



**ARKANSAS DEPARTMENT OF THE MILITARY
OFFICE OF THE ADJUTANT GENERAL
CAMP JOSEPH T. ROBINSON
NORTH LITTLE ROCK, ARKANSAS 72199-9600**

ASA HUTCHINSON
GOVERNOR

KENDALL W. PENN
MAJOR GENERAL
THE ADJUTANT GENERAL

August 23, 2019

Rusty Jackson
Administrative Rules Coordinator
Office of the Arkansas Secretary of State
State Capitol
Little Rock, AR 72201 BY EMAIL TO: register@sos.arkansas.gov

Dear Mr. Jackson:

Attached please find the Arkansas Department of the Military's rule filing of a proposed amendment to our rule implementing the Arkansas National Guard Tuition Waiver Program.

Please contact me if you have any questions or need additional information. My email is bilenda.n.harris-ritter.nfg@mail.mil and my office phone is (501)212-5083.

Very Respectfully,

A handwritten signature in blue ink that reads "Bilenda Harris-Ritter".

Bilenda Harris-Ritter
State Attorney
Arkansas Military Department
Arkansas Army National Guard
Office of the Staff Judge Advocate
Box 29, Building 7300
Camp Joseph T. Robinson
North Little Rock, AR 72199-9600
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ATTACHMENT

Rule Notice (To be published September 2, 3 and 4, 2019)

Summary of Proposed Rule

Proposed Rule- Markup

Proposed Rule- Clean Copy

Financial Impact Statement

SUMMARY OF PROPOSED RULE
Arkansas National Guard Tuition Waiver Program

This regulation implements Act 471 of the 91st General Assembly, Act 535 of the 92nd General Assembly and establishes rules for the eligibility of Guardsmen; defines the purpose of the Arkansas National Guard Tuition Waiver Program; defines necessary responsibilities of the program; and sets forth entitlement criteria. This amendment adds that the cost of mandatory fees charged by an institution of higher education that the soldier or airman is attending may be paid for with available funds allocated by the Department of Higher Education for the tuition-free program. Payment of mandatory fees, if any, will not exceed the actual cost of mandatory fees.

Arkansas National Guard
NGAR Regulation 621-203

Education

**ARKANSAS
NATIONAL
GUARD TUITION
WAIVER
PROGRAM**

Military Department of Arkansas
Office of the Adjutant General
Camp Joseph T. Robinson
North Little Rock, Arkansas 72199-9600
01 August ~~January~~ 2017 2020

UNCLASSIFIED

Deputy Chief of Staff, Personnel
Arkansas National Guard
Camp Joseph T. Robinson
North Little Rock, AR 72199-9600
01 August 2017

Arkansas NGAR Regulation 621-203

Effective 01 ~~August 2017~~ January 2019

Education

ARKANSAS NATIONAL GUARD TUITION WAIVER PROGRAM

OFFICIAL:

~~Kendall W. Penn~~ MARK H. BERRY

Major General
The Adjutant General

Summary. This regulation implements Act 471 of the 91st General Assembly, Act 535 of the 92nd General Assembly, and establishes rules for the eligibility of Guardsmen; defines the purpose of the Arkansas National Guard Tuition Waiver Program; defines necessary responsibilities of the program; and sets forth entitlement criteria.

Applicability. This regulation applies to all active members of the Arkansas Army and Air National Guard as defined in Arkansas Code Title 6, Chapter 60, Subchapter 2.

General. In this regulation, the words "Guardman" and "Guardsmen" are intended to include both masculine and feminine gender unless specifically stated otherwise.

Distribution. This publication is available for both Arkansas Army and Air National Guard, Arkansas Department of Higher Education, all in-state accredited institutions of higher education, and the general public.

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Chapter 1
General

1-1. Purpose

This regulation establishes policy, procedure, and eligibility requirements for administration of the Arkansas National Guard Tuition Waiver Program (NGTW).

1-2. Entitlements

The NGTW, as established by Act 471, as amended by Act 535, and located in Arkansas Code § 6-61-112, allows all eligible Guardsmen (see Chapter 2) to attend a state-supported institution of higher education tuition-free. This benefit will waive tuition for a maximum of 120 semester credit hours. The NGTW can only be used to obtain an undergraduate degree, up to a bachelor's, and cannot be used by Guardsmen who have previously been awarded a bachelor's degree. The cost of a Guardsmen's mandatory fees charged by an institution of higher education that the soldier or airman is attending may be paid for with available funds allocated by the Department of Higher Education for the tuition-free program. Payment of mandatory fees, if any, will not exceed actual cost of mandatory fees.

