

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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## MARK-UP RULE

Arkansas National Guard  
NGAR Regulation 621-203

Education

**ARKANSAS  
NATIONAL  
GUARD TUITION  
WAIVER  
PROGRAM**

**STAFFING DRAFT AS OF 2021-03-24**  
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Military Department of Arkansas  
Office of the Adjutant General  
Camp Joseph T. Robinson  
North Little Rock, Arkansas 72199-9600  
~~01 January 2020 01 August 2021~~  
01 January 2022

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~~~~01-August-2021~~  
01-January-2022

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## 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 92nd General Assembly, ~~and Acts 76 and 133 of the 93rd 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.

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**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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**CONTENTS** (listed by paragraph and page number)

**Chapter 1**

General, *page 4*

Purpose 1-1, *page 4*

Entitlements 1-2, *page 4*

Policy 1-3, *page 4*

Responsibilities 1-4, *page 4*

**Chapter 2**

Eligibility, *page 5*

Eligibility Criteria 2-1, *page 5*

Army National Guard Criteria 2-2, *page 5*

Air National Guard Criteria 2-3, *page 5*

**Chapter 3**

Administration, *page 5*

Application Process 3-1, *page 5*

Submission Deadlines 3-2, *page 6*

Authorized Uses 3-3, *page 6*

Continuation of Eligibility 3-4, *page 6*

Terminations 3-5, *page 6*

Recoupments 3-6, *page 6*

Exception to Policy 3-7, *page 7*

Duplicate Sources of Funding 3-8, *page 7*

**Appendices**

Appendix A Accredited Arkansas Colleges and Universities for NGTW, *page 8*

Appendix **BB** Definitions/Acronyms, *page 9*

**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 Services Office (ESO), 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, has submitted the Free Application for Federal Student Aid (FAFSA) and the Arkansas YOUiversal Financial Aid Application.

(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 waived 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) Defining "mandatory fees."

(12) 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

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Commented [HJMMMNA5]: ADHE, not the institution, determines the valid definition of mandatory fees and amount available to pay to them

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Commented [HJMMMNA12]: Mandatory fees and funds available for them defined by ADHE in para 1-4 a above

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;~~

(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.~~

(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) Coordinating with ADHE, the institution, and the Guardsman to resolve any Exception to Policy (ETP) requests or grievances. 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.~~

(2) 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) 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.~~

(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.~~

(4) 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.

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Commented [HJMMNA19]: "Good Standing" may refer to individual conduct, independent of academic progress. "Satisfactory Academic Progress" is a function of coursework.

Commented [HJMMNA20]: Clarifying calendar vs business days

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 3-7 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 nonselection 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

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Chapter 3  
Administration

3-1. Application Process

- a. ~~Guardsmen wanting to participate 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 ESQ for verification of eligibility as listed in Paragraphs ~~2-2 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 ~~institutions of higher education 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 ~~ESQESQ~~ 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! ~~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.~~
- e.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.
- f.g. ~~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

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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 12-11 and Chapter 12-12 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.

### 3-6. 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 3-7.

### 3-7. 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 (60/30) 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.

a. The ESO will coordinate with the institution and the ADHE to resolve the ETP.

b. 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.

(4)

### 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 GI Bill MGIB 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.

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**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

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 Office

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

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# BLR FINANCIAL IMPACT STATEMENT



**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of the Military (in collaboration with ADHE)

**DIVISION** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT** Bilenda Harris-Ritter

**TELEPHONE NO.** (501) 212-5005 **FAX NO.** \_\_\_\_\_ **EMAIL:** bilenda.harrisritter@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) 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
  
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  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  No

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

- a) How the additional benefits of the more costly rule justify its additional cost;  
Not applicable
  
- b) The reason for adoption of the more costly rule;  
Not applicable
  
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and  
Not applicable
  
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.  
Not applicable

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?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \$ 0.00

Total \$ 0.00

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \$ 0.00

Total \$ 0.00

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.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

No cost to any of the above

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.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

No additional cost to implement this rule amendment. It is subject to available funds as stated in the rule. This will expand utilization of the currently appropriated funds.

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

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.

## LEGAL NOTICE

In accordance with the provisions of Arkansas Code Annotated 25-15-204 published in the Arkansas Democrat Gazette September 3-5, 2021, The Adjutant General of Arkansas (TAG) Major General Kendall Penn has submitted proposed rules to the Secretary of State to be posted on its site for thirty days for the Arkansas National Guard Tuition Waiver Program to provide assistance to Arkansas National Guard and Reserve members.

A PUBLIC HEARING WILL BE HELD SEPTEMBER 13, 2021, FROM 10:00 AM to 10:30 Am at Joint Force Headquarters, Building 6000, Camp J.T. Robinson, North Little Rock, 72199

The TAG will receive written comments until NOON on October 4, 2021. Send Comments to RULEMAKING Office of The Adjutant General Building 6000, Camp J.T. Robinson, North Little Rock, AR 72199.

All Comments submitted shall become public property once received by TAG and are subject to the Arkansas Freedom of Information Act.

Statement Setting Forth the Reason for  
Proposed Amendment to Existing Rule (2021)

The reason for the amendment to the Arkansas National Guard Tuition Waiver Program is to add specifics to the responsibilities of each party to the program. The parties include the Arkansas Division of Higher Education, the specific institutes of higher education, the Guard members, and the Arkansas National Guard. Changes involve eligibility determination and processing, application process, authorized uses, coverage of on-line programs, restoration of eligibility and policy exceptions. These changes are necessary for the program to better serve all those collaborating to provide assistance to members of the National Guard. The changes will not have a fiscal impact but will expand utilization of currently appropriated funds.

## EXECUTIVE SUMMARY



**ASA HUTCHINSON**  
GOVERNOR

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



**KENDALL W. PENN**  
MAJOR GENERAL  
THE ADJUTANT GENERAL

**Proposed Rule Regarding the Arkansas National Guard Tuition Waiver Program**

August 16, 2021

**PURPOSE**

The Arkansas Department of the Military seeks Governor Hutchinson's review of proposed amendments to the Arkansas National Guard Tuition Waiver Program (ANGTWP).

**BACKGROUND**

Pursuant to A.C.A. § 12-61-106(o) the Adjutant General has the authority to prescribe such rules as he or she may from time to time deem necessary. Department staff met with representatives from the Arkansas Division of Higher Education (ADHE) to review this rule following Acts 76 and 133 enacted during the 93<sup>rd</sup> General Assembly Legislative Session. The Departments decided the Department of the Military should go forward with the proposed Amendments to this Rule on July 29, 2021.

**KEY POINTS**

The proposed rule:  
Provides additional responsibilities for the parties involved  
Adds inclusion of on-line only degree programs at state-sponsored public schools  
No financial impact but will expand utilization of currently appropriated funds  
Re-numbers paragraphs

**DISCUSSION**

This rule incorporates eligibility of on-line only degree programs associated with a state-sponsored public institution of higher learning. It establishes rules for the eligibility of Guard members; defines the purpose of the program; defines necessary responsibilities of the program, sets forth entitlement criteria and includes changes to the responsibilities of the ADHE, the specific schools, Guard members involved, and the Arkansas National Guard.

**RECOMMENDATION**

We recommend that the proposed amendments to the ANGTWP be approved as proposed.