Control_300___Department or Agency_Alabama Commission on Higher Education
Rule No. 300-4-4-.05
Rule Title: Disbursement of Funds
___New ___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-.05 Disbursement of Funds

INTENDED ACTION: The Alabama Commission on Higher Education proposes to amend 300-4-4-.05 Disbursement of Funds.

SUBSTANCE OF PROPOSED ACTION: The proposed amendments to Administrative Procedures §300-4-4-.05 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:
Dr. Stephanie C. Dolan, Assistant Director for General Services
Alabama Commission on Higher Education
P.O. Box 302000, Montgomery, Alabama 36130-2000
stephanie.dolan@ache.edu, (334)353-9153

(Signature of officer authorized to promulgate and adopt rules or his or her deputy)
Disbursement Of Funds.

(1) The Alabama National Guard Educational Assistance Program shall determine from the completed applications received from all students the sufficiency of funds. Award amounts are not to exceed the median average cost of tuition per academic term semester of a state-supported Alabama four-year institution, less any Alabama Student Grant Program proceeds for which the student may be eligible and after all federal benefits have been applied to the account of the student, nor shall any student receive a grant at more than one approved institution during any one academic term. The median average tuition amount per academic term semester will be determined by the Alabama Commission on Higher Education based on its Tuition and Fee Report.

(2) The Alabama National Guard Educational Assistance Program shall determine the dollar amount of each grant and shall prepare a voucher each term requesting that the State Comptroller disburse Alabama National Guard Educational Assistance Program funds for eligible students. Reimbursement shall be made promptly 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.

(3) The State Comptroller shall prepare a check payable to the approved institution for each eligible grant recipient listed on the award list. Such checks and a certification roster with the amount of grant indicated for each eligible student(s), shall be forwarded to the approved institution for delivery to the student(s).

(a) No later than sixty (60) calendar days after receipt of the grant check(s), the approved institution shall issue the individual check(s) to the eligible student(s) and return the completed certification roster to the Alabama National Guard Educational Assistance Program Office.

(4) If a student whose eligibility for a grant has been certified by an approved institution becomes ineligible for a grant before the expiration of the institutional tuition refund period, the grant funds shall not be delivered to the
student, but shall be returned to the Alabama National Guard Educational Assistance Program Office. Funds are considered received by a student when the Alabama National Guard Educational Assistance Program check is delivered to the student.

(5) No person shall be eligible for an Alabama National Guard Educational Assistance Program grant for more than ten (10) years after the date of the first grant payment granted through this program. 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.

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