1-3. Policy

In an effort to improve necessary strength and readiness levels in the Arkansas National Guard, the NGTW is authorized under state law as a benefit for qualifying Guardsmen and is based on eligibility criteria detailed in Act 471, as amended by Act 535, this regulation, and by the Arkansas Department of Higher Education (ADHE).

1-4. Responsibilities

- a. ~~The Arkansas Department of Higher Education (ADHE)~~ is responsible for:
- (1) Coordinating with the Arkansas National Guard regarding regulation changes or modifications.
 - (2) Administering receipt and disbursement of funds to the institutions and maintaining fiscal records of the NGTW.
 - (3) Approving or denying applications and submitting results to the Arkansas National Guard Education Services Office (ESO), the institution, and the Guardsman.
- b. The Institution of Higher Education is responsible for:
- (1) The Institution's NGTW Representative will serve as the liaison between the respective Institution, the ESO, and ADHE.
 - (2) Verifying the Guardsman is considered by the institution to be in "Good Standing," is enrolled in a program of study that leads to an undergraduate degree, does not already possess a bachelor's degree, has submitted the Free Application for Federal Student Aid (FAFSA) and the Arkansas YOUiversal Financial Aid Application.
 - (3) Providing to ADHE all hours and dollars waived at the conclusion of each semester.
 - (4) Informing ADHE if the Guardsman's academic status changes.
 - (5) Defining "mandatory fees."
 - (4)(5) Determining the amount of funds available and the allocation method to pay mandatory fees.
- c. The Adjutant General (TAG) is responsible for:
- (1) Coordinating with the ADHE in promulgating rules for the implementation of the NGTW, including without limitation rules for the eligibility of Guardsmen.
 - (2) Making final decision regarding recoupment of all benefits paid on the Guardsman's behalf for reasons including, but not limited to absence without leave (AWOL), substance abuse violations, or any other serious misconduct (see Paragraph 3-6).
- d. The Arkansas Army National Guard Education Services Office (ESO) is responsible for:
- (1) Coordinating policy changes with the ADHE.
 - (2) Monitoring and verifying eligibility status of participating Guardsmen for the Arkansas Army National Guard.
 - (3) Maintaining records/database and serving as point-of-contact for verification and discrepancies for institutions and ADHE.
 - (4) Coordinating with ADHE, the institution, and the Guardsman to resolve any Exception to Policy (ETP) requests or grievances.
 - (4)(5) Educating Guardsmen on the process established by ADHE regarding mandatory fees.
- e. The Arkansas Air National Guard Representative(s) is responsible for:
- (1) Working directly with the ESO in executing and administering NGTW for the Air National Guard.

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~~(4)(2)~~ Maintaining records/database and serving as point-of-contact for verification and discrepancies for institutions and ADHE.

f. The Guardsman is responsible for:

- (1) Meeting and maintaining eligibility criteria (see Chapter 2) and submitting application to the ESO before the deadline date each semester.
- (2) Maintaining eligibility criteria established by the Institution in which they are enrolled, the Arkansas National Guard, and ADHE, and otherwise successfully complete the semester and all hours for which the tuition waiver is awarded.
- (3) If denied for the NGTW, the Guardsman may request an ETP through the ESO if they feel they have extenuating circumstances which were beyond their control or unavoidable. The ETP must be requested within ~~60-30~~ days of denial.
- (4) Remaining in "Good Standing" with the institution in which they attend, as defined by that institution.

Chapter 2 Eligibility

2-1. Eligibility Criteria

- a. The NGTW is available to all Guardsmen currently serving in the Arkansas National Guard and considered at the time of application to meet all eligibility criteria.
- b. Guardsman must be an Arkansas Resident.
- c. Guardsman must have completed Initial Active Duty Training (basic training or credit for a basic course through the Reserve Officers' Training Corps ROTC).
- d. Guardsman must not currently hold a bachelor or higher degree.
- e. Guardsman must be accepted and enrolled in an undergraduate degree producing program at an Arkansas public institution of higher education.
- f. Guardsman must have completed the FAFSA, the Arkansas YouUniversal Financial Aid Application, and applied for grants and scholarships with the institution in which they are enrolled.
- g. Guardsman must be in "Good Standing" with their enrolled institution, as defined by that institution.
- g-h. Guardsmen must remain in "Good Standing" with the ARNG.

