

# ARKANSAS REGISTER

## Transmittal Sheet

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### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

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Date

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 2022

UNCLASSIFIED

**Education**

**ARKANSAS NATIONAL GUARD TUITION WAIVER PROGRAM**

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OFFICIAL:

Kendall W. Penn  
Major General  
The Adjutant General

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**Summary.** This rule implements Act 471 of the 91st General Assembly, Act 535 of the 92<sup>nd</sup> General Assembly, and Acts 76 and 133 of the 93<sup>rd</sup> General Assembly; 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 rule 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 Division 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 rule 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 Acts 535 of the 92<sup>nd</sup> General Assembly and Acts 76, and 133 of the 93<sup>rd</sup> General Assembly located in Arkansas Code § 6- 60- 214, 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 Guardsman'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 Division 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 Division 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) Verifying the Guardsman has submitted the Free Application for Federal Student Aid (FAFSA) and the Arkansas YOUiversal Financial Aid Application.

(4) Approving or denying YOUiversal Financial Aid applications and submitting results to the Arkansas National Guard Education Office, the institution, and the Guardsman.

(5) Providing the Arkansas National Guard with eligibility verification for NGTW criteria as outlined in Chapter 2 of this regulation.

(6) Defining "mandatory fees."

(7) Determining the amount of funds available and the allocation method to pay mandatory fees.

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 Education Services Officer (ESO), and ADHE.

(2) Verifying the Guardsman is considered by the institution to be in "Good Standing" and meeting the requirements of Satisfactory Academic Progress (SAP) as defined in the institution's policies.

(3) Verifying the Guardsman is enrolled in a program of study that leads to an undergraduate degree and does not already possess a bachelor's degree,

(4) Verifying the Guardsman has applied for institutional grants and scholarships applicable to the Guardsman's term and major.

(5) Notifying ADHE of the application close date and applicable term for institutional grants and scholarships.

(6) Notifying ADHE of the Guardsman's current date of acceptance as a student at the institution.

(7) Notifying ADHE regarding the status of eligibility and application verification.

(8) Providing to ADHE a roster of all hours and dollars attributed to this program as well as student completion status at the conclusion of each semester.

(9) Informing ADHE if the Guardsman's academic status changes.

(10) Applying the NGTW to student accounts IAW the sequence(s) established in this regulation.

(11)

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 Office is responsible for:

- (1) Monitoring and verifying eligibility status of participating Guardsmen for the Arkansas Army National Guard.
- (2) Receiving eligibility verification data from the Arkansas Air National Guard and processing applications of participating Air Guardsmen IAW this regulation.
- (3) Maintaining records/database and serving as point-of-contact for verification and discrepancies for institutions and ADHE.
- (4) Providing ADHE with a roster of all Guardsmen requesting NGTW for the term.
- (5) Reviewing eligibility verification rosters from ADHE and providing ADHE with final NGTW eligibility determinations.
- (6) Providing notification of NGTW ineligibility and ETP request procedures to disqualified applicants.
- (7) Providing notification of ETP request determination to ADHE and the Guardsman.
- (8) Educating Guardsmen on the process established by ADHE regarding mandatory fees.

e. The Arkansas Army National Guard Education Services Officer (ESO) is responsible for:

- (1) Serving as TAG's delegated proponent for the NGTW
- (2) Coordinating policy changes with the ADHE.
- (3) Coordinating with ADHE, the institution, and the Guardsman to resolve any Exception to Policy (ETP) requests or grievances.
- (4) Processing ETP requests in accordance with Chapter 3 of this regulation.
- (5) Rendering final approval or denial any Guardsman's request for an ETP

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

- (1) Working directly with the Education Office and 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.

g. The Guardsman is responsible for:

- (1) Meeting and maintaining eligibility criteria (see Chapter 2) and submitting application (see Chapter 3) 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) Remaining in "Good Standing" with the institution in which they attend, as defined by that institution.
- (4) Achieving and maintaining "Satisfactory Academic Progress" within their degree program, as defined by that institution.
- (5) 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 thirty (30) calendar days of denial and processed in accordance with Chapter 3 of this regulation.

## **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). Guardsmen with an exigent circumstance that warrants a temporary waiver of the Initial Active Duty Training requirement may request an Exception to Policy (ETP) IAW paragraph 3-8 of this regulation.
- 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 state-supported public institution of higher education recognized by ADHE (see Appendix A).
- 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.

(1) Neither selection nor non-selection for receipt of institutional grants and scholarships shall disqualify a Guardsman from receiving the NGTW.

