Control No. 300  Department or Agency Alabama Commission on Higher Education
Rule No. 300-4-4-.04
Rule Title: Awarding Procedures
New  X  Amend  _____  Repeal  _____  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?  NO

Is there a reasonable relationship between the state’s police power and the protection of the public health, safety, or welfare?   YES

Is there another, less restrictive method of regulation available that could adequately protect the public?    NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?    NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?    NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?  YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?    NO

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Does the proposed rule have an economic impact?    NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer
Date August 16, 2023
Alabama Commission on Higher Education
Academic Affairs

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education

RULE NO. & TITLE: 300-4-4-.04 Awarding Procedures

INTENDED ACTION: The Alabama Commission on Higher Education proposes to amend 300-4-4-.04 Awarding Procedures.

SUBSTANCE OF PROPOSED ACTION: The proposed amendments to Administrative Procedures §300-4-4-.04 are intended to reflect changes made to the law for the Alabama National Guard Educational Assistance Program, updating terminology and adding definitions to improve clarity, which adapts existing guidelines into policy.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present views on these amended rules by contacting Dr. Stephanie C. Dolan, Assistant Director of General Services, Alabama Commission on Higher Education, P.O. Box 302000, Montgomery, Alabama 36130-2000, stephanie.dolan@ache.edu, (334) 353-9153, between 8:00 a.m. and 5:00 p.m. CT each business day up to and including October 5, 2023.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: All views must be received by 5:00 p.m. CT on October 5, 2023. A final version of the proposed rules, with any amendments, will be voted on by the Commission at its meeting on October 11, 2023 by 5 p.m.

CONTACT PERSON AT AGENCY:
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Alabama Commission on Higher Education
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(Signature of officer authorized to promulgate and adopt rules or his or her deputy)
300-4-4-.04 Awarding Procedures.

(1) The following procedures shall be the method used by the Alabama Commission on Higher Education for making available Alabama National Guard Educational Assistance Program awards to eligible students at eligible institutions:

(a) Applications may be obtained from eligible institutions, the Alabama Military Department, and from the Alabama Commission on Higher Education.

(b) Applications shall be completed by student applicants. All information requested on the Alabama National Guard Educational Assistance Program Application must be completed and the form mailed or delivered to the Alabama National Guard Educational Assistance Program office. Applications will not receive consideration for grant payment if received in the Alabama National Guard Educational Assistance Program office after September 30 of the academic year for which grant funds are being requested. If all items and information requested on the application form are not completed, the application is invalid and the student is ineligible to receive an Alabama National Guard Educational Assistance Program payment.

1. Each application shall have a preliminary review of the Alabama Military Department and the institution to determine if the application is complete and meets the eligibility criteria for a grant.

2. Each student applicant shall be notified by the Alabama Military Department or the institution, as appropriate, when the application is incomplete and additional information is needed. The Alabama Military Department, the institution or the Alabama Commission on Higher Education, as appropriate, shall notify each student who does not meet all eligibility criteria and is, therefore, ineligible for an Alabama National Guard Educational Assistance Program award.

(c) All applications which pass the preliminary review for eligibility shall be compared to other appropriate departmental or institutional records. Such records shall be used to verify that each student applicant is an eligible student as defined in section .02(127).

(d) The Adjutant General of the Alabama National Guard, or his representative, and the institutional financial
aid officer shall sign and complete each application of a student determined to be eligible for an Alabama National Guard Educational Assistance Program award.

(e) Each completed application shall be forwarded to the Alabama National Guard Educational Assistance Program Office.

(f) Information received from applicants shall be evaluated by the Alabama National Guard Educational Assistance Program Office.

1. Incomplete applications received shall be returned to the eligible institution or the student applicant.

2. Complete applications of eligible students shall be compared with monies available.

3. All Alabama Student Grant Program proceeds for which the student may be eligible shall be deducted from the tuition figure used for Alabama National Guard Educational Assistance Program purposes.

4. In no event shall payments of the tuition reimbursement under the Alabama National Guard Educational Assistance Program amount to more than 100% of qualified tuition and fees as defined in .02(21).

5. An undergraduate student who qualifies for the Academic Excellence Benefits as defined in .02(1) shall receive an amount equivalent to 100% of qualified tuition and fees. Undergraduate students with this benefit may use these funds for tuition and fee reimbursement or ancillary costs as defined in .02(5).

6. Applicants eligible for the Educational Grant award and Academic Excellence Benefits will receive a total amount award not to exceed the median cost of tuition per academic term of all state-supported Alabama four-year institutions. For the first term of implementation under SB 67, Act 2023-528, award payments for the Educational Grant and Academic Excellence Benefits on behalf of the grant recipients will be processed and sent to the institutions at the end of the term, provided the final approval by the Commission Board at its December 2023 Commission Meeting.
7. Applicant eligibility for undergraduate and graduate levels:

a. Undergraduate: The first undergraduate degree obtained is a baccalaureate degree. Short certificates, long certificates, and associate degrees of qualifying academic pathways may be used to obtain a baccalaureate degree. The tuition reimbursement and academic excellence benefits provided by this article shall only pay for the first baccalaureate degree. The tuition reimbursement and academic excellence benefits for undergraduate students under this program shall be claimed for no more than a total of 120 academic hours or until receipt of the first bachelor's degree for which the scholarship is used, whichever comes first. The total of 120 academic hours includes no more than a total of 72 academic hours earned at a community college. A guard member who has already obtained a baccalaureate degree is not eligible to receive tuition reimbursement or academic excellence benefits for coursework leading to a second degree at the same level.

b. Graduate: If the benefits were not used by a guard member for a baccalaureate degree, the tuition reimbursement and Academic Excellence Benefits for graduate students under this article shall be claimed for no more than a total of 60 academic hours or until the receipt of the first graduate degree whichever comes first. A guard member who has already obtained a graduate degree is not eligible to receive tuition reimbursement for coursework leading to a second degree at the same level.

8. No guard member shall be eligible for tuition reimbursement or Academic Excellence Benefits for more than 12 years after the date of the first tuition payment to him or her under this article.

9. Reimbursement shall be made promptly to the institutions at the end of each academic term (quarter or semester) for all certified invoices. Should funds appropriated to the Alabama National Guard Educational Assistance Program be insufficient to provide each eligible student with a full grant payment for any term(s) during an academic year, then the awards will be prorated equally among the institutions on a percentage basis of the total invoices/vouchers received and paid accordingly.

(g) All awards made by the Alabama National Guard Educational Assistance Program shall be made to individual
students enrolled in eligible programs at eligible institutions in the State of Alabama.

(h) Disbursement of all grants shall be made by check to the institutions in the State of Alabama. The Alabama National Guard Educational Assistance Program shall have checks prepared for eligible awardees.

1. The Alabama National Guard Educational Assistance Program Office shall prepare vouchers for eligible students for whom funds are available.

2. The Alabama National Guard Educational Assistance Program Office shall verify that each check is properly prepared.

3. Checks shall be mailed along with a certification roster to the institutional Financial Aid Officer for issuing to students.

4. The institution shall issue checks to students and ensure that the institutional official who issues a check sign and dates the roster whenever such check is issued. The completed certification roster shall be returned to the Alabama National Guard Educational Assistance Program Office no later than sixty (60) calendar days after receipt of the certification roster.

5. All checks which are undeliverable by the institution shall be returned to the Alabama National Guard Educational Assistance Program along with the reason for cancelling the checks, no later than sixty (60) calendar days after receipt of the checks.

Author: Timothy W. Vick; Stephanie C. Dolan
Statutory Authority: Code of Ala. 1975, §§31-10-1, et seq.