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2-2. Arkansas Army National Guard Criteria

- a. Guardsmen must be considered to be in "Good Standing" at the time of application.
- b. The ESO will verify eligibility criteria for all Army Guardsmen.
- c. Guardsmen currently under Suspension of Favorable Action for, but not limited to, AWOLs, substance abuse violations, or any other serious misconduct at the time of application are not eligible for the NGTW.

2-3. Arkansas Air National Guard Criteria

- a. Guardsmen must be considered to be in "Good Standing" at the time of application.
- b. The Air National Guard Representative will verify eligibility criteria for each Air Guardsman through their Unit Commander.
- c. Guardsmen currently under Suspension of Favorable Action for, but not limited to, AWOLs, substance abuse violations, or any other serious misconduct at the time of application are not eligible for the NGTW.

Chapter 3 Administration

3-1. Application Process

- a. Guardsmen wanting to participate will obtain the application and Statement of Understanding through the Arkansas National Guard Education website.

- b. Applications for Army Guardsmen will be routed to the ESQ for verification of eligibility as listed in Paragraph 2-2 above
- c. Applications for Air Guardsmen will be routed to the Air National Guard Representative for verification of eligibility as listed in Paragraph 2-3 above.
- d. Once verified and approved, applications are submitted to the institutions of higher education.

3-2. Submission Deadlines

- a. Applications must be submitted for each semester in which the Guardsman wishes to receive the NGTW.
- b. The NGTW may be applied for all semester and intersession courses.
- c. Applications may be submitted up to 60 days prior to the start of the course, but must be submitted NO LATER THAN 30 days ~~prior to~~ after the start of the course.
- d. Applications received after the deadline date may not be awarded and therefore the Guardsman would be responsible for paying tuition to the institution. An ETP can be requested through the ESQ in writing.

3-3. Authorized Uses

- a. The NGTW will only be awarded for programs leading to an undergraduate degree.
- b. Eligible Guardsman may use the NGTW for a maximum of 120 semester credit hours or until completion of a bachelor's degree
- c. The NGTW will only cover tuition ~~and, subject to the availability of funds, mandatory fees.~~ The Guardsman is responsible for all other costs, such as ~~mandatory fees not covered by the NGTW, additional~~ fees, room and board, textbooks, etc.
- d. The NGTW will not be applied to courses completed in a prior semester.
- e. Guardsmen enrolled in high school and college concurrently are not eligible for the tuition waiver.
- f. The NGTW will not be awarded for programs of study in which the courses are taken exclusively online.

3-4. Continuation of Eligibility

- a. In the event a mobilization or deployment interrupts the enrollment of a Guardsman currently receiving the NGTW the Guardsman will remain eligible for a period of time equal to the semester in which they were enrolled. It is the Guardsman's responsibility to notify the institution, via copies of orders, of mobilization or deployment.
- b. In the event of a non-medical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the Arkansas National Guard, the Guardsman is eligible to receive the NGTW for the semester in which they are enrolled at the date of discharge.
- c. In the event of a medical discharge or medical retirement as a result of illness or injury incurred in the line of duty, as the result of a state or federal activation or a terrorist action as determined by the Governor, the Guardsman is eligible to receive the NGTW from the date of discharge or retirement and either until completion of the degree program in which the Guardsman is enrolled or for five years, whichever comes first.
- d. To maintain eligibility, a Guardsman must not drop more than 6 credit hours during a course of study; however, this does not include dropping classes before the add/drop date. A course of study is defined as the time during which a student is continuously enrolled in pursuit of a credential.

3-5. Termination

- a. If a Guardsman is dismissed from any institution of higher education for academic or disciplinary reasons, or drops a course after the drop/add date, the Guardsman may be ineligible for the NGTW and may be responsible for paying the institution directly for the semester in which the benefit was received
- b. If a Guardsman's service in the Arkansas National Guard is terminated, or becomes unsatisfactory, the Guardsman will be ineligible for the NGTW and subject to recoupmnt for the semester in which the Guardsman became ineligible.

