

ARKANSAS REGISTER



Proposed Rule Cover Sheet

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**Arkansas National Guard Tuition Waive Program
(Mark-up Copy)**

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 January 2022

UNCLASSIFIED

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

Arkansas NGAR Regulation 621-203

effective 01 January 2022

Education

ARKANSAS NATIONAL GUARD TUITION WAIVER PROGRAM

OFFICIAL:

Kendall W. Penn

Major General

The Adjutant General

Title 6. Education

Chapter XVIII. Arkansas National Guard, Department of Military

Part 530. Arkansas National Guard Tuition Waiver Program

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows:

Commented [SS51]: See Note 1 on Notes to Rulemaking Entity.

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 Act 275 of the 94th General Assembly; establishes rules for the eligibility of Guardsmen, soldiers and airmen; defines the purpose of the Arkansas National Guard Tuition Waiver Program; defines necessary responsibilities of the program; and sets forth entitlement criteria.

Commented [HJMLUNA(2): Addition of reference to current Act 275 modifying the regulation IAW the 94th General Assembly

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 "Guardsmansoldier" or "soldiers" and "Guardsmen airman" or "airmen" 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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Subpart 1. Generally

Chapter 1 General

1-1. 6 CAR § 530-101. Purpose.

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

Commented [SS53]: See Note 2 on Notes to Rulemaking Entity.

Authority. Arkansas Code § 6-60-214.

APPENDIX B

Definitions/Acronyms 6 CAR § 530-102. Definitions.

As used in this part:

(1) "ADHE" means the Arkansas Division of Higher Education;

(2) "ARNG" means the Arkansas National Guard;

(3) "AWOL" means Absent Without Leave/absent without leave;

(4) "Course of Study/study" means the time during which a student is continuously enrolled in pursuit of a credential;

(5) "Education Office and Incentives Branch" means the Arkansas Army/Air National Guard Education Office and Incentives Branch, which facilitates processing of both Army and Air National Guard requests after service component verification;

(6) "ESO" means Education Services Officer;

(7) "ETP" means Exception to Policy/exception to policy;

(8) "FAFSA" means Free Application for Federal Student Aid;

(9) (2) "Guardsmen/Soldier" or "Guardsmen/soldiers" means an active member or members of the Arkansas Army or Air National Guard;

(3) "Airman" or "Airmen" means an active member or members of the Arkansas Air National Guard.

(10) (4) "Initial Active Duty Training/active duty training" means completion of basic training or credit for a basic course through the Reserve Officer-Officers' Training Corps (ROTC);

(11) (5) "Institution of Higher Education/higher education" means any state-supported public institution.

(12) "MGIB" means the Montgomery GI Bill;

(13) "NGTW" means Arkansas National Guard Tuition Waiver; and

(14) "TAG" means the Adjutant General.

Commented [SS54]: See Note 3 on Notes to Rulemaking Entity.

Commented [SS55]: See Note 4 on Notes to Rulemaking Entity.

Commented [OBCMNA6]: We are Arkansas Army National Guard Education and Incentives Branch. We do not provide any education and incentive services for the Arkansas Air Guard beyond acting as a liaison between ADHE and the 188th and 189th Air Wing Force Protection Offices.

Commented [SS57]: See Note 5 on Notes to Rulemaking Entity.

Commented [SS58]: See Note 6 on Notes to Rulemaking Entity.

Authority. Arkansas Code § 6-60-214.

1-2. 6 CAR § 530-103. Entitlements.

(a) The NGTW Arkansas National Guard Tuition Waiver, as established by Acts 2017, No. 471, as amended by Acts 2019, No. 535, of the 92nd General Assembly and Acts 2021, Nos. 76, and 133, of the 93rd General Assembly and Acts 2023, No. 275, located in Arkansas Code § 6-60-214, allows all eligible

Commented [SS59]: See Note 7 on Notes to Rulemaking Entity.

Commented [SS510]: See Note 4 on Notes to Rulemaking Entity.

Guardsmensoldiers and airmen (see [Chapter 26 CAR § 530-201 et seq.](#)) to attend a state-supported institution of higher education tuition-free.

(b) This benefit will waive tuition for a maximum of one hundred twenty (120) semester credit hours.

(c) The NGTArkansas National Guard Tuition Waiver can only be used to obtain an undergraduate degree, up to a bachelor's, and cannot be used by Guardsmensoldiers and airmen who have previously been awarded a bachelor's degree.

(d) The cost of a Guardsmansoldier's or airman'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.

(e) Payment of mandatory fees, if any, will not exceed actual cost of mandatory fees.

Authority. [Arkansas Code § 6-60-214.](#)

1-3. [6 CAR § 530-104.](#) Policy.

In an effort to improve necessary strength and readiness levels in the Arkansas National Guard, the NGTArkansas National Guard Tuition Waiver is:

(1) ~~authorized~~ Authorized under state law as a benefit for qualifying Guardsmensoldiers and airmen; and

(2) ~~is based~~ Based on eligibility criteria detailed in [Act 471 Acts 2017, No. 471, as amended by Act 535 Acts 2019, No. 535](#), [Arkansas Code Title 6, Chapter 60, Subchapter 2](#), this ~~regulation~~ rule, and by the ~~Arkansas~~ Division of Higher Education (~~ADHE~~).

