to 38 U.S.C. 30 (New G.I. Bill, Active Duty);
3. Pursuant to 38 U.S.C. 32 (G.I. Bill, Vietnam Era);
4. Pursuant to 20 U.S.C. 1070a (Federal Pell Grant Program);
5. From a loan obtained by an applicant; and
6. From scholarships that are not restricted to the payment of tuition.

Section 8. Appeals. A member whose application has been disapproved, or whose application has been approved for an amount disputed by the member, may request reconsideration, in writing with supporting documents, through command channels to the Adjutant General.

Section 9. Incorporation by Reference. (1) The following forms are incorporated by reference:

(a) "Kentucky National Guard Tuition Award Program, Application AGO KyForm 18-7", 15 August 1996; and

(b) "Kentucky National Guard Tuition Award Roster AGO KyForm 18-9", 1 August 1996.

(2)(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky National Guard Education Services Office, Vets Building, Boone National Guard Center, Frankfort Kentucky 40601-6168, Monday through Friday, 7:30 a.m. to 5 p.m.

(b) The office may be closed on alternate Mondays due to being under an adjusted work schedule. It is suggested that a call be made to the office to determine actual work hours, (502) 607-1039 or (502) 607-1307. (23 Ky.R. 2896; eff. 3-6-1997, 42 Ky.R. 814; 1455; eff. 12-4-2015.)