

SENATE BILL NO. 1322

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

4987S.01H

KRISTINA MARTIN, Secretary

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Section A. Section 173.239, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.239, to read as follows: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 2. (1) Educational assistance provided under this
35 section shall not exceed the [least] lesser of the following:

36 [(1)] (a) The actual tuition, as defined in section
37 173.260, charged at an approved institution where the
38 [individual] member is enrolled or accepted for enrollment;
39 or

40 [(2)] (b) The [amount] product of the number of credit
41 hours taken multiplied by the average tuition cost per
42 credit hour charged to a Missouri resident at the University
43 of Missouri for attendance[;], with such average cost
44 determined by the Missouri National Guard.

45 [(3)] (2) The grants provided under this section may
46 be prorated subject to appropriations in an amount no less
47 than fifty percent of the limits set forth in this [section]
48 subsection.

49 3. (1) For either type of educational assistance
50 described in this section, a member of the Missouri National

51 Guard [seeking educational assistance pursuant to this
52 section] **may apply to the appropriate office of the Missouri**
53 **National Guard before each semester. The member** shall
54 provide a certificate of satisfactory service of his or her
55 Missouri National Guard duties from his or her commanding
56 officer [and], shall possess all other necessary entrance
57 requirements of the school of his or her choice, and shall
58 [maintain] **provide proof of maintaining** a cumulative grade
59 point average (GPA) of at least two point five on a [four
60 point] **four-point** scale, or the equivalent on another scale
61 approved by the program administrator, while attending the
62 approved public or private institution.

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

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

81 5. If a recipient of educational assistance pursuant
82 to this section ceases to maintain their active military

83 affiliation while enrolled in an academic semester or term
84 for any reason except death, disability, or medical
85 disqualification the educational assistance shall be
86 terminated and the recipient shall repay any amounts awarded
87 for the academic semester or term.

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

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

99 7. A member of the Missouri National Guard may elect
100 to make a one-time transfer of his or her educational
101 assistance authorized by this section, or the remaining
102 portion of such educational assistance, to a spouse who is
103 named as a dependent of the member in the Defense Enrollment
104 Eligibility Reporting System (DEERS). The transfer shall
105 not occur if, at the end of the semester in which the member
106 submits the transfer, the member has a grade point average
107 below two point five on a four-point scale or the equivalent
108 on another scale. The total educational assistance provided
109 to a member and the member's spouse by this section shall
110 not exceed a cumulative total equal to the product of one
111 hundred fifty credit hours multiplied by the average tuition
112 cost per credit hour charged to a Missouri resident at the
113 University of Missouri. A spouse of a member seeking to
114 receive educational assistance under this subsection shall:

115 (1) Provide a certificate of satisfactory service of
116 the member's Missouri National Guard duties from the
117 member's commanding officer;

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

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

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