Authority. [Arkansas Code § 6-60-214.](#)

1-4. [6 CAR § 530-105.](#) Responsibilities.

(a) ~~ADHE~~ The Division of Higher Education is responsible for:

(1) Coordinating with the Arkansas National Guard regarding ~~regulation-rule~~ changes or modifications;

(2) Administering receipt and disbursement of funds to the institutions and maintaining fiscal records of the NGTArkansas National Guard Tuition Waiver;

(3) Verifying the Guardsmansoldier or airman has submitted the Free Application for Federal Student Aid (~~FAFSA~~) and the Arkansas ~~YO~~Universal Financial Aid Application-Scholarship Application Management System;

(4) Approving or denying ~~YO~~Universal Scholarship Application Management System Financial Aid applications and submitting results to the:

(A) ~~Arkansas Army National Guard Education Office~~ and Incentives Branch;

(B) ~~the institution~~ Institution; and

(C) ~~the Guardsman~~ Soldier or airman;

(5) Providing the Arkansas National Guard with eligibility verification for NGTArkansas National Guard Tuition Waiver criteria as outlined in [Chapter 2-6 CAR § 530-201 et seq.](#) of this ~~regulation~~ rule;

(6) Defining "mandatory fees"; and

Commented [SSS11]: See Note 8 on Notes to Rulemaking Entity

Commented [OBCMNA12R11]: Added comma after "Subchapter 2"

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

b. (b) The ~~Institution of Higher Education~~ institution of higher education is responsible for:

(1) The ~~Institution's~~ institution's NGTW Arkansas National Guard Tuition Waiver Representative ~~representative~~ will serve as the liaison between the:

(A) ~~respective~~ Respective institution;

(B) ~~the~~ Education Services Officer ~~(ESO)~~;

(C) ADHE ~~Division~~;

(2) Verifying the ~~Guardsman~~ soldier or airman is considered by the institution to be in "Good Standing" good standing and meeting the requirements of ~~Satisfactory Academic Progress~~ satisfactory academic progress (SAP) as defined in the institution's policies;

(3) Verifying the ~~Guardsman~~ soldier or airman:

(A) ~~is~~ is enrolled in a program of study that leads to an undergraduate degree; and

(B) ~~does~~ Does not already possess a bachelor's degree;

(4) Verifying the ~~Guardsman~~ soldier or airman has applied for institutional grants and scholarships applicable to the ~~Guardsman~~ soldier's or airman's term and major;

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

(6) Notifying ADHE ~~the division~~ of the ~~Guardsman~~ soldier's or airman's current date of acceptance as a student at the institution;

(7) Notifying ADHE ~~the division~~ regarding the status of eligibility and application verification;

(8) Providing to ADHE ~~the division~~ 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 ~~the division~~ if the ~~Guardsman~~ soldier's or airman's academic status changes; and

(10) Applying the NGTW Arkansas National Guard Tuition Waiver to student accounts ~~in accordance with the~~ sequence(s) ~~sequence or sequences~~ established in this regulation ~~part~~.

(11)

Commented [SSS13]: See Note 9 on Notes to Rulemaking Entry.

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

(1) Coordinating with the ADHE ~~division~~ in promulgating rules for the implementation of the NGTW Arkansas National Guard Tuition Waiver, including without limitation rules for the eligibility of ~~Guardsmen~~ soldiers and airmen; and

(2) (A) Making final decision regarding recoupment of all benefits paid on the ~~Guardsman~~ soldier's or airman's behalf for reasons including, but not limited to:

(i) ~~absence~~ Absence without leave ~~(AWOL)~~;

(ii) ~~substance~~ Substance abuse violations; or

(iii) ~~any~~ Any other serious misconduct;

(B) ~~(see~~ See Paragraph 3-66 CAR § 530-306).

d. (d) The ~~Arkansas Army National Guard~~ Education Office and Incentives Branch is responsible for:

(1) Monitoring and verifying eligibility status of participating ~~Guardsmen~~ soldiers for the Arkansas Army National Guard;

(2) Receiving eligibility verification data from the Arkansas Air National Guard and processing applications of participating Air Guardsmen airmen ~~IAW in accordance with~~ this regulation part;

(3) Maintaining ~~records/database~~ records or databases or both and serving as ~~point-of-contact~~ point of contact for verification and discrepancies for institutions and ~~ADHE~~ the division;

(4) Providing ~~ADHE~~ the division with a roster of all ~~Guardsmen~~ soldiers and airmen requesting ~~NGTW~~ Arkansas National Guard Tuition Waiver for the term;

(5) Reviewing eligibility verification rosters from ~~ADHE~~ the division and providing ~~ADHE~~ the division with final ~~NGTW~~ Arkansas National Guard Tuition Waiver eligibility determinations;

(6) Providing notification of ~~NGTW~~ Arkansas National Guard Tuition Waiver ineligibility and ~~ETP~~ exception to policy request procedures to disqualified applicants;

(7) Providing notification of ~~ETP~~ exception to policy request determination to ~~ADHE~~ the division and the ~~Guardsman~~ soldier or airman; and

(8) Educating ~~Guardsmen~~ soldiers and airmen on the process established by ~~ADHE~~ the division regarding mandatory fees.

