AN ACT

To repeal section 173.239, RSMo, and to enact in lieu thereof one new section relating to educational assistance for members of the Missouri National Guard.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 173.239, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.239, to read as follows:

173.239. 1. Any member of the Missouri National Guard who possesses the qualifications set forth in this section may, while he or she is a member of the Missouri National Guard, be awarded [an] educational assistance in the form of:

(1) For tuition and fees not paid by a tuition assistance program of the United States Army or the United States Air Force, a tuition and fee waiver for undergraduate courses at a postsecondary institution of higher education located in this state that directly receives funds appropriated by the general assembly; or

(2) A grant to an [approved public institution or an approved private] eligible institution[,, as those terms are defined in either section 173.205 or section 173.778,] of his or her choice [while he or she is a member of the Missouri National Guard. Funding for educational assistance pursuant to this section may be requested annually in the budget of the Missouri National Guard. Educational assistance provided pursuant to this section shall not

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
19 exceed funds appropriated for that purpose]. For purposes
20 of this subdivision, the term "eligible institution" shall
21 mean:
22   (a) An approved private institution, as that term is
23 defined in section 173.1102; or
24   (b) Any institution of postsecondary education that is
25 required by law to be, and currently is, certified to
26 operate by the coordinating board for higher education; that
27 is institutionally accredited by an accrediting commission
28 recognized by the United States Department of Education;
29 that has operated continuously in this state for five or
30 more years; that has no more than fifty percent of its
31 students in correspondence programs; and that offers a one-
32 year or two-year certificate, associate or baccalaureate
33 degree programs, or graduate or professional degree programs.
34
35 2. (1) Educational assistance provided under this
36 section shall not exceed the [least] lesser of the following:
37   [(1)] (a) The actual tuition, as defined in section
38 173.260, charged at an approved institution where the
39 [individual] member is enrolled or accepted for enrollment;
40 or
41   [(2)] (b) The [amount] product of the number of credit
42 hours taken multiplied by the average tuition cost per
43 credit hour charged to a Missouri resident at the University
44 of Missouri for attendance[;], with such average cost
45 determined by the Missouri National Guard.
46   [(3)] (2) The grants provided under this section may
47 be prorated subject to appropriations in an amount no less
48 than fifty percent of the limits set forth in this [section]
49 subsection.
50
51 3. (1) For either type of educational assistance
52 described in this section, a member of the Missouri National
Guard [seeking educational assistance pursuant to this section] may apply to the appropriate office of the Missouri National Guard before each semester. The member shall provide a certificate of satisfactory service of his or her Missouri National Guard duties from his or her commanding officer [and], shall possess all other necessary entrance requirements of the school of his or her choice, and shall [maintain] provide proof of maintaining a cumulative grade point average (GPA) of at least two point five on a [four point] four-point scale, or the equivalent on another scale approved by the program administrator, while attending the approved public or private institution.

(2) For the tuition and fee waiver, the waiver shall be awarded if the member applies and is otherwise eligible pursuant to this section.

4. If the grade point average of a member who is receiving educational assistance pursuant to this section falls below two point five on a [four point] four-point scale, or the equivalent on another scale, such member shall retain the educational assistance and shall be placed on probation under the educational assistance program. Failure to achieve a current grade point average of at least two point five on a [four point] four-point scale or the equivalent on another scale for future semesters or equivalent academic terms shall result in termination of the [scholarship] educational assistance effective as of the next academic term. The member shall be removed from probation status upon achieving a cumulative grade point average of two point five on a [four point] four-point scale or the equivalent on another scale.

5. If a recipient of educational assistance pursuant to this section ceases to maintain their active military
affiliation while enrolled in an academic semester or term for any reason except death, disability, or medical disqualification the educational assistance shall be terminated and the recipient shall repay any amounts awarded for the academic semester or term.

6. [Applicants for educational assistance pursuant to this section shall meet the qualifications established by section 173.215, except the provisions of subdivisions (2) and (4) of subsection 1 of section 173.215, and shall be qualified, full-time or part-time students.

7.] The educational assistance program established pursuant to this section shall be administered by the office of the adjutant general of the Missouri National Guard. The Missouri National Guard shall establish guidelines for equitable administrative distribution of educational assistance.

7. A member of the Missouri National Guard may elect to make a one-time transfer of his or her educational assistance authorized by this section, or the remaining portion of such educational assistance, to a spouse who is named as a dependent of the member in the Defense Enrollment Eligibility Reporting System (DEERS). The transfer shall not occur if, at the end of the semester in which the member submits the transfer, the member has a grade point average below two point five on a four-point scale or the equivalent on another scale. The total educational assistance provided to a member and the member's spouse by this section shall not exceed a cumulative total equal to the product of one hundred fifty credit hours multiplied by the average tuition cost per credit hour charged to a Missouri resident at the University of Missouri. A spouse of a member seeking to receive educational assistance under this subsection shall:
(1) Provide a certificate of satisfactory service of the member’s Missouri National Guard duties from the member’s commanding officer;

(2) Possess all other necessary entrance requirements of the school of his or her choice; and

(3) Provide proof of maintaining a cumulative grade point average of at least two point five on a four-point scale, or the equivalent on another scale, while attending the approved public or private institution.