(2) In determining whether a Guardsman has met the application deadline for institutional grants and scholarships, the application deadline date shall be compared to the Guardsman's date of admittance to the institution and the Guardsman's date of entry into the Arkansas National Guard. Institutional grants and scholarships with application periods closing prior to the latter of these dates shall not disqualify a Guardsman from receiving the NGTW.

g. Guardsman must be in "Good Standing" with their enrolled institution and meeting the requirements of Satisfactory Academic Progress (SAP), 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 Education Office 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.

**2-4. Eligibility Determination & Processing**

a. For each NGTW applicant and term, ADHE will provide the status of ADHE and Educational Institution verified items in Table 2-1 to the Education Office.

b. Upon receipt of Table 2-1 verification data from ADHE, the Education Office will verify service component criteria and provide an NGTW eligibility determination to ADHE and the Guardsman.

c. The request timeline for an ETP will commence on the date of the Education Office's notification to the Guardsman.

Eligibility Criteria	Verification Responsibility
Arkansas Resident	ADHE
IADT Completion / Basic Course Qualification	ARNG
"Good Standing" IAW Army Regulation and/or Air Force Instruction	ARNG Service Component Representative (ESO – AR ARNG / Wing NGTW Rep – AR ANG)
Does Not Possess Bachelor's Degree	Educational Institution
Enrollment in a Degree Producing Program	Educational Institution
Applied for Institutional Grants & Scholarships	Educational Institution
Date of Acceptance as a Student	Educational Institution
Date of Institutional Grants & Scholarship Application Period	Educational Institution
"Good Standing" IAW Institution Policies	Educational Institution
Satisfactory Academic Progress	Educational Institution
Applied for FAFSA	ADHE
Applied for YOUiversal Financial Aid	ADHE

Table 2-1. NGTW Eligibility Requirements & Verification Responsibility

**Chapter 3  
Administration**

**3-1. Application Process**

a. Guardsmen requesting NGTW will obtain the application and Statement of Understanding (SOU) through the Arkansas National Guard Education website. All applications and SOUs must include the Guardsman's signature (digital or manual).

- b. Applications for Army Guardsmen will be routed to the Education Office for verification of eligibility as listed in Paragraphs 2-2 and 2-4 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 and 2-4 above before processing at the Education Office.
- d. Once verified and approved, applications are submitted to the ADHE for disbursement of funds to the institutions of higher learning.

### **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 sixty (60) calendar days prior to the start of the course, but must be submitted NO LATER THAN thirty (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 ESO 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 until completion of a bachelor's degree or for a maximum of 120 semester credit hours, whichever comes first.
- 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 may be awarded to exclusively online degree programs where the degree-offering institution is associated with a state-supported institution of higher education. The associated state-supported institution must be recognized by ADHE as an accredited public institution of higher learning.

### **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 recoupment 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.



(4) Identification of courses dropped after the add/drop date in excess of the 6 credit hours allowance in paragraph 3-4.d.

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 11 and Chapter 12 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. Restoration of Eligibility**

a. Guardsmen ineligible for NGTW due to a Suspension of Favorable Actions as outlined in paragraphs 2-2.c and 2-3.c remain ineligible for the NGTW for the duration of the suspension. Subject to remaining eligibility requirements, the Guardsmen is eligible for NGTW in the first term (semester or intersession) that commences following removal of the suspension.

b. Guardsmen ineligible for NGTW due to any other reason, including but not limited to satisfactory academic progress and institutional good standing, may submit a written request for ETP in accordance with paragraph 3-8.

### **3-8. Exceptions 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 thirty (30) calendar days from the date of termination/recoupment or denial.

b. The ESO will serve as TAG's delegated approval authority for NGTW ETP requests of Guardsmen in both the Arkansas Army and Air National Guard.

c. 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.

d. The ESO will review the ETP request, coordinate with the institution and the ADHE to resolve the ETP, and provide written notification to the Guardsmen and ADHE of the final disposition.

### **3-9. 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 YOUiversal 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 GI Bill funds are applied.

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

f. NGTW used within a term will apply to all courses enrolled for that term, excluding those dropped before the institution's add/drop date. All such course enrollments for that term will count toward the 120 credit hour NGTW limit.

**APPENDIX A**  
Accredited Institutions of Higher Education

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

**APPENDIX B**  
Definitions/Acronyms

**ADHE** - Arkansas Division 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.

**Education Office – the Arkansas Army National Guard Education Office; facilitates processing of both Army and Air National Guard requests after service component verification**

**ESO**- Education Services Officer

**ETP**- Exception to Policy

**FAFSA**- Free Application for Federal 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 public institution

**MGIB**- Montgomery GI Bill

**NGTW**- Arkansas National Guard Tuition Waiver

**TAG**- The Adjutant General