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

(1) Serving as ~~TAG's~~ the Adjutant General's delegated proponent for the ~~NGTW~~ Arkansas National Guard Tuition Waiver;

(2) Coordinating policy changes with the ~~ADHE~~ division;

(3) Coordinating with ~~ADHE~~ the division, the institution, and the ~~Guardsman~~ soldier or airman to resolve any ~~Exception to Policy (ETP)~~ exception to policy requests or grievances;

(4) Processing ~~ETP~~ exception to policy requests in accordance with ~~Chapter 3 of this regulation~~ 5 CAR § 530-301 et seq.; and

(5) Rendering final approval or denial of any ~~Guardsman~~ soldier's or airman's request for an ~~ETP~~ exception to policy.

f. (f) The Arkansas Air National Guard ~~Representative(s)~~ representative or representatives are responsible for:

(1) Working directly with the ~~Education Office~~ Arkansas National Guard Education and Incentives Branch and ~~ESO~~ Education Services Officer in executing and administering ~~NGTW~~ Arkansas National Guard Tuition Waiver for the Air National Guard; and

(2) Maintaining ~~records/database~~ records or databases or both and serving as ~~point-of-contact~~ point of contact for verification and discrepancies for institutions and ~~ADHE~~ the division.

g. (g) The ~~Guardsman~~ soldier or airman is responsible for:

(1) Meeting and maintaining eligibility criteria (see ~~Chapter 26~~ CAR § 530-201 et seq.) and submitting an application (see ~~Chapter 36~~ CAR § 530-301 et seq.) 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~~ the division, and otherwise successfully completing the semester and all hours for which the tuition waiver is awarded;

(3) Remaining in "~~Good Standing~~" "good standing" with the institution in which they attend, as defined by that institution;

(4) Achieving and maintaining "~~Satisfactory Academic Progress~~ satisfactory academic progress" within their degree program, as defined by that institution; and

Commented [SSS14]: See Note 10 on Notes to Rulemaking Entity.

Commented [SSS15]: See Note 9 on Notes to Rulemaking Entity.

Commented [SSS16]: See Note 10 on Notes to Rulemaking Entity.

~~(5)(A)~~ If denied for the ~~NGT~~Arkansas National Guard Tuition Waiver, the ~~Guardsman~~soldier or airman may request an ~~ETP~~exception to policy through the ~~ESQ~~Education Services Officer if they feel they have extenuating circumstances ~~which~~ that were beyond their control or unavoidable.

~~(B)~~ The ~~ETP~~exception to policy must be:

- ~~(i)~~ ~~requested~~ Requested within thirty (30) calendar days of denial; and
- ~~(ii)~~ ~~processed~~ Processed in accordance with ~~Chapter 3 of this regulation~~ 6 CAR § 530-301 et seq.

Authority. Arkansas Code § 6-60-214.

~~Chapter 2~~ Subpart 2. Eligibility

~~2-1-~~ 6 CAR § 530-201. Eligibility ~~Criteria~~ criteria.

a. ~~(a)~~ The ~~NGT~~Arkansas National Guard Tuition Waiver is available to all ~~Guardsmen~~soldiers and airmen:

~~(1)~~ currently ~~Currently~~ serving in the Arkansas National Guard; and

~~(2)~~ considered ~~Considered~~ at the time of application to meet all eligibility criteria.

b. ~~(b)~~ A ~~Guardsman~~soldier or airman must be an Arkansas ~~Resident~~ resident or eligible for in-state tuition under A.C.A. § 6-60-205.

c. ~~(c)(1)~~ A ~~Guardsman~~soldier or airman must have completed ~~Initial Active Duty Training~~ initial active duty training (basic training or credit for a basic course through the Reserve Officers' Training Corps-ROTC).

~~(2)~~ ~~Guardsmen~~ Soldiers and airmen with an exigent circumstance that warrants a temporary waiver of the Initial Active Duty Training requirement may request an ~~Exception to Policy~~ exception to policy (ETP) ~~in accordance with paragraph 3-8 of this regulation~~ 6 CAR § 530-308.

d. ~~(d)(1)~~ A ~~Guardsman~~ Soldier or airman must not currently hold a bachelor or higher degree.

~~(2)~~ In the event a ~~Guardsman~~ possesses a credential or degree awarded from a foreign entity, the ~~Guardsman~~ must first seek evaluation of the degree's equivalency at the Institution of Higher Education.

~~(3)~~ If the Institution of Higher Education determines, in accordance with its policies and accreditation requirements, the foreign credential does not equate to a bachelor's degree or higher, the ~~Guardsman~~ may use the National Guard Tuition Waiver in pursuit of a bachelor's degree

~~(4)~~ If the Institution of Higher Education determines the foreign credential meets the equivalency requirements of a bachelor's degree, however, the soldier or airman may not use the National Guard Tuition Waiver.

e. ~~(e)(1)~~ A ~~Guardsman~~soldier or airman must be accepted and enrolled in an undergraduate ~~degree-producing~~ degree-producing program at an Arkansas state-supported public institution of higher education recognized by ~~ADHE~~ the Division of Higher Education.