3-6. Recoupment

- a. Recoupment of NGTW is required from Guardsmen for the following reasons:
 - (1) Fraud or misrepresentation of the application.
 - (2) Failure on the part of the Guardsman to complete the semester for which the benefit was awarded.
 - (3) Failure to maintain eligibility status with the Arkansas National Guard for the entire semester in which the NGTW was awarded.

b. Recoupment may be collected by the respective institution in which the Guardsman is enrolled or by the ADHE if funds were already paid on the Guardsman's behalf.

c. The Adjutant General may initiate recoupment of ALL funds paid on a Guardsman's behalf using the NGTW when the Guardsman engages in misconduct or fails to remain a satisfactory participant in active drilling status with the Arkansas National Guard (as defined in Chapter 12 and Chapter 13 of AR 135-178 and AFI is 36-3208 and 3209) that governs misconduct. Any funds recouped will be returned to the State of Arkansas.

3-7. Exception to Policy

a. In the event a Guardsman is denied for the NGTW, has benefits terminated, or is ordered to repay benefits pursuant to the provisions of this regulation, the Guardsman may appeal any such action to the ESO, in writing, within 60 days from the date of termination/recoupment or denial. The ESO will coordinate with the institution and the ADHE to resolve the ETP.

b. Exceptions to Policy may be requested by Guardsmen, in writing, to the ESO. In order for the ETP to be considered they must include, at a minimum, the following information:

- (1) Name of Guardsman and unit/wing of assignment
- (2) Institution of higher education name and location
- (3) Semester year/month in question
- (4) Reason for request that indicates that the situation was not due to the negligence or fault of the Guardsman and was not within the Guardsman's reasonable control.

3-8. Duplicate Sources of Funding

a. Other sources of funding may be used in addition to the NGTW.

b. Federal and state grants and scholarships awarded to Guardsmen via FAFSA and YOUuniversal applications will be applied to tuition before the NGTW is applied.

c. Grants and scholarships awarded by the institution in which the Guardsman is enrolled will be applied toward tuition before NGTW is applied.

d. Guardsmen may, but are not required to, use the NGTW simultaneously with the Montgomery GI Bill (all Chapters) and the Kicker. The NGTW will be applied to tuition before MGIB funds are applied.

e. Guardsmen may, but are not required to use Federal Tuition Assistance with the NGTW.

APPENDIX B
Definitions/Acronyms

AD HE- Arkansas Department of Higher Education

[ARNG – Arkansas National Guard](#)

AWOL- Absent Without Leave

Course of Study- the time during which a student is continuously enrolled in pursuit of a credential.

ESO- Education Services Office

ETP- Exception to Policy

FAFSA- Free Application for Student Aid

Guardsmen/Guardsmen- active member of Arkansas Army or Air National Guard

Initial Active Duty Training- completion of basic training or credit for a basic course through the Reserve Officer Training Corps (ROTC)

Institution of Higher Education- any state-supported institution

MGIB- Montgomery GI Bill

NGTW- Arkansas National Guard Tuition Waiver

TAG- The Adjutant General

Education

ARKANSAS NATIONAL GUARD TUITION WAIVER PROGRAM

Military Department of Arkansas
Office of the Adjutant General
Camp Joseph T. Robinson
North Little Rock, Arkansas 72199-9600
01 January 2020

UNCLASSIFIED

Deputy Chief of Staff, Personnel
Arkansas National Guard
Camp Joseph T. Robinson
North Little Rock, AR 72199-9600
01 August 2017

Arkansas NGAR Regulation 621-203

Effective 01 January 2019

Education

ARKANSAS NATIONAL GUARD TUITION WAIVER PROGRAM

OFFICIAL:

Kendall W. Penn
Major General
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Summary. This regulation implements Act 471 of the 91st General Assembly, Act 535 of the 92nd General Assembly, and establishes rules for the eligibility of Guardsmen; defines the purpose of the Arkansas National Guard Tuition Waiver Program; defines necessary responsibilities of the program; and sets forth entitlement criteria.

Applicability. This regulation applies to all active members of the Arkansas Army and Air National Guard as defined in Arkansas Code Title 6, Chapter 60, Subchapter 2.

