

HOUSE BILL No. 2541

By Committee on Education

1-25

1 AN ACT concerning postsecondary education; relating to the Kansas
2 national guard educational assistance act; relating to participant
3 qualifications and recoupment of assistance; amending K.S.A. 74-
4 32,148 and 74-32,149 and K.S.A. 2017 Supp. 74-32,146 and repealing
5 the existing sections.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2017 Supp. 74-32,146 is hereby amended to read as
9 follows: 74-32,146. As used in the Kansas national guard educational
10 assistance act:

11 (a) "Kansas educational institution" means and includes community
12 colleges, the municipal university, state educational institutions, technical
13 colleges, the institute of technology at Washburn university and accredited
14 independent institutions.

15 (b) "Eligible guard member" means ~~a newly enlisted or reenlisted any~~
16 ~~current~~ member of the Kansas national guard ~~with not more than 20 years~~
17 ~~of service and~~ who is enrolled at a Kansas educational institution ~~and who~~
18 ~~is not under a suspension of favorable action flag or currently on the unit~~
19 ~~unfavorable information file.~~ The term eligible guard member does not
20 include within its meaning any member of the Kansas national guard who
21 is the holder of a baccalaureate or higher academic degree, *or* who does
22 not hold a high school diploma or general educational development (GED)
23 credentials, ~~or who is entitled to federal educational benefits earned by~~
24 ~~membership in the Kansas national guard, except financial assistance~~
25 ~~under the federal education assistance program (FEAP) for members of the~~
26 ~~selected reserve.~~

27 (c) "Kansas national guard educational assistance program" or
28 "program" means the program established pursuant to the provisions of the
29 Kansas national guard educational assistance act.

30 (d) "Educational program" means a program which is offered and
31 maintained by a Kansas educational institution and leads to the award of a
32 certificate, diploma or degree upon satisfactory completion of course work
33 requirements.

34 Sec. 2. K.S.A. 74-32,148 is hereby amended to read as follows: 74-
35 32,148. (a) Subject to the availability of appropriations for the Kansas
36 national guard educational assistance program and within the limits of any

1 such appropriations, every eligible guard member who is enrolled at a
2 Kansas educational institution and who is participating in the program
3 ~~shall be paid the amount of tuition and required fees charged by the~~
4 ~~Kansas educational institution for enrollment in courses necessary to~~
5 ~~satisfy the requirements of an educational program~~ receive assistance each
6 semester in an amount equal to the tuition and required fees for not more
7 than 15 credit hours. The aggregate number of credit hours for which
8 assistance may be provided under the program shall not exceed 150% of
9 the total credit hours required for the eligible guard member to complete
10 such member's educational program.

11 (b) Notwithstanding the provisions of subsection (a), eligible guard
12 members shall not be paid the amount of tuition and required fees charged
13 for any course repeated or taken in excess of the requirements for
14 completion of the educational program in which the eligible guard member
15 is enrolled. The amount of tuition and required fees paid an eligible guard
16 member pursuant to subsection (a) shall be at a rate not to exceed the
17 maximum rate that would be charged by ~~the~~ a state educational institutions
18 institution, as defined in K.S.A. 76-711, and amendments thereto, for
19 enrollment of the eligible guard member.

20 (c) Amounts of assistance for which an eligible guard member is
21 eligible to receive under this act shall be offset by the aggregate amount of
22 federal financial assistance received by such guard member, as a result of
23 active national guard membership, to pay costs of tuition and fees for
24 enrollment at Kansas educational institutions.

25 Sec. 3. K.S.A. 74-32,149 is hereby amended to read as follows: 74-
26 32,149. (a) (1) In order to qualify for participation in the Kansas national
27 guard educational assistance program, an eligible guard member must
28 agree in writing to complete such member's current service obligation in
29 the Kansas national guard, ~~plus three months service for each semester, or~~
30 ~~part thereof, of assistance received~~ have at least one year remaining on
31 such member's enlistment contract at the beginning of any semester for
32 which the member receives assistance under the program and must agree
33 to serve actively in good standing with the Kansas national guard for not
34 less than 24 months upon completion of the last semester for which the
35 member receives assistance under the program.

36 (2) Prior to becoming eligible for participation in the program, each
37 eligible guard member shall submit the free application for federal student
38 aid, and apply for any other federal tuition assistance that such member
39 also may be eligible to receive.

40 (b) In order to remain eligible for participation in the program, an
41 eligible guard member must remain in good standing at the Kansas
42 educational institution where enrolled, make satisfactory progress toward
43 completion of the requirements of the educational program in which

1 enrolled, *maintain a grade point average of not less than 2.0* and maintain
2 satisfactory participation in the Kansas national guard. It shall be the
3 responsibility of the eligible guard member to obtain a certificate from the
4 member's commanding officer attesting to the member's satisfactory
5 participation in the Kansas national guard and to present the certificate to
6 the educational institution, in order to obtain a payment under this act. The
7 certificate shall be presented at the time payment is requested for
8 completed courses. *Upon completion of each semester, each eligible guard
9 member receiving assistance under the program shall submit a transcript
10 of the credit hours earned, including the grades for credit hours, to such
11 member's unit of assignment.*

12 (c) Upon failure of any person, who as an eligible guard member
13 received payments under the Kansas national guard educational assistance
14 act, to satisfy the agreement to continue service in the Kansas national
15 guard as provided by subsection (a), such person shall pay to the state of
16 Kansas an amount ~~equal to the total amount received~~ *to be determined as
17 follows:*

18 (1) *Determine the total amount of assistance paid to such member
19 under the program;*

20 (2) *divide the amount determined under subsection (c)(1) by 24; and*

21 (3) *multiply the amount determined under subsection (c)(2) by the
22 number of months such member did not serve as required by subsection
23 (a). The resulting product is the total amount of recoupment from such
24 member.*

25 All amounts paid to the state under this subsection shall be deposited in
26 the state treasury and credited to the Kansas national guard educational
27 assistance program repayment fund created by K.S.A. 74-32,150, and
28 amendments thereto.

29 (d) *Any eligible guard member that received payments under the
30 program but has failed to satisfy the agreement to continue service in the
31 Kansas national guard as provided by subsection (a) by reason of
32 extenuating circumstances or extreme hardship may request a waiver from
33 recoupment. Such request shall be in writing and submitted through such
34 member's chain of command to the Kansas national guard education
35 services office. The chief of staff of the Kansas army national guard or the
36 director of staff for the Kansas air national guard shall review all requests
37 for a waiver from recoupment and the decision to issue such waiver shall
38 be made by either officer as such officer deems appropriate.*

39 Sec. 4. K.S.A. 74-32,148 and 74-32,149 and K.S.A. 2017 Supp. 74-
40 32,146 are hereby repealed.

41 Sec. 5. This act shall take effect and be in force from and after its
42 publication in the statute book.