~~(2)~~ ~~(see~~ See Appendix A).

f. ~~(f)(1)~~ A ~~Guardsman~~soldier or airman must have:

~~(A)~~ ~~completed~~ Completed the Free Application for Federal Student Aid (FAFSA)

~~and~~

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~~(B) the The Arkansas YOU Universal Scholarship Application Management System Financial Aid Application;~~ and

~~(B) applied Applied~~ for grants and scholarships with the institution in which they are enrolled.

~~(1)~~ ~~(2)~~ Neither selection nor ~~non-selection nonselection~~ for receipt of institutional grants and scholarships shall disqualify a ~~Guardsman soldier or airman~~ from receiving the ~~NGTW National Guard Tuition Waiver~~.

~~(2)~~ ~~(3)(A)~~ In determining whether a ~~Guardsman soldier or airman~~ has met the application deadline for institutional grants and scholarships, the application deadline date shall be compared to the ~~Guardsman soldier's or airman's~~ date of admittance to the institution and the ~~Guardsman soldier's or airman's~~ date of entry into the Arkansas National Guard.

~~(B)~~ Institutional grants and scholarships with application periods closing prior to the latter of these dates shall not disqualify a ~~Guardsman soldier or airman~~ from receiving the ~~NGTW National Guard Tuition Waiver~~.

~~(C) The soldier or airman must submit federal, state, and institutional financial aid applications in accordance with the timelines established for each of those programs.~~

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~~(g) A Guardsman Soldier or airman must be in "Good Standing good standing" with their enrolled institution and meeting the requirements of Satisfactory Academic Progress "satisfactory academic progress" (SAP), as defined by that institution.~~

~~(h) Guardsmen Soldiers and airmen must remain in "Good Standing" "good standing" with the ARNG Arkansas National Guard.~~

Authority. Arkansas Code § 6-60-214.

~~2-2- 6 CAR § 530-202. Arkansas Army National Guard Criteria criteria.~~

~~(a) Guardsmen Soldiers must be considered to be in "Good Standing good standing" at the time of application.~~

~~(b) The Education Office Arkansas National Guard Education and Incentives Branch will verify eligibility criteria for all Army Guardsmen soldiers.~~

~~(c) Guardsmen Soldiers currently under Suspension of Favorable Action suspension of favorable actions for, but not limited to, AWOLs absent without leave infractions, substance abuse violations, or any other serious misconduct at the time of application are not eligible for the NGTW National Guard Tuition Waiver.~~

Authority. Arkansas Code § 6-60-214.

~~2-3- 6 CAR § 530-203. Arkansas Air National Guard Criteria criteria.~~

~~(a) Guardsmen Airmen must be considered to be in "Good Standing" "good standing" at the time of application.~~

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

~~(c) Guardsmen Airmen currently under Suspension of Favorable Action suspension of favorable actions for, but not limited to, AWOLs absent without leave infractions, substance abuse violations, or~~

any other serious misconduct at the time of application are not eligible for the NGTW National Guard Tuition Waiver.

Authority. Arkansas Code § 6-60-214.

2-4. Eligibility Determination & Processing

6 CAR § 530-204. Eligibility determination and processing.

- a. (a) For each NGTW National Guard Tuition Waiver applicant and term, ADHE the Division of Higher Education will provide the status of ADHE division and Educational Institution educational institution verified items in Table 2-1 the table in subsection (d) of this section to the Education Office Arkansas Army National Guard Education and Incentives Branch.
- b. (b) Upon receipt of Table 2-1 verification data from the table in subsection (d) of this section from ADHE the division, the Education Office Arkansas National Guard Education and Incentives Branch will verify service component criteria and provide an NGTW National Guard Tuition Waiver eligibility determination to ADHE the division and the Guardsman soldier or airman.
- c. (c) The request timeline for an ETP exception to policy will commence on the date of the Education Office's Arkansas National Guard Education and Incentives Branch's notification to the Guardsman soldier or airman.

Table 2-1. (d) NGTW Eligibility Requirements & Verification Responsibility National Guard Tuition Waiver eligibility requirements and verification responsibility table.

Eligibility Criteria criteria	Verification Responsibility responsibility
Arkansas Resident or eligible for in-state tuition	ADHE Division of Higher Education
IADT Completion / Basic Course Qualification Initial active duty training completion or basic course qualification	ARNG Arkansas National Guard
"Good Standing" IAW Army Regulation and/or Air Force Instruction standing" in accordance with Army Regulation or Air Force Instruction	ARNG Service Component Representative (ESO - AR-ARNG / Wing-NGTW-Rep - AR-ANG) Arkansas National Guard service component representative: Education and Incentives Branch Arkansas Army National Guard or Wing National Guard Tuition Waiver Representative: Arkansas Air National Guard
Does Not Possess Bachelor's Degree not possess a bachelor's degree	Educational Institution institution
Enrollment in a Degree-Producing Program degree producing program	Educational Institution institution
Applied for Institutional Grants & Scholarships institutional grants and scholarships	Educational Institution institution
Date of Acceptance as a Student acceptance as a student	Educational Institution institution
Date of Institutional Grants & Scholarship Application Period institutional grants and scholarship application period	Educational Institution institution
"Good Standing" IAW Institution Policies standing" in accordance with institution policies	Educational Institution institution
Satisfactory Academic Progress	Educational Institution institution
Applied for Application submitted through FAFSA	ADHE Division of Higher Education

Applied for Universal Financial Aid Application submitted through the Arkansas Scholarship Application Management System	ADHE Division of Higher Education
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Table 2-1. NGTW Eligibility Requirements & Verification Responsibility
Authority. Arkansas Code § 6-60-214.