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Chapter 1 General

1-1. Purpose

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1-2. Entitlements

The NGTW, as established by Act 471, as amended by Act 535, located in Arkansas Code § 6-61-112, allows all eligible Guardsmen (see Chapter 2) to attend a state-supported institution of higher education tuition-free. This benefit will waive tuition for a maximum of 120 semester credit hours. The NGTW can only be used to obtain an undergraduate degree, up to a bachelor's, and cannot be used by Guardsmen who have previously been awarded a bachelor's degree. The cost of a Guardsmen's mandatory fees charged by an institution of higher education that the soldier or airman is attending may be paid for with available funds allocated by the Department of Higher Education for the tuition-free program. Payment of mandatory fees, if any, will not exceed actual cost of mandatory fees.

1-3. Policy

In an effort to improve necessary strength and readiness levels in the Arkansas National Guard, the NGTW is authorized under state law as a benefit for qualifying Guardsmen and is based on eligibility criteria detailed in Act 471, as amended by Act 535, this regulation, and by the Arkansas Department of Higher Education (ADHE).

1-4. Responsibilities

a. ADHE is responsible for:

- (1) Coordinating with the Arkansas National Guard regarding regulation changes or modifications.
- (2) Administering receipt and disbursement of funds to the institutions and maintaining fiscal records of the NGTW.
- (3) Approving or denying applications and submitting results to the Arkansas National Guard Education Services Office (ESO), the institution, and the Guardsman.

b. The Institution of Higher Education is responsible for :

- (1) The Institution's NGTW Representative will serve as the liaison between the respective institution, the ESO, and ADHE.
- (2) Verifying the Guardsman is considered by the institution to be in "Good Standing," is enrolled in a program of study that leads to an undergraduate degree, does not already possess a bachelor's degree, has submitted the Free Application for Federal Student Aid (FAFSA) and the Arkansas YOUiversal Financial Aid Application.
- (3) Providing to ADHE all hours and dollars waived at the conclusion of each semester.
- (4) Informing ADHE if the Guardsman's academic status changes.
- (5) Defining "mandatory fees."
- (6) Determining the amount of funds available and the allocation method to pay mandatory fees.

c. The Adjutant General (TAG) is responsible for:

- (1) Coordinating with the ADHE in promulgating rules for the implementation of the NGTW, including without limitation rules for the eligibility of Guardsmen.
- (2) Making final decision regarding recoupment of all benefits paid on the Guardsman's behalf for reasons including, but not limited to absence without leave (AWOL), substance abuse violations, or any other serious misconduct (see Paragraph 3-6).

d. The Arkansas Army National Guard Education Services Office (ESO) is responsible for:

- (1) Coordinating policy changes with the ADHE.
- (2) Monitoring and verifying eligibility status of participating Guardsmen for the Arkansas Army National Guard.
- (3) Maintaining records/database and serving as point-of-contact for verification and discrepancies for institutions and ADHE.
- (4) Coordinating with ADHE, the institution, and the Guardsman to resolve any Exception to Policy (ETP) requests or grievances.
- (5) Educating Guardsmen on the process established by ADHE regarding mandatory fees.

e. The Arkansas Air National Guard Representative(s) is responsible for:

- (1) Working directly with the ESO in executing and administering NGTW for the Air National Guard.

(2) Maintaining records/database and serving as point-of-contact for verification and discrepancies for institutions and ADHE.

f. The Guardsman is responsible for:

(1) Meeting and maintaining eligibility criteria (see Chapter 2) and submitting application to the ESO before the deadline date each semester.

(2) Maintaining eligibility criteria established by the institution in which they are enrolled, the Arkansas National Guard, and ADHE, and otherwise successfully complete the semester and all hours for which the tuition waiver is awarded.

(3) If denied for the NGTW, the Guardsman may request an ETP through the ESO if they feel they have extenuating circumstances which were beyond their control or unavoidable. The ETP must be requested within 30 days of denial.

(4) Remaining in "Good Standing" with the institution in which they attend, as defined by that institution.