Chapter 3 Subpart 3. Administration

3-1. 6 CAR § 530-301. Application Process/Process.

- a. (a)(1) Guardsmen/Soldiers and airmen requesting NGTW the National Guard Tuition Waiver will obtain the application and ~~Statement of Understanding (SOU)~~ statement of understanding through the Arkansas Army National Guard Education and Incentives Branch website.
- (2) All applications and SOU statements of understanding must include the Guardsman/soldier's or airman's signature (digital or manual). Script fonts or other typed signatures are not authorized.
- b. (b) Applications for Army Guardsmen/soldiers will be routed to the Education Office-Arkansas National Guard Education and Incentives Branch for verification of eligibility as listed in Paragraphs 2-2 and 2-4 above 6 CAR §§ 530-202 and 530-204.
- c. (c) Applications for Air Guardsmen/airmen will be routed to the Air National Guard Representative representative for verification of eligibility as listed in Paragraph 2-3 and 2-4 above 6 CAR §§ 530-203 and 530-204 before processing at the Education Office-Arkansas National Guard Education and Incentives Branch.
- d. (d) Once verified and approved, applications are submitted to the ADHE-Division of Higher Education for disbursement of funds to the institutions of higher learning.

Commented [SSS18]: See Note 11 on Notes to Rulemaking Entity.

Authority. Arkansas Code § 6-60-214.

3-2. 6 CAR § 530-302. Submission Deadlines/Deadlines.

- a. (a) Applications must be submitted for each semester in which the Guardsman/soldier or airman wishes to receive the NGTW National Guard Tuition Waiver.
- b. (b) The NGTW National Guard Tuition Waiver may be applied for all semester and intersession courses.
- c. (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 no later than thirty (30) days after the start of the course.
- d. (d)(1) Applications received after the deadline date may not be awarded and therefore the Guardsman/soldier or airman would be responsible for paying tuition to the institution.
- (2) An ETP exception to policy can be requested through the ESO-Education Services Officer in writing.

Authority. Arkansas Code § 6-60-214.

3-3. 6 CAR § 530-303. Authorized Uses/uses.

- a. (a) The NGTW National Guard Tuition Waiver will only be awarded for programs leading to an undergraduate degree.

b. ~~(b)~~ Eligible ~~Guardsman~~ ~~Guardsmen~~ ~~soldiers~~ and ~~airmen~~ may use the ~~NGTW~~-National Guard Tuition Waiver until completion of a bachelor's degree or for a maximum of ~~one hundred twenty (120)~~ semester credit hours, whichever comes first.

e. ~~(c)~~ The ~~NGTW~~-National Guard Tuition Waiver will only cover tuition and, subject to the availability of funds, mandatory fees.

~~(d)~~ The ~~Guardsman~~ ~~soldier~~ or ~~airman~~ is responsible for all other costs, such as mandatory fees not covered by the ~~NGTW~~ waiver, additional fees, room and board, textbooks, ~~etc and other expenses~~.

d. ~~(e)~~ The ~~NGTW~~-National Guard Tuition Waiver will not be applied to courses completed in a prior semester.

e. ~~(f)~~ ~~Guardsmen~~ ~~Soldiers~~ and ~~airmen~~ enrolled in high school and college concurrently are not eligible for the tuition waiver.

f. ~~(g)(1)~~ The ~~NGTW~~-National Guard Tuition Waiver may be awarded to exclusively online degree programs where the degree-offering institution is associated with a state-supported institution of higher education.

~~(2)~~ The associated state-supported institution must be recognized by ~~ADHE~~-the Division of Higher Education as an accredited public institution of higher learning.

~~(h)~~ The National Guard Tuition Waiver may be used concurrently at more than one institution, provided it is in pursuit of a single Bachelor's degree and both institutions are ~~NGTW~~ eligible.

~~(1)~~ Examples include prerequisite or core level courses at an eligible satellite or community college in addition to a primary campus.

~~(2)~~ In such cases, the Education and Incentives Branch may coordinate with the institution to confirm eligibility. Semester hour limits shall include all hours pursued using ~~NGTW~~ at each campus.

Authority. [Arkansas Code § 6-60-214.](#)

~~3-4~~ ~~6~~ CAR § 530-304. Continuation of ~~Eligibility~~ eligibility.

a. ~~(a)(1)~~ In the event a mobilization or deployment interrupts the enrollment of a ~~Guardsman~~ ~~soldier~~ or ~~airman~~ currently receiving the ~~NGTW~~ National Guard Tuition Waiver, the ~~Guardsman~~ ~~soldier~~ or ~~airman~~ will remain eligible for a period of time equal to the semester in which they were enrolled.

~~(2)~~ It is the ~~Guardsman~~ ~~soldier's~~ or ~~airman's~~ responsibility to notify the institution, via copies of orders, of mobilization or deployment.

b. ~~(b)~~ In the event of a ~~non-medical~~ ~~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~~ ~~soldier~~ or ~~airman~~ is eligible to receive the ~~NGTW~~-National Guard Tuition Waiver for the semester in which they are enrolled at the date of discharge.

e. ~~(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~~ ~~soldier~~ or ~~airman~~ is eligible to receive the ~~NGTW~~-National Guard Tuition Waiver from the date of discharge or retirement and either until completion of the degree

Commented [SSS19]: See Note 12 on Notes to Rulemaking Entity.

program in which the ~~Guardsman~~soldier or airman is enrolled or for five (5) years, whichever comes first.

~~d.~~ (d) (1) To maintain eligibility, a ~~Guardsman~~soldier or airman must not drop more than six (6) credit hours during a course of study;

~~_____~~ (2) ~~however~~However, this does not include dropping classes before the ~~add/drop~~add or drop date.

~~_____~~ (3) A course of study is defined as the time during which a student is continuously enrolled in pursuit of a credential.

Commented [SS520]: See Note 10 on Notes to Rulemaking Entity.

Authority. Arkansas Code § 6-60-214.

~~3-5.~~ 6 CAR § 530-305. Termination.

~~a.~~ (a) If a ~~Guardsman~~soldier or airman is dismissed from any institution of higher education for academic or disciplinary reasons, or drops a course after the ~~drop/add~~add or drop date, the ~~Guardsman~~soldier or airman may be:

~~_____~~ (1) ~~ineligible~~Ineligible for the receiving the National Guard Tuition Waiver, the soldier or airman will remain eligible for a period of time equal to the semester in which they were enrolled.

~~_____~~ (2) It is the soldier's or airman's responsibility to notify the institution, via copies of orders, of mobilization or deployment.

~~_____~~ (b) In the event of a nonmedical 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 soldier or airman is eligible to receive the National Guard Tuition Waiver 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 soldier or airman is eligible to receive the National Guard Tuition Waiver from ~~NGTW~~; and

~~_____~~ (2) ~~may be responsible~~Responsible for paying the institution directly for the semester in which the benefit was received.

~~b.~~ (b) If a ~~Guardsman~~soldier or airman's service in the Arkansas National Guard is terminated, or becomes unsatisfactory, the ~~Guardsman~~soldier or airman will be ineligible for the ~~NGTW~~National Guard Tuition Waiver and subject to recoupment for the semester in which the ~~Guardsman~~soldier or airman became ineligible.

Commented [SS521]: See Note 10 on Notes to Rulemaking Entity.

Authority. Arkansas Code § 6-60-214.

~~3-6.~~ 6 CAR § 530-306. Recoupment.

~~a.~~ (a) Recoupment of ~~NGTW~~the National Guard Tuition Waiver is required from ~~Guardsman~~soldiers and airmen for the following reasons:

~~_____~~ (1) Fraud or misrepresentation of the application;

~~_____~~ (2) Failure on the part of the ~~Guardsman~~soldier or airman 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-National Guard Tuition Waiver~~ was awarded, ~~or~~

~~_____~~ (4) Identification of courses dropped after the ~~add/drop~~ add or drop date in excess of the ~~six~~ (6) credit hours allowance in ~~paragraph 3-4.d6~~ CAR § 530-304(d).

~~b.~~ (b) Recoupment may be collected by the respective institution in which the ~~Guardsmansoldier or airman~~ is enrolled or by the ~~ADHE-Division of Higher Education~~ if funds were already paid on the ~~Guardsmansoldier's or airman's~~ behalf.

~~e.~~ (c)(1) The Adjutant General may initiate recoupment of ~~ALL~~ all funds paid on a ~~Guardsmansoldier's or airman's~~ behalf using the ~~NGTW-National Guard Tuition Waiver~~ when the ~~Guardsmansoldier or airman~~ 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 ~~ARArmy Regulation~~ 135-178 and ~~AFIAir Force Instruction~~ ~~is~~ 36-3208 and 3209) that governs misconduct).

~~_____~~ (2) Any funds recouped will be returned to the State of Arkansas.

Authority. Arkansas Code § 6-60-214.

~~2-7-~~ 6 CAR § 530-307. Restoration of Eligibility~~eligibility.~~

~~a.~~ (a)(1) ~~Guardsmen~~Soldiers and airmen ineligible for ~~NGTW-National Guard Tuition Waiver~~ due to a ~~Suspension of Favorable Actions-suspension of favorable actions~~ as outlined in ~~paragraphs 2-2.c and 2-3.e6~~ CAR § 530-202(c) and § 530-203(c) remain ineligible for the ~~NGTW-waiver~~ for the duration of the suspension.

~~_____~~ (2) Subject to remaining eligibility requirements, the ~~Guardsmen~~ ~~Guardsmansoldier or airman~~ is eligible for ~~NGTW-the National Guard Tuition Waiver~~ in the first term (semester or intercession) that commences following removal of the suspension.