Chapter 2 Eligibility

2-1. Eligibility Criteria

a. The NGTW is available to all Guardsmen currently serving in the Arkansas National Guard and considered at the time of application to meet all eligibility criteria.

b. Guardsman must be an Arkansas Resident.

c. Guardsman must have completed Initial Active Duty Training (basic training or credit for a basic course through the Reserve Officers' Training Corps ROTC).

d. Guardsman must not currently hold a bachelor or higher degree.

e. Guardsman must be accepted and enrolled in an undergraduate degree producing program at an Arkansas public institution of higher education.

f. Guardsman must have completed the FAFSA, the Arkansas YOUiversal Financial Aid Application, and applied for grants and scholarships with the institution in which they are enrolled.

g. Guardsman must be in "Good Standing" with their enrolled institution, as defined by that institution.

h. Guardsmen must remain in "Good Standing" with the ARNG.

2-2. Arkansas Army National Guard Criteria

a. Guardsmen must be considered to be in "Good Standing" at the time of application.

b. The ESO will verify eligibility criteria for all Army Guardsmen.

c. Guardsmen currently under Suspension of Favorable Action for, but not limited to, AWOLs, substance abuse violations, or any other serious misconduct at the time of application are not eligible for the NGTW.

2-3. Arkansas Air National Guard Criteria

a. Guardsmen must be considered to be in "Good Standing" at the time of application.

b. The Air National Guard Representative will verify eligibility criteria for each Air Guardsman through their Unit Commander.

c. Guardsmen currently under Suspension of Favorable Action for, but not limited to, AWOLs, substance abuse violations, or any other serious misconduct at the time of application are not eligible for the NGTW.

Chapter 3 Administration

3-1. Application Process

a. Guardsmen wanting to participate will obtain the application and Statement of Understanding through the Arkansas National Guard Education website.

- b. Applications for Army Guardsmen will be routed to the ESQ for verification of eligibility as listed in Paragraph 2-2 above.
- c. Applications for Air Guardsmen will be routed to the Air National Guard Representative for verification of eligibility as listed in Paragraph 2-3 above.
- d. Once verified and approved, applications are submitted to the institutions of higher education.

3-2. Submission Deadlines

- a. Applications must be submitted for each semester in which the Guardsman wishes to receive the NGTW.
- b. The NGTW may be applied for all semester and intersession courses.
- c. Applications may be submitted up to 60 days prior to the start of the course, but must be submitted **NO LATER THAN 30 days** after the start of the course.
- d. Applications received after the deadline date may not be awarded and therefore the Guardsman would be responsible for paying tuition to the institution. An ETP can be requested through the ESQ in writing.

3-3. Authorized Uses

- a. The NGTW will only be awarded for programs leading to an undergraduate degree.
- b. Eligible Guardsman may use the NGTW for a maximum of 120 semester credit hours or until completion of a bachelor's degree.
- c. The NGTW will only cover tuition and, subject to the availability of funds, mandatory fees. The Guardsman is responsible for all other costs, such as mandatory fees not covered by the NGTW, additional fees, room and board, textbooks, etc.
- d. The NGTW will not be applied to courses completed in a prior semester.
- e. Guardsmen enrolled in high school and college concurrently are not eligible for the tuition waiver.
- f. The NGTW will not be awarded for programs of study in which the courses are taken exclusively online.

3-4. Continuation of Eligibility

- a. In the event a mobilization or deployment interrupts the enrollment of a Guardsman currently receiving the NGTW the Guardsman will remain eligible for a period of time equal to the semester in which they were enrolled. It is the Guardsman's responsibility to notify the institution, via copies of orders, of mobilization or deployment.
- b. In the event of a non-medical discharge or a medical discharge that is not caused by an illness or injury related to the performance of duties for the Arkansas National Guard, the Guardsman is eligible to receive the NGTW for the semester in which they are enrolled at the date of discharge.
- c. In the event of a medical discharge or medical retirement as a result of illness or injury incurred in the line of duty, as the result of a state or federal activation or a terrorist action as determined by the Governor, the Guardsman is eligible to receive the NGTW from the date of discharge or retirement and either until completion of the degree program in which the Guardsman is enrolled or for five years, whichever comes first.
- d. To maintain eligibility, a Guardsman must not drop more than 6 credit hours during a course of study; however, this does not include dropping classes before the add/drop date. A course of study is defined as the time during which a student is continuously enrolled in pursuit of a credential.