~~b.~~ (b) ~~Guardsmen~~Soldiers and airmen ineligible for ~~NGTW-the National Guard Tuition Waiver~~ due to any other reason, including but not limited to satisfactory academic progress and institutional good standing, may submit a written request for ~~ETP-exception to policy~~ in accordance with ~~paragraph 3-86~~ CAR § 530-308.

Authority. Arkansas Code § 6-60-214.

~~3-8-~~ 6 CAR § 530-308. Exceptions to Policy~~policy.~~

~~a.~~ (a) In the event a ~~Guardsmansoldier or airman~~ is denied for the ~~NGTW-National Guard Tuition Waiver~~, has benefits terminated, or is ordered to repay benefits pursuant to the provisions of this ~~regulation~~part, the ~~Guardsmansoldier or airman~~ may appeal any such action to the ~~ESQ-Education Services Officer~~, in writing, within thirty (30) calendar days from the date of ~~termination, recoupment~~ or denial.

~~b.~~ (b) The ~~ESQ-Education Services Officer~~ will serve as ~~FAG's-the Adjutant General's~~ delegated approval authority for ~~NGTW-the National Guard Tuition Waiver~~ ~~ETP-exception to policy~~ requests of ~~Guardsmensoldiers and airmen~~ in both the Arkansas Army and Air National Guard.

~~e.~~ (c)(1) Exceptions to ~~Policy-policy~~ may be requested by ~~Guardsmensoldiers and airmen~~, in writing, to the ~~ESQ-Education Services Officer~~.

~~_____~~ (2) In order for the ~~ETP-exception to policy~~ to be considered they must include, at a minimum, the following information:

Commented [SS522]: See Note 10 on Notes to Rulemaking Entity.

Commented [SS523]: See Note 10 on Notes to Rulemaking Entity.

(1) (A) Name of Guardsman soldier or airman and unit/wing unit or wing of assignment;

Commented [SSS24]: See Note 10 on Notes to Rulemaking Entity.

(2) (B) Institution of higher education name and location;

(3) (C) Semester year/month year and month in question; and

Commented [SSS25]: See Note 10 on Notes to Rulemaking Entity.

(4) (D) Reason for request that indicates that the situation was not:
(i) due to the negligence or fault of the Guardsman soldier or airman; and

(ii) was not within the Guardsman soldier or airman's reasonable control.

(d) The ESO-Education Services Officer will:

(1) review the ETP exception to policy request;

(2) coordinate with the institution and the ADHE Division of Higher Education to resolve the ETP exception to policy; and

(3) provide written notification to the Guardsmen soldiers and airmen and ADHE the division of the final disposition.

(e) In the event a Guardsman's degree program exceeds the 120 semester credit hour limitation established in paragraph 3-3.b, an ETP request must also include documentation verifying the pursued degree's program requirements and the Guardsman's satisfactory progress towards the degree.

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(1) This documentation will include, at a minimum, a degree plan validated by the Guardsman's academic advisor, school registrar, or similar authority; and a copy of the Guardsman's transcript through the date of the ETP request.

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(2) For purposes of this section, a Guardsman may submit unofficial transcripts to the Education Office. The Education Office, though, reserves the right to request official transcripts for verification if the submitted documents are illegible or present any suspicion of tampering, alteration, or unauthorized modification.

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(3) The ESO will review the submitted ETP request, transcripts, and degree plan before submitting a recommendation for continued NGTW eligibility beyond 120 semester credit hours to ADHE. Areas of review will, at a minimum, include the Guardsman's history of remedial courses, courses failed or dropped after the add/drop date, and the Guardsmen's overall academic progress towards the degree.

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(4) The ESO may deny the ETP request or recommend approval to ADHE. In these instances, only ADHE may grant approval for continued use of the NGTW beyond 120 semester credit hours.

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(f) Continued eligibility for the NGTW beyond 120 semester credit hours as outlined above is subject to the availability of funds and approval of ADHE. Guardsmen with a degree program exceeding 120 semester credit hours must submit an ETP request in each subsequent term until degree completion unless otherwise approved in writing by ADHE.

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Authority. Arkansas Code § 6-60-214.

3-9. Duplicate Sources of Funding

6 CAR § 530-309. Duplicate sources of funding.

- a. (a) Other sources of funding may be used in addition to the NGTW National Guard Tuition Waiver.
- b. (b) Federal and state grants and scholarships awarded to Guardsmen/soldiers and airmen via Free Application for Federal Student Aid (FAFSA) (~~FAFSA~~) and YOUniversal Scholarship Application Management System applications will be applied to tuition before the NGTW National Guard Tuition Waiver is applied.
- c. (c) Grants and scholarships awarded by the institution in which the Guardsman/soldier or airman is enrolled will be applied toward tuition before NGTW the National Guard Tuition Waiver is applied.
- d. (d)(1) Guardsmen/Soldiers and airmen may, but are not required to, use the NGTW National Guard Tuition Waiver simultaneously with the Montgomery-GI Bill (all Chapters/chapters) and the Kicker.
 - (2) The NGTW National Guard Tuition Waiver will be applied to tuition before GI Bill funds are applied.
- e. (e) Guardsmen/Soldiers and airmen may, but are not required to, use Federal Tuition Assistance federal tuition assistance with the NGTW National Guard Tuition Waiver. Federal tuition assistance here refers to Federal Tuition Assistance programs established by the Department of Defense. It does not include FAFSA funds which must be applied as outlined in paragraph (b) above. If used, FTA funds will be applied to tuition before the National Guard Tuition Waiver is applied.
- f. (f)(1) NGTW The National Guard Tuition Waiver used within a term will apply to all courses enrolled for that term, excluding those dropped before the institution's add/drop/add or drop date.
 - (2) All such course enrollments for that term will count toward the one hundred twenty (120) credit hour NGTW National Guard Tuition Waiver limit.