3-5. Termination

- a. If a Guardsman is dismissed from any institution of higher education for academic or disciplinary reasons, or drops a course after the drop/add date, the Guardsman may be ineligible for the NGTW and may be responsible for paying the institution directly for the semester in which the benefit was received.
- b. If a Guardsman's service in the Arkansas National Guard is terminated, or becomes unsatisfactory, the Guardsman will be ineligible for the NGTW and subject to recoupmnt for the semester in which the Guardsman became ineligible.

3-6. Recoupment

- a. Recoupment of NGTW is required from Guardsmen for the following reasons:
 - (1) Fraud or misrepresentation of the application.
 - (2) Failure on the part of the Guardsman to complete the semester for which the benefit was awarded.
 - (3) Failure to maintain eligibility status with the Arkansas National Guard for the entire semester in which the NGTW was awarded.

b. Recoupment may be collected by the respective institution in which the Guardsman is enrolled or by the ADHE if funds were already paid on the Guardsman's behalf.

c. The Adjutant General may initiate recoupment of ALL funds paid on a Guardsman's behalf using the NGTW when the Guardsman engages in misconduct or fails to remain a satisfactory participant in active drilling status with the Arkansas National Guard (as defined in Chapter 12 and Chapter 13 of AR 135-178 and AFI is 36-3208 and 3209) that governs misconduct. Any funds recouped will be returned to the State of Arkansas.

3-7. Exception to Policy

a. In the event a Guardsman is denied for the NGTW, has benefits terminated, or is ordered to repay benefits pursuant to the provisions of this regulation, the Guardsman may appeal any such action to the ESO, in writing, within 60 days from the date of termination/recoupment or denial. The ESO will coordinate with the institution and the ADHE to resolve the ETP.

b. Exceptions to Policy may be requested by Guardsmen, in writing, to the ESO. In order for the ETP to be considered they must include, at a minimum, the following information:

- (1) Name of Guardsman and unit/wing of assignment
- (2) Institution of higher education name and location
- (3) Semester year/month in question

(4) Reason for request that indicates that the situation was not due to the negligence or fault of the Guardsman and was not within the Guardsman's reasonable control.

3-8. Duplicate Sources of Funding

a. Other sources of funding may be used in addition to the NGTW.

b. Federal and state grants and scholarships awarded to Guardsmen via FAFSA and YOUuniversal applications will be applied to tuition before the NGTW is applied.

c. Grants and scholarships awarded by the institution in which the Guardsman is enrolled will be applied toward tuition before NGTW is applied.

d. Guardsmen may, but are not required to, use the NGTW simultaneously with the Montgomery GI Bill (all Chapters) and the Kicker. The NGTW will be applied to tuition before MGIB funds are applied.

e. Guardsmen may, but are not required to use Federal Tuition Assistance with the NGTW.

APPENDIX A
Accredited Institutions of Higher Education

* Current list of institutions of higher education can be found at <http://www.adhe.edu/locations>

APPE NDIX B
Definitions/Acronyms

AD HE- Arkansas Department of Higher Education

ARNG – Arkansas National Guard

AWOL- Absent Without Leave

Course of Study- the time during which a student is continuously enrolled in pursuit of a credential.

ESO- Education Services Office

ETP- Exception to Policy

FAFSA- Free Application for Student Aid

Guardsmen/Guardsmen- active member of Arkansas Army or Air National Guard

Initial Active Duty Training- completion of basic training or credit for a basic course through the Reserve Officer Training Corps (ROTC)

Institution of Higher Education- any state-supported institution

MGIB- Montgomery GI Bill

NGTW- Arkansas National Guard Tuition Waiver

TAG- The Adjutant General

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Military

DIVISION: State Education Services Office

PERSON COMPLETING THIS STATEMENT: Bilenda Harris-Ritter

TELEPHONE NO. (501) 212-5083 FAX NO. _____ EMAIL: Bilenda.n.harris-ritter.nfg@mail.mil

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: Arkansas National Guard Tuition Waiver Program

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes X No _____

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes X No _____

If an agency is proposing a more costly rule, please state the following: N/A

- (a) How the additional benefits of the more costly rule justify its additional cost;

- (b) The reason for adoption of the more costly rule;

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation? N/A

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

(b) What is the additional cost of the state rule? No additional cost.

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

- 5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected. No cost to any of the above.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

- 6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected. No additional cost to implement this rule amendment. It is subject to available funds allocated at Arkansas Department of Higher Education (ADHE) as stated in the Rule.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

- 7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No X

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.