Commented [SSS26]: See Note 10 on Notes to Rulemaking Entity.

Authority. Arkansas Code § 6-60-214.

APPENDIX A
Accredited Institutions of Higher Education

* Current list of public institutions of higher education can be found at <http://www.adhe.edu/locations> the Division of Higher Education colleges and universities page under the two-year and four-year public college and universities tabs. Please contact the Arkansas Army National Guard Education and Incentives Branch if you have questions regarding the eligibility of any of the institutions listed.

Commented [SSS27]: See Note 12 on Notes to Rulemaking Entity.

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Commented [OBCMNA28]: The University of Arkansas Grantham is not NGTW eligible at this time - per ADHE. They are listed as a Four-Year Public University.

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

Financial Impact Statement

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

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

BOARD/COMMISSION State Education and Incentives Branch

PERSON COMPLETING THIS STATEMENT Brittany Edwards

TELEPHONE NO. (501) 212-5124 **EMAIL** brittany.edwards@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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) _____

Total _____

Next Fiscal Year

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

Total _____

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

Current Fiscal Year

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

Total \$ 0.00 _____

Next Fiscal Year

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

Total \$ 0.00 _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

No cost to any of the above

6. What is the total estimated cost by fiscal year to a state, county, or 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

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

There is no additional cost to implement this rule amendment, as the program is subject to available funds as specified in the rule.

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

LEGAL NOTICE

In accordance with the provisions of Arkansas Code Annotated 25-15-204 and published in the Arkansas Democrat Gazette August 29-31, 2023, NOTICE is hereby given that The Adjutant General of Arkansas (TAG) Major General Jonathan Stubbs has submitted proposed rules to the Secretary of State to be posted on its website for thirty (30) 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 12, 2023, FROM 10AM to 11AM AT JOINT FORCE HEADQUARTERS BUILDING 6000 (CONFERENCE ROOM) CAMP JOSEPH T. ROBINSON, NORTH LITTLE ROCK, 72199.

Written comments shall be accepted until Noon September 28, 2023, including at the public hearing. Send written comments to Rulemaking, Office of the Adjutant General, Building 6000, Camp Joseph T. Robinson, North Little Rock, 72199

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

Reasons Statement

Statement Setting Forth the Reason for the Proposed Amendments to the Existing Arkansas National Guard Tuition Program Rule (2023)

The Department of the Military and the Arkansas Division of Higher Education are proposing changes to the Arkansas National Guard Tuition Waiver Program to align the current rule with legislative changes from the 94th General Assembly. Changes involve aligning the state residency requirement for in-state tuition, setting forth procedures for service members to obtain an exception for maximum dropped hours of maximum hours taken, and clarify co-use of federal tuition assistance and dual enrollment. The proposed rule also includes minor formatting changes. The changes will not have a fiscal impact but will expand the utilization of currently appropriated funds.

Executive Summary



Department of Military
Governor Sarah Huckabee Sanders
The Adjutant General, Major General Jonathan M. Stubbs

Ms. Rebecca Miller-Rice
Bureau of Legislative Research
Administrative Rules Subcommittee
1 Capitol Mall, 5th Floor
Little Rock, AR 72201

RE: Executive Summary Regarding Proposed Rule Changes to Arkansas National Guard Tuition Waiver Program

August 24, 2023

Ms. Miller-Rice:

Pursuant to A.C.A. § 12-61-106(o), the Adjutant General of the State of Arkansas has the authority to prescribe such rules as he or she deems necessary. Due to legislative enactments during the 94th General Session, certain changes are required to the Arkansas National Guard Tuition Waiver Program, which provides financial assistance for education to certain eligible Arkansas National Guard Service Members. As required by the Bureau of Legislative Research Questionnaire, a summary of the proposed changes is below.

The proposed rule includes three substantive changes to the existing Arkansas National Guard Tuition Waiver Program and includes minor formatting changes as well.

First, the proposed rule aligns the state residency requirement with newly enacted language regarding eligible residents and eligible non-residents for in-state tuition as elsewhere outlined, specifically A.C.A. § 6-60-205.

Second, the proposed rule explains exception procedures for service members exceeding the six-semester hour drop limit or a service member's degree program exceeding the 120-semester hour limit.

Third, the rule existing eligibility and usage rules regarding the co-use of Federal Tuition Assistance or when a servicemember is enrolled simultaneously at more than one public institution, such as a main campus and a community college.

These changes are necessary in order to align the promulgated rule with Act 275 of the 94th General Assembly.

If you need more information, please do not hesitate to contact me at (501) 212-5124.

Sincerely,

A handwritten signature in blue ink that reads "Brittany Edwards".

Brittany Edwards
Chief Legal Counsel
Arkansas Department of the Military